



AGENDA

PLANNING AND ZONING

APRIL 22, 2021 @ 7:00 P.M.

Notice is hereby given; the Planning and Zoning Commission for the City of Parker will hold a Regular Meeting on Thursday, April 22, 2021 at 7:00 at **Parker Fire Department Training Room**, 5700 E. Parker Road, Parker, Texas 75002.

The Planning and Zoning Commission meeting will be open to the public. The City of Parker will provide disposable face masks and hand sanitizer. If you feel uncomfortable attending the meeting in person, please send public comments to the City Secretary at PGrey@parkertexas.us prior to 3:00 PM the day of the meeting.

CALL TO ORDER – Roll Call and Determination of a Quorum

PLEDGE OF ALLEGIANCE

AMERICAN PLEDGE: I pledge allegiance to the flag of the United States of America; and to the republic for which it stands, one nation under God, indivisible with liberty and justice for all.

TEXAS PLEDGE: Honor the Texas flag; I pledge allegiance to thee, Texas, one state under God, one and indivisible.

PUBLIC COMMENTS The Commission invites any person with business before the Commission to speak. No formal action may be taken on these items at this meeting. Please keep comments to 3 minutes.

INDIVIDUAL CONSIDERATION ITEMS

1. CONSIDERATION AND/OR ANY APPROPRIATE ACTION MEETING MINUTES FOR NOVEMBER 5, 2020.
2. PUBLIC HEARING ON ZONING REGULATIONS REVISIONS. [\[CITY CODE OF ORDINANCES, CHAPTER 156: ZONING REGULATIONS\]](#)
3. CONSIDERATION AND/OR ANY APPROPRIATE ACTION/DISCUSSION REGARDING PLANNING AND ZONING (P&Z) COMMISSION REVIEW OF PARKERS ZONING REGULATIONS. [\[CITY CODE OF ORDINANCES, CHAPTER 156: ZONING REGULATIONS\]](#)

ROUTINE ITEMS

4. FUTURE AGENDA ITEMS
5. ADJOURN

In addition to any specifically identified Executive Sessions, the Planning and Zoning Commission may convene into Executive Session at any point during the open meeting to discuss any item posted on this Agenda. The Open Meetings Act provides specific exceptions that require that a meeting be open. Should Commission elect to convene into Executive Session, those exceptions will be specifically identified and announced. Any subsequent action, as a result of this Executive Session, will be taken and recorded in open session.

I certify that this Notice of Meeting was posted on or before April 16, 2021 by 5:00 p.m. at the Parker City Hall.

Date Notice Removed

Patti Scott Grey, City Secretary

The Parker City Hall is Wheelchair accessible. Sign interpretations or other special assistance for disabled attendees must be requested 48 hours in advance by contacting the City Secretary's Office at 972-442-6811.



Agenda Item

Item 1
C'Sec Use Only

Budget Account Code:	Meeting Date: April 22, 2021
Budgeted Amount:	Department/ Requestor: P&Z Commission
Fund Balance-before expenditure:	Prepared by: City Secretary Scott Grey
Estimated Cost:	Date Prepared: April 8, 2020
Exhibits:	Proposed Minutes

AGENDA SUBJECT

CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON MEETING MINUTES
FOR NOVEMBER 5, 2020.

SUMMARY

Please review the attached minutes. If you have any questions, comments, and/or corrections, please contact the City Secretary at PGrey@parkertexas.us prior to the City Council meeting.

POSSIBLE ACTION

Planning and Zoning (P&Z) Commission may direct staff to take appropriate action.

Inter – Office Use			
Approved by:			
Department Head/ Requestor:	<i>Patti Scott Grey</i>	Date:	04/15/2021
City Attorney:		Date:	
Public Works Director:	<i>Gary Machado</i>	Date:	04/16/2021

MINUTES
PLANNING AND ZONING COMMISSION MEETING

November 5, 2020

CALL TO ORDER – Roll Call and Determination of a Quorum

The Planning and Zoning Commission met on the above date. Chairperson Wright called the meeting to order at 7:00 p.m. and noted there was a quorum. Chairperson Wright asked P& Z Alternate Two Commissioner Crutcher to be a voting member for this meeting. Commissioner Crutcher agreed.

Commissioners Present: Use “✓” or “X”, please

✓	Chairperson Russell Wright	X	Alternate Marilyn Kittrell
✓	Commissioner Joe Lozano	✓	Alternate Larkin Crutcher
X	Commissioner Wei Wei Jeang	✓	Alternate JR Douglas
✓	Commissioner David Leamy		
✓	Commissioner Jasmat Sutaria		

Staff/Others Present:

✓	Public Works Director Gary Machado	X	City Attorney Brandon S. Shelby
✓	City Secretary Patti Scott Grey		

PLEDGE OF ALLEGIANCE

The pledges were recited.

PUBLIC COMMENTS The Commission invites any person with business before the Commission to speak to the Commission. No formal action may be taken on these items at this meeting. Please keep comments to 3 minutes.

No public comment(s).

INDIVIDUAL CONSIDERATION ITEMS

1. APPROVAL OF MEETING MINUTES FROM AUGUST 27, 2020.

MOTION: Commissioner Leamy moved to approve the meeting minutes, and Commissioner Lozano seconded with Commissioners Wright, Lozano, Leamy, Sutaria, and Crutcher voting for the motion. Motion passed 5-0.

2. CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON PARKER RANCH ESTATES PHASES 4A & 4B FINAL PLAT. (EXHIBIT – PARKER RANCH ESTATES PHASES 4A & 4B FINAL PLAT)

Director Machado reported that everything has been completed. Commissioner Lozano asked about whether a landscape plan, trail plan, and a tree plan were submitted at the time the preliminary plat were submitted pursuant to the city ordinances. The Commission was assured that the landscape plan for along Chaparral Road was part of the submission for the earlier phases of the development. The forthcoming submission for Phase 5 preliminary plat will include further trail plan and landscape plan for the Chaparral Road corridor and will address this area. The Commission was assured that the preliminary plat submission for phases 4A & 4B did not include a tree plan.

MOTION: Commissioner Leamy moved to recommend that the City Council approve the final plat for Parker Ranch Estates Phases 4 & 4B Final Plat. Commissioner Sutaria seconded with Commissioners Wright, Lozano, Leamy, Sutaria, and Crutcher voting for the motion. Motion passed 5-0.

ROUTINE ITEMS

3. FUTURE AGENDA ITEMS

Questions were asked about the status of the on-going project of amending the city zoning regulations, which is still pending city attorney review.

4. ADJOURN

Chairperson Wright adjourned the meeting at 7:11 p.m.

Minutes Approved on 5th day of November, 2020.

Chairperson Russell Wright

Prepared by Commission Secretary Wei Wei Jeang

Attest:

City Secretary Patti Scott Grey

LEGAL DESCRIPTION

Being a 55.031 acre tract of land situated in the City of Parker, Collin County, Texas, being a part of the John Snider Survey, Abstract No. 848, and being the same land described as 55.031 acres in deed to First Texas Homes, Inc. of record in Instrument No. 20181206001491270 of the Official Public Records, Collin County, Texas, and being more particularly described as follows:

Beginning at an "X" found in the concrete pavement of Malone Road (a public road) in the west line of a 30' right-of-way dedication to the City of Allen, Texas of record in Volume 4214, Page 1763 and Volume 4244, Page 3622, both of the Deed Records, Collin County, Texas, said "X" marking the northeast corner of said 55.0291 acre tract;

Thence South 00°23'50" East along Malone Road and with the west line of said dedication, a distance of 1,320.72 feet to an "X" found in the concrete pavement for the most easterly northeast corner of the 204.4329 acre tract of land conveyed to First Texas Homes, Inc. by deed of record in Clerk's File No. 20141229001413160 of said Official Public Records, said "X" marking the southeast corner of said 55.031 acre tract;

Thence South 89°16'48" West with the north line of said 204.4329 acre tract, a distance of 1,815.00 feet to a 1/2" iron rod found marking an corner in the north line of said 204.4329 acre tract and the southwest corner of said 55.031 acre tract;

Thence North 00°23'20" West a distance of 1,320.95 feet to a 5/8" iron rod with yellow plastic cap stamped "WESTWOOD PS" found in the south line of the 50' easement to North Texas Municipal Water District of record in Volume 2882, Page 480 of said Deed Records, said rod being the northwest corner of said 55.031 acre tract, and being the northeast corner of said 204.4329 acre tract;

Thence North 89°17'4" East with the south line of said 50' easement, a distance of 1,814.81 feet to the Point-of-Beginning and containing 2,397,149 Square Feet or 55.031 Acres of land.

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

THAT, FIRST TEXAS HOMES, INC., acting herein by and through its duly authorized officer, do hereby adopt this plat designating the herein above described property as PARKER RANCH ESTATES PHASE 4A an addition to the City of Parker, Texas, and do hereby dedicate, in fee simple, to the public use forever, the streets, alleys, and public use areas shown thereon. The easements, as shown, are hereby dedicated for the purposes as indicated. The Utility and Drainage Easements being hereby dedicated for the mutual use and accommodation of the City of Parker and all public utilities desiring to use or using same. All and any public utility and the City of Parker shall have the right to remove and keep removed all or parts of any building, fences, shrubs, trees, or other improvements or growths, which in anyway endanger or interfere with the construction, maintenance or efficiency of its respective systems on said Easements, and the City of Parker and all public utilities shall, at all times, have the full Right of Ingress and Egress to or from and upon said Easements for the purpose of constructing, reconstructing, inspecting, patrolling, maintaining, and adding to or removing all or part of its respective systems, without the necessity, at any time or procuring the permission of anyone.

This plat approved subject to all platting ordinances, rules, regulations, and resolutions of the City of Parker, Texas.

WITNESS MY HAND AT _____, TEXAS this the _____ day of _____, 2020.

FIRST TEXAS HOMES, INC.

By: KEITH HARDESTY

THE STATE OF TEXAS X
COUNTY OF DALLAS X

BEFORE ME, the undersigned authority, on this day personally appeared Keith Hardesty, known to me to be the person and officer whose name is subscribed to the foregoing instrument and acknowledged to me that the same was the act of the said FIRST TEXAS HOMES, INC., and that he executed the same as the act of such limited partnership for the purposes and consideration therein expressed, and in the capacity wherein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, This _____ day of _____, 2020.

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS

SURVEYORS CERTIFICATE

KNOW ALL MEN BY THESE PRESENTS:
I, Jason B. Armstrong, Registered Professional Land Surveyor for Westwood, PS, do hereby certify that the plat shown herein accurately represents the results of an on-the-ground survey made in October, 2018, under my direction and supervision, and further certify that all corners are as shown therein, and that said plat has been prepared in accordance with the platting rules and regulations of the City of Parker, Texas.

Date: This the _____ day of _____, 2020.

Jason B. Armstrong
Registered Professional Land Surveyor No. 5557

THE STATE OF TEXAS X
COUNTY OF COLLIN X

BEFORE ME, the undersigned authority, on this day personally appeared Jason B. Armstrong, whose name is subscribed to the foregoing instrument and acknowledged to me that the same was the act of the said WESTWOOD, and that he executed the same as the act of such corporation for the purposes and consideration therein expressed, and in the capacity wherein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this _____ day of _____, 2020.

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS

RECOMMENDED FOR APPROVAL

Chairman, Planning and Zoning Commission
City of Parker, Texas

Date _____

APPROVED AND ACCEPTED

Mayor, City of Parker, Texas

Date _____

The undersigned, the City Secretary of the City of Parker, hereby certifies that the foregoing final map or plat of PARKER RANCH ESTATES PHASE 4A a subdivision or addition to the City of Parker was submitted to the City Council on this _____ day of _____, 2020, and the City Council by formal action then and there accepted the dedication of streets, alleys, easements and public places, as shown and set forth in and upon said map or plat, and said City Council further authorized the Mayor to note the approval thereof by signing his name herein above subscribed.

WITNESS my hand this _____ day of _____, 2020.

City Secretary
City of Parker, Texas

HEALTH DEPARTMENT CERTIFICATION:

I hereby certify that the on-site sewage facilities described on this plat conform to the applicable OSSF laws of the State of Texas, that site evaluations have been submitted representing the site conditions in the area in which on-site sewage facilities are planned to be used.

REGISTERED SANITARIAN OR DESIGNATED REPRESENTATIVE
COLLIN COUNTY DEVELOPMENT SERVICES

LOT NO.	TOTAL AREA(AC.)	BUILDABLE AREA(AC.)	LOT NO.	TOTAL AREA(AC.)	BUILDABLE AREA(AC.)
BLOCK A					BLOCK B
1	1.498	0.718	1	1.498	0.686
2	1.374	0.736	2	1.264	0.693
3	1.333	0.699	3	1.249	0.691
4	1.168	0.592	4	1.088	0.844
5	1.179	0.501	5	1.942	1.002
6	1.446	0.792	6	1.322	0.717
7	1.485	0.840	7	1.451	0.655
8	1.848	0.971	8	2.303	0.970
9	1.984	1.019	9	2.369	1.052
10	1.466	0.807	10	2.112	0.880
11	1.070	0.535	11	2.556	1.045
12	1.255	0.673	12	1.494	0.684
13	1.499	0.844	13	1.456	0.790
14	1.479	0.725	14	1.263	0.672
15	1.498	0.863			
16	1.499	0.855			
17	1.166	0.606			
18	1.166	0.603			

AVERAGE LOT AREA - 1.537 ACRES

FINAL PLAT

OF
PARKER RANCH ESTATES
PHASE 4A

32 RESIDENTIAL LOTS

55.031 ACRES

OUT OF THE

JOHN SNIDER SURVEY, ABSTRACT NO. 848

IN THE

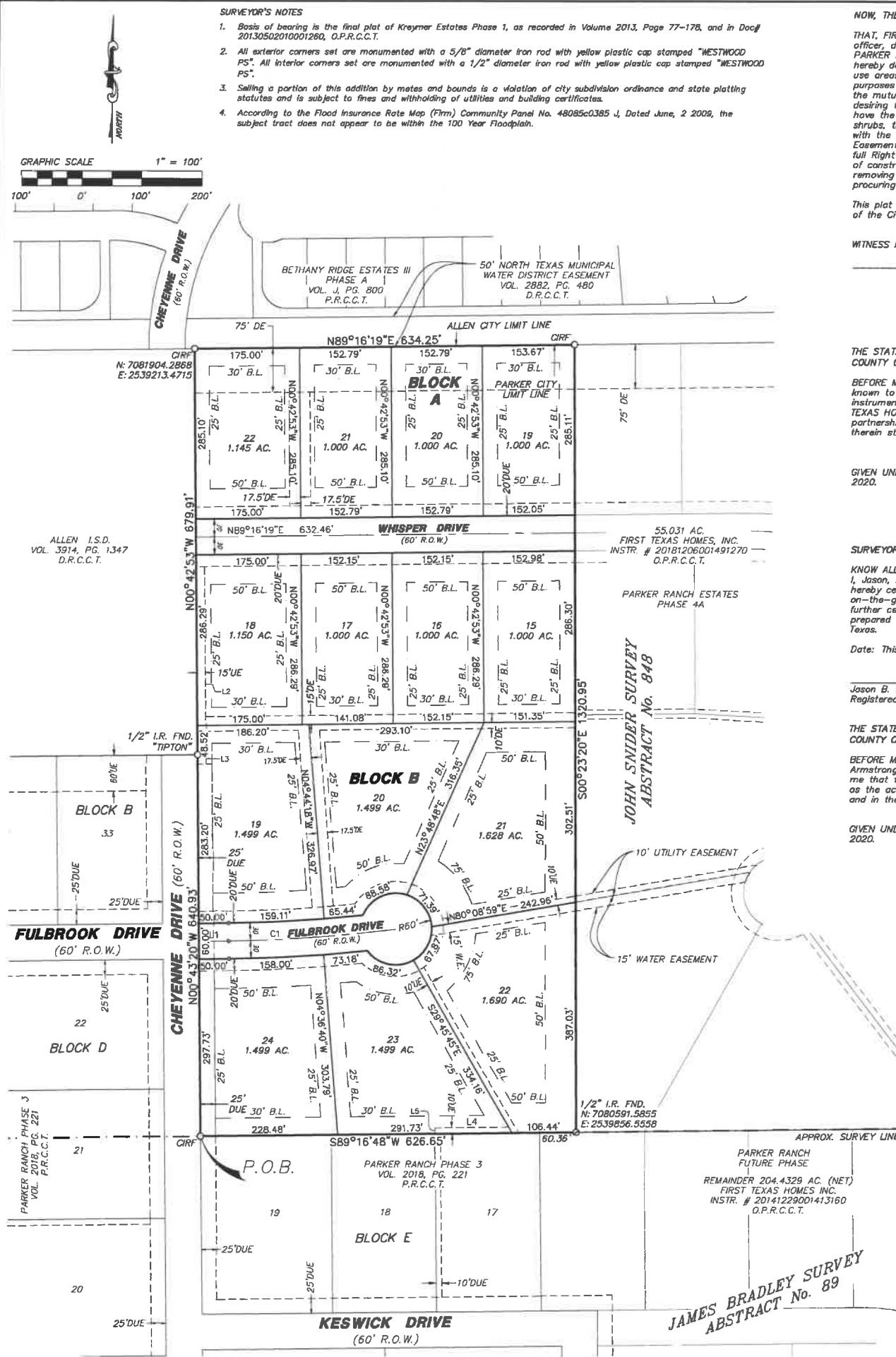
CITY OF PARKER, COLLIN COUNTY, TEXAS

OWNER
FIRST TEXAS HOMES, INC.
500 CRESCENT COURT, SUITE 350
DALLAS, TX 75201
ENGINEER/SURVEYOR

Westwood

Phone (214) 473-4640
2740 Dallas Parkway, Suite 280
Fax (888) 937-5150
Plano, TX 75093
Westwood Professional Services, Inc.
TIBPLS Firm Reg. No. 11756
TIBPLS Firm Reg. No. 10074301

2/2





Agenda Item

Item 2&3
C'Sec Use Only

Budget Account Code:	Meeting Date: April 22, 2021
Budgeted Amount:	Department/ Requestor: P&Z Commission
Fund Balance-before expenditure:	Prepared by: ACA/CS Scott Grey for Public Works Director Gary Machado
Estimated Cost:	Date Prepared: April 9, 2020
Exhibits:	1. Public Hearing Notice 2. Zoning Code Update from Mayor Pettle, Councilmember Myer, and City Attorney Shelby with Matrix 3. Public Works Director Machado's - noticed discrepancies (2)

AGENDA SUBJECT

2. PUBLIC HEARING ON ZONING REGULATIONS REVISIONS. [\[CITY CODE OF ORDINANCES, CHAPTER 156: ZONING REGULATIONS\]](#)
3. CONSIDERATION AND/OR ANY APPROPRIATE ACTION/DISCUSSION REGARDING PLANNING AND ZONING (P&Z) COMMISSION REVIEW OF PARKERS ZONING REGULATIONS. [\[CITY CODE OF ORDINANCES, CHAPTER 156: ZONING REGULATIONS\]](#)

SUMMARY

A notice was advertised in The Dallas Morning News April 10, 2021. Please review the information provided for City Code of Ordinances, Chapter 156: Zoning Regulations.

POSSIBLE ACTION

Planning and Zoning (P&Z) Commission may direct staff to take appropriate action.

Inter – Office Use			
Approved by:			
ACA/CS:	<i>Patti Scott Grey</i>	Date:	10/22/2020
City Attorney:		Date:	
Public Works Director:	<i>Gary Machado</i>	Date:	10/23/2020

PUBLIC NOTICE
Planning and Zoning (P&Z) Commission April 22, 2021

7:00 PM

There will be a public hearing by the Planning and Zoning Commission concerning amendments to City Code of Ordinances, Chapter 156: Zoning Regulations at the regularly scheduled meeting beginning at 7:00 P.M. on Thursday, April 22, 2021, followed by discussion and action on the same.

The public hearing will be held at the Parker Fire Training Room 5700 E. Parker Road, Parker, Texas 75002. Contact Public Works Director Gary Machado at (972) 442-6811 for more information, or to comment regarding these changes any time before the public hearing.

CHAPTER 156: ZONING

Section

General Provisions

[156.01](#) Definitions

[156.02](#) Minimum requirements

Zoning Map; Districts

[156.15](#) Use districts established

[156.16](#) Official zoning map

[156.17](#) Interpretation of district boundaries

[156.18](#) Newly annexed territory

District Uses and Requirements

[156.30](#) Application of regulations

[156.31](#) Agricultural-open space district

[156.32](#) Single-family residential district

[156.33](#) Single-family transitional district

[156.34](#) Manufactured housing district

[156.35](#) Planned residential development district

[156.36](#) Special activities district

[156.37](#) Supplementary zoning regulations

Nonconforming, Conditional, and Special Uses

[156.50](#) Nonconforming uses

[156.51](#) Conditional uses

[156.52](#) Special use permits

Administration and Enforcement

[156.65](#) Construction; site plan required

[156.66](#) Administration authority

[156.67](#) Board of Adjustment

[156.68](#) Appeals; Board and Council responsibilities

[156.69](#) Fees, charges, and expenses; establishment

[156.70](#) Amendment

[156.71](#) Planning and Zoning Commission meetings

[156.99](#) Penalty

GENERAL PROVISIONS

§ 156.01 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ACCESSORY DWELLING. An ACCESSORY BUILDING that is a separate dwelling for immediate family or used as guest quarters.

ACCESSORY USE, ACCESSORY STRUCTURE, or ACCESSORY BUILDING. A use or structure which is clearly incidental and secondary to the primary use and which does not change the character or zoning thereof, including, but not limited to, stables, barns, swimming pool,

detached garages, bathhouses, greenhouses, tool sheds, and portable buildings over 120 square feet floor area.

ADMINISTRATOR. The person responsible for administration of city ordinances;
ORDINANCE ADMINISTRATOR.

AGRICULTURE. The science of farming and ranching; tillage; the cultivation of the ground for purpose of producing crops and/or raising livestock.

ANIMAL LARGE – Any animal whose adult body weight is greater than 500 pounds.

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ANIMAL MEDIUM – Any animal whose adult body weight is between 200 and 500 pounds.

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ANIMAL SMALL – Any animal whose adult body weight is less than 200 pounds.

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BARN. A structure used for shelter of animals or storage of agricultural products or equipment.

BUFFERYARD. A unit of land and any structures such as fences, walls, or berms that may be required between different land uses on adjacent lots. Example: an area of trees or landscaping between larger residential lots in one city and smaller residential lots or commercial development in another city.

BUILDING. Any structure affixed to the land and built for the support, shelter, or enclosure of persons, animals, or movable property.

BUILDING AREA. The **BUILDING AREA** of a lot is the area covered by the buildings or structures.

BUILDING, HEIGHT OF. The vertical distance measured from the average elevation of the finished grade along the front of the building to the highest point of the roof's surface.

CITY. The City of Parker, Texas.

CITY COUNCIL. The City Council of this city.

COMMISSION. The Planning and Zoning Commission of this city.

COMPREHENSIVE ZONING ORDINANCE. This chapter, and as hereafter properly amended.

CONCEPT PLAN. The development plan for one or more lots that shows the existing and proposed conditions of the development, including lot lines; landscaping; open spaces; means of ingress, egress, and circulation; berms, buffers, and screening devices; surrounding roadways; basic drainage information; and any other information required so an informed decision can be made by the City.

CONDITIONAL USE. A use that requires a variance from an existing ordinance as approved through a formal application.

CONSTRUCTION PLAN. A plan for new or additional construction of any structure submitted in an application for a building permit.

DEVELOPMENT. The construction of any structure or improvement of existing land.

ETJ. Extraterritorial jurisdiction. Land outside the city's existing boundaries.

HOME OCCUPATION. Business activity within the home.

LOT COVERAGE Area of a lot covered by buildings usually expressed as a percentage.

NOXIOUS. Conduct which is detrimental to abutting or adjacent properties.

OFFENSIVE TRADE ACTIVITY. Any trade activity prohibited by federal or state law or city ordinance and not authorized by a special use permit or variance.

OFFICER. A person who is authorized to act on behalf of or under the auspices of the City of Parker.

OPEN SPACE. An area for outdoor activity, but excluding parking facilities.

PASTURE. Land used primarily for the grazing of animal stock.

PERMITTED USE. A use allowed by city ordinance.

SINGLE-FAMILY RESIDENCE. A one family dwelling occupied by family members of the first or second degree of affinity or consanguinity.

STORY. The portion of a building between the floor and the ceiling above it.

STRUCTURE.

Anything that is constructed that emanates above the ground, or descends below ground, considered either permanent or temporary.

SUBDIVISION. The division of a parcel of land situated within the corporate limits or extraterritorial jurisdiction into two or more parts for the purpose of sale, division of ownership, or building development, including resubdivision.

VARIANCE. A legal modification from city ordinances, granted to relieve hardship conditions (other than financial and not of the applicant's making) existing within a single piece of property other than financial and not of the applicant's making.

YARD. Yards as required in this chapter are open spaces on the lot on which a building is situated and which are open and unobstructed to the sky, except as herein provided.

YARD, FRONT. A yard facing and abutting a street and extending across the full width of the front of the lot and having a minimum horizontal depth measured from the front property line equal to the depth of the minimum front yard specified for the district in which the lot is located. The required yard line represents the line in front of which no building or structure may be erected. Balconies, decks, and marquees located more than 8 eight feet from the ground may project up to 6 six feet into the required front yard.

YARD, REAR. A yard extending across the full width of the lot between the side lot lines and having a minimum depth measured from the rear lot line as specified for the district in which the lot is located. There shall be no intrusion into the rear yard by stairways, balconies, or other building extensions to more than 4 four feet.

YARD, SIDE. A yard located on a lot extending from the required rear yard to the required front yard and having a minimum width measured from the side lot line as specified for the district in which the lot is located.

ZONING MAP. A map of the city showing current zoning.

(Ord. 483, passed 6-6-2000; Am. Ord. 508, passed 7-10-2001; Am. Ord. 562, passed 2-8-2005)

§ 156.02 MINIMUM REQUIREMENTS.

In their interpretation and application, the provisions of this chapter shall be held to be minimum requirements, adopted for the promotion of public health, safety, and general welfare. Wherever the requirements of this chapter are at variance with the requirements of any other lawfully adopted rules, regulations, ordinances, deed restrictions, or covenants, the requirement that is most restrictive or that imposes the higher standards, as determined by the Commission, shall govern.

(Ord. 483, passed 6-6-2000)

ZONING MAP; DISTRICTS

§ 156.15 USE DISTRICTS ESTABLISHED.

The several use districts into which the city is divided are hereby designed and described as follows:

- (A) A-O, agricultural-open space;
- (B) MH, manufactured housing;
- (C) SF, single-family residential;
- (D) SFT, single-family transitional; and,

(E) SA, special activities.
(Ord. 483, passed 6-6-2000)

§ 156.16 OFFICIAL ZONING MAP.

(A) *Official Zoning Map.*

(1) The city is hereby divided into use districts, as shown on the Zoning Map, which, together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of this chapter. The Zoning Map shall be identified by the signature of the Mayor attested by the City Secretary and bearing the seal of the city under the following words: "This is to certify this is the Zoning Map referred to in Section 1B of Ordinance Number 403 of the city as amended." If, in accordance with the provisions of this chapter, the city's Comprehensive Plan, and Tex. Loc. Gov't Code, Chapter 211, as amended, changes are made in district boundaries or other matter portrayed on the Zoning Map, then the amendment as approved by the City Council shall be reflected on the Zoning Map, which may also be known as the "Zoning Map."

(2) No changes of any nature shall be made in the Zoning Map except in conformity with the procedures set forth in this chapter. Any unauthorized change by any person shall be considered a violation of this chapter and punishable as provided for hereafter. Regardless of the existence of purported copies of the Zoning Map which may from time to time be made or published, the Zoning Map, which shall be located at Parker City Hall, shall be the final authority as to the current status of land and water areas, buildings, and other structures in the city.

(B) *Replacement of official Zoning Map.*

(1) In the event that the Zoning Map becomes damaged, destroyed, lost, or difficult to interpret because of the nature or number of changes and additions, the City Council may, by ordinance, adopt a new Zoning Map, which shall supersede the prior Zoning Map. The new Zoning Map may correct drafting or other errors or omissions in the prior Zoning Map, but no such correction shall have the effect of amending the original Zoning Map or any subsequent amendment thereof. The new Zoning Map shall be identified by the signature of the Mayor, attested by the City Secretary, and bearing the seal of the city and date under the following words: "This is to certify that this Zoning Map supersedes and replaces the Zoning Map originally adopted by the city on the day of December 2, 1980."

(2) Unless the prior Zoning Map has been lost or has been totally destroyed, the prior Map or any significant parts thereof remaining shall be preserved, together with all available records pertaining to its adoption or amendment.

(Ord. 483, passed 6-6-2000) [Penalty, see § 156.99](#)

§ 156.17 INTERPRETATION OF DISTRICT BOUNDARIES.

Where uncertainty exists as to the boundaries of districts as shown on the Zoning Map, the following rules shall apply:

- (A) Boundaries indicated as approximately following the center lines of streets or highways shall be construed to follow those center lines;
- (B) Boundaries indicated as approximately following plotted lot lines shall be construed as following those lot lines;
- (C) Boundaries indicated as approximately following city limits lines shall be construed as following those city limits lines;
- (D) Boundaries indicated as approximately following the center lines of streams, rivers, canals, lakes, or other bodies of water shall be construed to follow those center lines;

(E) Boundaries indicated as parallel to or as extensions of features indicated in divisions (A) through (D) above shall be so construed. Distances not specifically indicated on the Zoning Map shall be determined by the scale of the map;

(F) Where physical features existing on the ground are at variance with those shown on the Zoning Map, or in other circumstances not covered by divisions (A) through (E) above, the Board shall interpret the district boundaries; and

 **§ 156.18 NEWLY ANNEXED PROPERTY.**

Any property hereafter annexed to the city shall be annexed with the zoning designation SF. The owner of that property may apply after annexation for new zoning under the procedures in this chapter.

(Ord. 483, passed 6-6-2000)

DISTRICT USES AND REQUIREMENTS

 **§ 156.30 APPLICATION OF REGULATIONS.**

(A) The regulations set by this chapter within each use district shall be minimum regulations and shall apply uniformly to each class or kind of structure or land, except as hereinafter provided.

(B) No building, structure, or land shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved, or structurally altered, except in conformity with all the regulations herein specified for the district in which it is located.

(Ord. 483, passed 6-6-2000) [Penalty, see § 156.99](#)

 **§ 156.31 AGRICULTURAL-OPEN SPACE DISTRICT.**

(A) *Purpose; A-O.* The agricultural-open space (A-O) use district includes lands within the corporate limits of the city which are not subdivided. This use district is designed to promote continued agricultural activities and to provide open space.

(B) *Uses; A-O.*

(1) *Permitted uses.*

- (a) Barn or stable for keeping private animal stock;
- (b) Agriculture;
- (d) Pasture;
- (e) Single-family residence;
- (f) Home occupation; and
- (g) Accessory buildings.

(2) *Conditional uses; special use permit required.*

The following uses require filing an application for a special use permit, with subsequent hearing by Planning & Zoning Commission after which approval is required by City Council:

- (a) Tower structures exceeding 25 feet in height;
- (b) Golf course;
- (c) Accessory dwelling;
- (d) Common stables; and
- (e) Riding academy .

(C) *Building setbacks; A-O.* No structure shall be constructed within 100 feet of any property line.

(D) *Special requirements; A-O.* Any structure constructed within this A-O district shall conform to all area requirements and building regulations as required by the single-family residential district (SF), unless otherwise specified in this classification.

(1) No mobile homes or HUD-Code manufactured homes shall be permitted.

(2) No property qualifies for A-O district unless it has five acres in contiguous tracts under single ownership.

(Ord. 483, passed 6-6-2000) [Penalty, see § 156.99](#)

§ 156.32 SINGLE-FAMILY RESIDENTIAL DISTRICT.

(A) *Purpose; SF.* The purpose of this classification is to provide for single-family residential development that is consistent with the general desires of the community.

(B) *Uses; SF.*

(1) *Permitted uses.*

(a) Single-family residence;

1. Accessory buildings

2. Home occupation.

3. Animals in accordance with Chapter 92 of this code

(2) *Conditional uses; special use permit required.*

The following uses require filing an application for a special use permit, with subsequent public hearings by Planning & Zoning Commission City Council:

(a) Accessory dwelling;

(C) *Lot size requirements; SF.*

(1) *Minimum lot size.* The minimum lot size shall be 2.0 acres net (87,120 square feet).

(2) *Maximum lot coverage.* The maximum lot coverage by all structures shall be no more than 20%. This is inclusive of all structures. For a 2-acre lot, this is a maximum of 17,424 square feet.

(3) *Nonresidential structures; maximum lot coverage.* No more than 10% of the total lot area may be accessory structures.

(4) *Minimum lot width at front lot line.* The minimum lot width at the street frontage of any lot shall be 200 feet for straight streets. On curved streets and cul-de-sacs, the minimum lot width at the front lot line is determined by the effective radius of curvature, R, measured in feet, of the right-of-way boundary as follows. The width (W) shall be at least:

$$W = 70 - (400 / R) \text{ feet}$$

In this formula, R shall be no less than 40 feet.

(5) *Minimum lot depth.* The minimum lot depth shall be 300 feet measured from the closest straight line distance between the front property line and the rear property line.

(D) *Building setbacks; SF.* The following setbacks are the minimum requirements. Distances indicated are exclusive of public or private motor vehicle easements or rights-of-way.

(1) *Front setback.* The minimum front setback for any structures on the lot shall be 100 feet from the closest point of the front property line. No two adjacent houses shall have the same front building line. The front building line of all adjacent houses shall vary by at least five feet.

(2) *Side setback.* The minimum side setback shall be 40 feet from the closest point of the side property line.

(3) *Side setback at corner.* The minimum side setback for any structures on a lot located on a corner shall be the same as $\frac{1}{2}$ the front setback on the side closest to the adjacent street. 2-acre lots: 50 feet.

Commented [RSW1]: Create a table of all the zoning classifications

(4) *Rear setback.* The minimum rear setback for any structures on the lot shall be 50 feet from the closest point of the rear property line.

(E) *Building regulations; SF.*

(1) *Single-family residence.*

(a) *Minimum living space.* There shall be a minimum of 3,000 square feet of air-conditioned living space.

(b) *Building materials.*

1. *First floor elevation.* Not less than 90% of the exterior materials used on the first floor elevation shall be brick, stone or approved masonry product, exclusive of doors and windows.

2. *Total elevation.* Not less than 75% of the exterior materials used on the entire elevation, including the first floor elevation, shall be brick or stone, excluding doors and windows.

3. *Brick or stone; alternatives.* Approved masonry products for elevations may be permitted in lieu of brick or stone, with the approval of the Building Official that these materials and their application conform to the requirements of the International Residential Code, and other pertinent ordinances in the city.

(c) *Maximum height.*

1. The maximum height for the primary residence shall be two stories above ground level, not to exceed 35 feet above ground level, excluding architectural treatment elements.

2. Architectural treatment elements are not to exceed 40 feet above finished floor elevation.

(2) *Accessory buildings.* Refer to § [156.37\(N\)](#).

(3) *Accessory dwellings.* Accessory dwellings may be constructed only after the issuance of a special use permit.

(a) *Minimum living space.* There is no minimum living space requirement.

(b) *Building materials.*

Same requirements as primary residence.

(c) *Maximum height.* The maximum height for any accessory buildings shall be two stories above ground level, not to exceed the height of the primary residence.

(F) *Garages; SF.* No garage shall open to the front of a lot or to the side street in a corner lot.

(G) *Drainage; SF.*

(1) *Drainage.* Drainage ways shall be noted on the conceptual site plan submitted with the zoning application and shall be consistent with the overall drainage plan of the subdivision. A separate landscaping plan may be submitted with this conceptual plan.

(I) *Fences; SF.*

(1) *General restrictions.*

(a) All fences require a permit except for an electric fence or barbed wire fence for animal control.

(b) No fences shall be permitted in front yard areas and side yards extending beyond the house facade on developments in the SF areas, except for lots of two acres or more.

(c) All perimeter fencing shall not exceed six feet in height. All fences shall be of open construction and not solid or near-solid fabric or surfacing. Open construction shall mean that each fence panel shall be constructed of materials that allow at least 50% of the surface area of each panel to provide for an open unobstructed view.

(d) The 50% open construction requirement for each fence panel is exclusive of columns and posts, which may be constructed of solid material including masonry or metal.

(e) Fencing columns, if used, shall not be more than two feet square on base, and not more than six feet in height. The columns shall not be closer together than six feet center to center.

(2) *Chain link fencing.* Chain link fences may not be used in the front yard. It cannot extend beyond the front building line of the primary dwelling on the lot. It cannot extend into the side setback on the street side of a corner lot. Chain link fence shall be black or green vinyl coated rather than galvanized.

(3) *Inspection and maintenance.* When any fence is completed, it must be inspected. The Building Inspection Department shall be notified upon completion of the fence. The Building Official will approve the fence if it complies with the provisions of this section, or it will be rejected. All fences constructed under the provisions of this section shall be maintained so as to comply with the requirements of this section at all times. Fences shall be maintained by the owner or person in charge of the property in as near as possible the condition of the fence when installed and accepted as provided herein, and shall be maintained as follows:

(a) The fence shall not be out of vertical alignment more than 20%; and

(b) All damaged, removed, or missing portions of the fence shall be replaced or repaired with comparable materials of a comparable color to the remaining portions of the fence.

(4) *Materials.*

(a) *Permitted materials.* Materials permitted are wood, concrete, masonry, chain link, wrought iron, metal tubing, vinyl, fiberglass composite, or barbed wire.

(b) *Prohibited materials.* Materials prohibited are razor ribbon, sheet metal, corrugated steel and fiberglass panel, plywood, or any other similar material manufactured for other uses.

(5) *Certain locations, construction prohibited.*

(a) *Within easements.* No fence shall be located within any public easement except by prior written approval of those agencies having interest in that easement.

(b) *Electric fences.* No fence erected shall be electrically charged in a manner to be dangerous to humans.

(6) *Gates.* Gates are considered part of a fence and the same material requirements shall apply.

(Ord. 483, passed 6-6-2000; Am. Ord. 508, passed 7-10-2001; Am. Ord. 697, passed 8-6-

2013) Penalty, see § [156.99](#)

§ 156.33 SINGLE-FAMILY TRANSITIONAL DISTRICT.

(A) *Purpose; SFT.* The purpose of this classification is to provide for the gradual transition from the smaller lot sizes in neighboring cities to the larger lot sizes preferred by most city residents. This classification also provides for a landscaped bufferyard between cities.

(B) *Uses; SFT.*

(1) *Permitted uses.*

- (a) Single-family residence;
- (b) Accessory buildings; and
- (c) Home occupation.

(2) *Conditional uses; special use permit required.*

The following uses require filing an application for a special use permit, with subsequent hearings by Planning & Zoning Commission and City Council:

- (a) Accessory dwelling;

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(b) Boarding and activities involving large animals.

(C) *Lot size requirements; SFT.*

(1) *Average lot size.* The average lot size shall not be less than 1.5 acres ~~net~~ (65,340 square feet).

(2) *Minimum lot size.* The minimum lot size shall be 1 acre net (43,560 square feet).

(3) *Maximum lot coverage.* The maximum lot coverage shall be no more than 20%. This is inclusive of all structures.

(a) 1-acre lot: 8,712 square feet maximum;

(b) 1.5-acre lot: 13,068 square feet maximum; and

(c) 2-acre lot: 17,424 square feet maximum.

(4) *Nonresidential structure maximum lot coverage.* No more than 10% of the total lot area may be accessory structures.

(5) *Minimum lot width at front lot line.*

(a) 1-acre lot: 100 feet on straight street.

(b) 1.5-acre lot: 150 feet on straight street.

(c) 2-acre lot: 200 feet on straight street.

(d) On curved streets and cul-de-sacs, the minimum width at the front lot line is determined by the effective radius of curvature, R, measured in feet, of the right-of-way boundary as follows. The width shall be at least:

$$W = 70 - (400 / R) \text{ feet}$$

In this formula, R shall be no less than 40 feet.

(7) *Minimum lot depth.* The minimum lot depth shall be the following indicated distances in feet measured from the closest straight line distance between the front property line and the rear property line.

(a) 1-acre lot: 150 feet;

(b) 1.5-acre lot: 225 feet; and

(c) 2-acre lot: 300 feet.

(D) *Bufferyards; SFT.* For those lots adjacent to another city or its ETJ in which the adjacent lot areas are (or are expected to be) less than 3/4 acre per lot, the setback requirement shall be modified as follows: An additional side or rear setback of 50 feet (in addition to the setbacks required above) shall be required providing a buffer to compensate for the differences in lot sizes. This bufferyard setback shall contain trees. If hardy native or adapted trees currently are growing in the area of this bufferyard setback, retention of these trees is preferred over planting new trees. Each planted tree shall be a native or adapted species and of a variety normally considered hardy for the type of soil contained in the bufferyard. Drought resistant plants are recommended. All bufferyard plantings must be completed prior to a certificate of occupancy being issued for the lot.

(E) *Building setbacks; SFT.* The following setbacks are the minimum requirements. Distances indicated are exclusive of public or private motor vehicle easements or rights-of-way.

(1) *Front setback.* The minimum front setback for any structures on the lot shall be in accordance with the following listed distances, measured in feet from the closest point of the front property line. The front building line of all adjacent houses shall vary by at least five feet.

(a) 1-acre lot: 50 feet;

(b) 1.5-acre lot: 75 feet; and

(c) 2-acre lot: 100 feet.

(2) *Side setback.* The minimum side setback shall be in accordance with the following listed distances, measured in feet from the closest point of the side property line.

- (a) 1-acre lot: 25 feet;
- (b) 1.5-acre lot: 25 feet; and
- (c) 2-acre lot: 40 feet.

(3) *Side setback at corner.* The minimum side setback for any structures on a lot located on a corner shall be the same as the front setback on the side closest to the adjacent street for the same size lot.

- (a) 1-acre lot: 50 feet;
- (b) 1.5-acre lot: 75 feet; and
- (c) 2-acre lot: 75 feet.

(4) *Rear setback.*

- (a) Minimum 1-acre lot: 30 feet;
- (b) Minimum 1.5-acre lot: 50 feet; and
- (c) Minimum 2-acre lot: 50 feet.

(F) *Building regulations; SFT.*

(1) *Single-family residence.*

(a) *Minimum living space.* There shall be a minimum of 3,000 square feet of air-conditioned space.

(b) *Building materials.*

1. *First floor elevation.* Not less than 90% of the exterior materials used on the first floor elevation shall be brick, stone or approved alternatives, exclusive of doors and windows.

2. *Total elevation.* Not less than 75% of the exterior materials used on the entire elevation, including the first-floor elevation, shall be brick or stone, excluding doors and windows.

3. *Brick or stone; alternatives.* Portland cement or stucco in a neutral or earthtone color.

(c) *Maximum height.*

1. The maximum height for the primary residence shall be two stories above ground level, not to exceed 35 feet above ground level, excluding architectural treatment elements.

2. Architectural treatment elements are not to exceed 40 feet above ground level.

(2) *Accessory buildings.* Refer to § [156.37](#)(N).

(3) *Accessory dwellings.* Accessory dwellings may be constructed only after the issuance of a special use permit.

(a) *Minimum living space.* There is no minimum living space requirement.

(b) *Building materials.*

Same requirements as primary residence.

(c) *Maximum height.* The maximum height for any accessory buildings shall be two stories above ground level, not to exceed the height of the primary residence.

(G) *Garages; SF.* No garage shall open to the front of a lot or to the side street in a corner lot.

(H) *Drainage; SF.*

(1) *Drainage.* Drainage ways shall be noted on the conceptual site plan submitted with the zoning application and shall be consistent with the overall drainage plan of the subdivision. A separate landscaping plan may be submitted with this conceptual plan.

(I) *Fences; SFT.*

(1) *General restrictions.*

(a) All fences require a permit except for an electric fence or barbed wire fence for animal control.

(b) No fences shall be permitted in front yard areas and side yards extending beyond the house facade on developments in the SF areas, except for lots of two acres or more.

(c) All perimeter fencing shall not exceed six feet in height. All fences shall be of open construction and not solid or near-solid fabric or surfacing. Open construction shall mean that each fence panel shall be constructed of materials that allow at least 50% of the surface area of each panel to provide for an open unobstructed view.

(d) The 50% open construction requirement for each fence panel is exclusive of columns and posts, which may be constructed of solid material including masonry or metal.

(e) Fencing columns, if used, shall not be more than two feet square on base, and not more than six feet in height. The columns shall not be closer together than six feet center to center.

(2) *Chain link fencing.* Chain link fences may not be used in the front yard. It cannot extend beyond the front building line of the primary dwelling on the lot. It cannot extend into the side setback on the street side of a corner lot. Chain link fence shall be black or green vinyl coated rather than galvanized.

(3) *Inspection and maintenance.* When any fence is completed, it must be inspected. The Building Inspection Department shall be notified upon completion of the fence. The Building Official will approve the fence if it complies with the provisions of this section, or it will be rejected. All fences constructed under the provisions of this section shall be maintained so as to comply with the requirements of this section at all times. Fences shall be maintained by the owner or person in charge of the property in as near as possible the condition of the fence when installed and accepted as provided herein, and shall be maintained as follows:

(a) The fence shall not be out of vertical alignment more than 20%; and

(b) All damaged, removed, or missing portions of the fence shall be replaced or repaired with comparable materials of a comparable color to the remaining portions of the fence.

(4) *Materials.*

(a) *Permitted materials.* Materials permitted are wood, concrete, masonry, chain link, wrought iron, metal tubing, vinyl, fiberglass composite, or barbed wire.

(b) *Prohibited materials.* Materials prohibited are razor ribbon, sheet metal, corrugated steel and fiberglass panel, plywood, or any other similar material manufactured for other uses.

(5) *Certain locations, construction prohibited.*

(a) *Within easements.* No fence shall be located within any public easement except by prior written approval of those agencies having interest in that easement.

(b) *Electric fences.* No fence erected shall be electrically charged in a manner to be dangerous to humans.

(6) *Gates.* Gates are considered part of a fence and the same material requirements shall apply.

(Ord. 483, passed 6-6-2000; Am. Ord. 508, passed 7-10-2001; Am. Ord. 697, passed 8-6-

2013) Penalty, see § [156.99](#)

§ 156.34 MANUFACTURED HOUSING DISTRICT.

(A) *Purpose; MH.*

(1) The manufactured housing district is designated in order to provide an adequately controlled area for the placement of manufactured homes, and to ensure an environment suitable for family living. The terms "HUD-Code manufactured home," "mobile home," "manufactured

housing," and "recreational vehicle" as used herein are as defined in Tex. Occupations Code, Ch. 1201 and Tex. Trans. Code, § 522.004(b), as amended.

(2) Any violations of the provisions of the manufactured housing district ordinance passed September 19, 1995 which occurred prior to the date of any amendments to this chapter are not waived or released by those amendments. The provisions of this chapter in effect on the date of any violation of this chapter shall be interpreted as still being in effect on the date any violation is prosecuted. Further, no amendments to this chapter shall waive, accept, or approve any nonconforming use which existed immediately prior to September 19, 1995, the date the preceding manufactured housing district ordinance was enacted. Any nonconforming use on the date this manufactured housing district ordinance was originally passed by the city is a nonconforming use solely for the size of the tract, the number of mobile homes, or manufactured homes, located on the manufactured housing tracts, or the mobile home tracts, on the date this chapter was passed. No additional manufactured housing or mobile homes are permitted without strict compliance with this chapter.

(B) *Principal permitted uses; MH.*

- (1) (a) Individually owned manufactured homes and lots in an approved manufactured housing district subdivision; and
- (b) Commercial manufactured home parks providing, either on a rental or as an outright sale, lots for placement of manufactured homes with utilities for those manufactured homes.

(2) Supporting service facilities for the exclusive use of the residents will be permitted within the manufactured home park.

(C) *General provisions; MH.*

(1) *Mobile homes constructed prior to June 15, 1976.*

No mobile home may be installed for use or occupancy as a residential dwelling unit within the city, effective the date of this chapter. Any mobile home previously legally permitted and used or occupied as residential dwelling unit within the city is deemed a nonconforming use. A permit for that legal nonconforming use and occupancy shall be granted for a lawful nonconforming mobile home within the city, so long as a replacement is a HUD-Code manufactured home.

(2) *No HUD-Code manufactured homes constructed on or after June 15, 1976.*

No HUD-Code manufactured homes (constructed on or after June 15, 1976) shall be permitted in the city as a residential dwelling, or otherwise, unless the installation is within a manufacturing housing district approved by the city. An application to install a new HUD-Code manufactured home for use and occupancy as a residential dwelling is deemed approved and granted unless the city denies the application in writing, within 45 days of the receipt of the application, setting forth the reason for denial.

(3) *Recreational vehicles.*

No recreational vehicle may be installed, used, or occupied as a residential dwelling within the corporate limits of the city.

(4) *Wastewater requirements.*

All wastewater connections, septic systems, plumbing, and drainage shall meet the highest standards of federal, state, and county regulations adopted above.

(5) *Individual manufactured home lots and subdivisions.*

(a) Any individual desiring to place a manufactured home on a lot within the area designated as a manufactured housing district may do so without meeting the requirements of a commercial manufactured home park except for structural protection, under the conditions that

the manufactured home be placed on a lot of no less than one acre and that all other applicable provisions of the single-family residential district (SF) regulations are met (such as use, setbacks, building code requirements). The conditions set forth for structural protection of manufactured homes in manufactured home parks will apply to individual manufactured home lots.

(b) Individual manufactured home lots and subdivisions shall comply with all requirements of the subdivision regulations in [Chapter 155](#) and the city's other ordinances.

(6) *Commercial manufactured home parks.*

(a) *Site plan required.*

All applications for development of a manufactured home park or manufactured housing district subdivision shall be accompanied by a site plan and construction plans (12 copies) drawn to scale, acceptable to the City Engineer, complying with the requirements of [Chapter 155](#) of this code. A preliminary and final plat are required on all manufactured home parks. The boundary survey shall be prepared by a registered professional land surveyor and layout and design shall be prepared by a registered professional engineer. The manufactured home park shall comply with the design and construction requirements of [Chapter 155](#) regarding supporting data, drainage, paving, and utility facilities. The site plan and construction plans shall show:

1. The area and dimensions of the tract of land, with identification of location and boundaries;
2. The number, location, and size of all manufactured home spaces;
3. The location and specifications of sewer lines and riser pipes;
4. The location and specifications of water lines and service connections;
5. The location and details of lighting, electrical, and gas systems;
6. The location and specifications of all buildings constructed or to be constructed within the park;
7. Existing and proposed topography;
8. The location of fire mains, including the size, the hydrants, and any other equipment which may be provided;
9. Proposed pavement section;
10. Proposed storm drainage facilities, with calculations; and
11. Proposed wastewater treatment facilities.

(b) *Park and lot size requirements.*

1. *Minimum park size.* A site to be developed as a manufactured home park shall have a minimum area of 10 acres.

2. *Minimum manufactured home lot size.* Each manufactured home space shall have a minimum area of 1 acre exclusive of any floodplain or easements; however, no manufactured home space shall have dimensions less than 80 feet on the narrow dimension nor 100 feet on the long dimension, not including off-street parking required.

(c) *Temporary hookups.* No temporary hookups will be permitted. Power, water, and sewer service must be supplied to every lot.

(d) *Streets, parking, and traffic.*

1. *Streets.*

a. An internal street system (which shall also be drainage, utility, fire, and emergency access easement) shall provide access to each manufactured home space. This internal street system shall comply with requirements of [Chapter 155](#) of this code regarding streets, including construction requirements.

b. Driveways and parking areas are considered private. Maintenance of driveways and parking areas shall be a private responsibility. All other streets shall be dedicated as public.

2. *Tenant parking.* Tenants shall be provided with at least three off-street parking spaces for each manufactured home space. Each parking space shall be hard surfaced and located so as to eliminate interference with access to parking areas provided for either manufactured homes or for public parking in the manufactured home park.

3. *Visitor and supplemental parking.* In addition to parking spaces required for each manufactured home unit, there shall be provided for the manufactured home park: one visitor space for every four manufactured home spaces; and one supplemental parking or vehicle storage space for every two manufactured home spaces for the parking or storage of boats, recreational vehicles, and similar vehicles or equipment.

a. These visitor and supplemental spaces may be located anywhere within the manufactured home community, provided that no manufactured home space shall be situated farther than 150 feet from a visitor space.

b. All supplemental parking areas shall be screened by fencing or landscaping.

4. *General parking space size.* Each parking space will be not less than 17 feet by 10 feet.

(e) *Signs.* All signage will comply with [Chapter 153](#) of this code. Private streets shall indicate that they are private.

(f) *Access.*

1. Every manufactured home park shall have at least two points of direct access to and from a public street, and each manufactured home space shall have direct access to an internal public street. Where an internal street provides access, the same shall be used as an emergency access easement to allow for the rapid and safe movement of vehicles used for purposes of providing emergency health or public safety services.

2. Each emergency access easement shall have a clear, unobstructed width in compliance with city ordinances on street and road design, shall connect to a dedicated public street, or shall have a turnaround radius with a minimum of at least 40 feet in radius of paving. Corners of intersecting streets shall have sufficient turning area to permit free movement of emergency vehicles.

(g) *Walkways.* Designated, paved walkways will be provided on both sides of roadways or streets.

(h) *Numbering.* Within each manufactured home park, all streets shall be named, and manufactured homes numbered in a logical and orderly fashion according to the city's numbering system. Street signs shall be of a color and size conforming with those on public streets. These signs and numbers shall be of standard size and placement to facilitate location by emergency vehicles.

(i) *Intersections.* Street lighting within the manufactured home park shall be provided along all emergency access easements. Light standards shall have a height not to exceed 20 feet and spacing to ensure an average illumination level of not less than 1.0 foot-candles.

(j) *Electric and telephone service.* All distribution and service lines of electrical, telephone, television, and other wire-carrier type utilities shall be underground, except that the system of supply lines for multiple subdivision service by utilities may be overhead. Transformers, amplifiers, or similar devices associated with the underground lines shall be located upon the ground or below the ground level. Where the underground installation

of these facilities is not a standard practice of the utilities involved, the subdivider or developer shall make all arrangements for payments associated with the nonstandard installation.

(k) *Drainage and soil protection.*

1. The ground surface in all parts of a manufactured home park shall be graded and equipped to drain all surface water in a safe, efficient manner. Each manufactured home space shall provide adequate drainage for placement of a manufactured home.

2. Exposed ground surfaces in all parts of every manufactured home park shall be paved, covered with stone screening or other solid material, or protected with a vegetative growth that is capable of preventing soil erosion and of eliminating dust.

3. No portion of any lot shall be located below the 100-year floodplain. Drainage facilities shall comply with Chapter 155 of this code.

(l) *Fire safety.* Storage and handling of flammable gases and liquids shall be as follows:

1. Whenever liquefied petroleum gases are stored or dispensed, their handling and storage shall comply with requirements of the city ordinances as applicable; and

2. Wherever gasoline, fuel, oil, or other flammable liquids are stored or dispensed, their handling and storage shall comply with requirements of the city ordinances and state regulations.

(m) *Water supply facilities.* Water supply facilities for fire protection service shall meet the minimum requirements of the key rate schedule for a standard city as last adopted by the State Board of Insurance and the minimum requirements of the city.

(n) *Firefighting.*

1. Approaches to all manufactured homes shall be kept clear for firefighting.

2. The owner or agent of a manufactured home park shall be responsible for the instruction of his or her staff in the use of the park fire protection equipment and in their specific duties in the event of a fire. The owner shall provide standard city fire hydrants located within 300 feet of all manufactured home spaces, measured along the driveways or streets.

3. The owner or agent of a manufactured home park shall be responsible for maintaining the entire area of the park free of dry brush, leaves, and weeds.

4. The owner or agent of a manufactured home park shall provide an adequate system of collection and safe disposal of rubbish, approved by the Fire Marshal.

(o) *Manufactured home spacing standards.* In order to provide adequate separation of manufactured homes and of other buildings and structures for the purposes of safety against the hazards of fire and explosion, and to promote structural safety in the placement of manufactured homes on their respective sites, the following spacing standards shall apply.

1. The minimum front yard setback shall be 75 feet from the nearest corner of the manufactured home to the front line of the manufactured home space.

2. No manufactured home shall be closer than 75 feet to the outer perimeter property line. If the manufactured housing district is adjacent to a non-manufactured housing district, the setback from the outer perimeter property line shall be at least the setback of the adjacent district, if the setback of the adjacent district is greater than 25 feet.

3. Other structures on each manufactured home space must be placed to the back of the manufactured home space and must be a minimum of 75 feet away from any line of the manufactured home space.

4. The minimum distance between manufactured homes at any point shall be 75 feet.

5. The average vertical clearance height of the manufactured home frame above the finished ground elevation shall not exceed three feet.

(p) *Landscaping.* The park will provide attractively and esthetically designed and installed screening and landscaping to ensure privacy and suitable environments for manufactured home occupants. The proposed screening and landscape plan shall be submitted for review and approval by the city. Landscaping areas will be not less than 5% of the gross site area.

(q) *Community buildings and service facilities.*

1. *Structural and other requirements for buildings.*

a. Construction of all buildings shall comply with applicable ordinances of the city. All portions of structures shall be properly protected from damage by ordinary uses and by decay, corrosion, termites, and other destructive elements. Exterior portions shall be of such materials and be so constructed and protected as to prevent entrance or penetration of moisture and weather.

b. All rooms containing sanitary or laundry facilities shall:

i. Have sound-resistant walls extending to the ceiling between male and female sanitary facilities. Walls and partitions around showers, lavatories, and other plumbing fixtures shall be constructed of dense, nonabsorbent, waterproof materials or covered with moisture-resistant materials;

ii. Have at least one window or skylight facing directly to the outdoors. The minimum aggregate gross area of windows for each required room shall not be less than 10% of the floor area served by them; and

iii. Have at least one window which can be opened easily or have a mechanical device which will adequately ventilate the room.

2. *Sanitary facilities.*

a. Toilets shall be located in separate compartments equipped with self-closing doors. The rooms shall be screened to prevent direct view of the interior when the exterior doors are open.

b. Hot and cold water shall be furnished in every lavatory, sink, and laundry fixture, and cold water shall be furnished in every water closet and urinal.

3. *Lighting.* Illumination level shall be maintained as follows:

- a. General seeing tasks: at least five foot-candles;
- b. Laundry room work area: at least 40 foot-candles;
- c. Toilet room in front of mirrors: at least 40 foot-candles;
- d. Pedestrian walkways: at least five foot-candles;
- e. Visitor and supplemental parking areas: at least five foot-candles; and
- f. Recreation areas: at least five foot-candles.

(r) *Storage facilities.* Storage facilities with a minimum size of 200 square feet per manufactured home space shall be provided on the space, or in compounds located within 100 feet of each space. Wherever provided, storage facilities shall be faced with masonry, porcelainized enamel, baked enamel, steel, or other material equal in fire resistance, durability, and appearance. All storage facilities shall be anchored to a concrete slab.

(s) *Incinerators.* Incinerators will be specifically prohibited. Incineration of trash and garbage will be prohibited.

(t) *Recreational areas.* Every manufactured home park shall have at least one visibly identifiable recreation area for the benefit and use of its residents. Not less than 5% of the gross site area of the manufactured home park shall be devoted to recreational facilities. Playground space shall be protected from traffic, thoroughfares, and parking areas. This space shall be

maintained in a sanitary condition and free of safety hazards. Lighting must be provided for all recreation areas.

(u) *Water system.*

1. *Supply.*

- a. An adequate, safe, and potable supply of water shall be provided by the owner or agent. Connection shall be made to the city water system.
- b. The manufactured home park shall have a compound commercial water meter from by the city, regardless of the distribution of the water within the manufactured home park.

2. *Connections.*

- a. The water supply system shall be connected by pipes to all manufactured homes, buildings, and other facilities requiring water. All water piping, fixtures, and other equipment shall be constructed and maintained in accordance with state and city regulations and requirements.
- b. All water line mains will be eight inches or larger.
- c. Individual water riser pipes and connections shall be constructed and maintained in accordance with the city ordinances, as applicable.

(v) *Electrical utilities.*

1. The wiring, fixtures, equipment, and appurtenances of every electrical wiring system shall be installed and maintained in accordance with applicable ordinances and regulations for those systems.
2. Power distribution lines shall be located underground. All power distribution lines, individual electrical connections, and grounding of the manufactured homes and equipment, shall comply with the city ordinances, as applicable.

(w) *Sewage or wastewater facilities.*

1. An approved sewage treatment system shall be provided to meet the minimum city, state, and county requirements. A connection to municipal sanitary sewage service shall be required if access to a sanitary sewer line is available to the site, at the landowner's cost. On-site sewage or wastewater treatment and disposal systems will be approved. Spray effluent shall not be used for any treatment facility.
2. All requirements of the county, city, and the state as to sanitation, water quality preservation, and pollution will be met. Where any such statutes or regulations are in conflict, the more restrictive statute or regulation shall apply, as determined by the Building Inspector of the city, subject to the review and approval of the Mayor. Unless otherwise stated in those regulations, each residential unit within a manufactured housing district shall be connected to either:

- a. An approved septic system, either for the individual unit or a group of units, which shall be designed and shall operate to treat an average of 250 gallons of wastewater per day from each unit, and shall further be designed to appropriately treat wastewater discharged at peak times of the days and evenings; or
 - b. In the event a sanitary sewer line is available for use by a manufactured housing district, all residential units located lawfully within the manufactured housing district shall be connected to the sanitary sewer line.
3. An adequate and safe sewage system shall be provided for conveying sewage to the treatment plant. The sewer system shall be constructed in accordance with applicable local and state health regulations. Effluents from sewage treatment facilities shall not be discharged into

any waters of the state except with prior approval of the State Natural Resource Conservation Commission.

4. For sewage or wastewater connections, where public sanitary sewer system is available, all materials used for sewer connections shall be in accordance with the city ordinances, as applicable.

a. Each manufactured home stand shall be provided with at least four-inch diameter sewer riser pipe. The sewer riser pipe shall extend at least four inches above the ground and shall be so located on each stand that the sewer connection to the manufactured home drain outlet will approximate a vertical position.

b. The sewer connection to the manufactured home from the sewer riser pipe and any other sewer connections shall be in accordance with the requirements of the city ordinances, as applicable.

c. Provision shall be made for plugging the sewer riser pipe when no manufactured home occupies the space. Surface drainage shall be diverted away from the riser.

(x) Fuel supply and storage.

1. Natural gas piping systems shall be installed underground and maintained in accordance with applicable ordinances and regulations governing those systems. Each manufactured home space provided with piped gas shall have a cap on the outlet when not in use to prevent accidental discharge of gas and shall be in accordance with applicable city ordinances.

2. Liquefied petroleum gas systems shall be installed only if an available natural gas system is more than 1,000 feet from the manufactured home park. The liquefied petroleum gas systems shall be maintained in accordance with applicable ordinances of the city and regulations of the State Railroad Commission pertaining thereto.

(y) Refuse handling and collections. The storage, collection, and disposal of refuse shall be so conducted as to create no health hazards, rodent harborage, insect breeding areas, accident or fire hazards, or air pollution.

1. *Storage facilities.* One or both of the following systems shall be used:

a. If refuse is gathered at the individual manufactured home spaces, it shall be stored in fly-tight, watertight, rodent-proof containers, which shall be located at each manufactured home site. Containers for this use shall be provided by the park in sufficient number and capacity to properly store all refuse; or

b. In lieu of storage at individual sites, centrally located refuse containers, appropriately screened, and having a capacity of 3 cubic yards or larger, may be provided. These containers shall be so designed as to prevent spillage or container deterioration, and to facilitate cleaning around them.

2. *Removal.* Refuse and garbage shall be removed from the park at least once each week. The licensee or agent shall ensure that containers in the park are emptied regularly and are maintained in a usable, sanitary condition.

(z) Insect and rodent control. Grounds, buildings, and structures shall be maintained free of insect and rodent harborage and infestation. Parks shall be maintained free of accumulation of debris which may provide rodent harborage or breeding places for flies, mosquitoes, and other pests. The growth of brush, weeds, and grass shall be controlled to prevent harborage of noxious insects or other pests. Parks shall be maintained so as to prevent the growth of noxious weeds detrimental to health. Open areas shall be maintained free of heavy undergrowth.

(aa) *Structural protection; anchorage.* To ensure against natural hazards such as tornadoes, high winds, and electrical storms, anchorage at each manufactured home shall be provided according to the following schedule.

1. *Ties.* For each manufactured home space designed to accommodate the length of unit shown, frame ties shall be provided in the number indicated. In addition, over-the-unit ties shall be provided as close to each end as possible with straps at stud and rafter locations.

Length	Number of Ties
Up to 30 feet	2 per side
30 to 50 feet	3 per side
50 to 70 feet	4 per side
Over 70 feet	5 per side

2. *Anchors.*

a. Soil tests shall be made to ensure that the following types of anchorage will withstand 3,750 pounds of pull per 10-foot length of manufactured home.

- Cross-section: auger or dead man, six inches in diameter; arrowhead eight inches.
- Depth: auger or arrowhead four feet; dead man five feet.

b. Anchor rod shall be at least 5/8 inch in diameter with welded eye at tip, and shall be hooked into concrete when used in dead man anchors.

- Anchors in slabs shall equal above in pull resistance.

3. *Connectors.* Connectors of the following design minimums shall be used.

a. Galvanized or stainless steel cable: 3/8 inch of seven strands of seven wires each (7 x 7).

- Galvanized aircraft cable: 1/4 inch seven strands of 19 wires each (7 x 19).

- Steel strap: 1.25 inch by 0.035 inch galvanized with tensioning device.

- Cable ends: Secured by two U-bolt clamps.

- Steel rods: 5/8 inch with ends welded and closed to form an eye.

f. Turnbuckles: 5/8 inch drop forged with closed eyes, or other tensioning devices of equivalent strength.

4. *Piers and footings.* The location and design of piers and footings shall satisfy the following standards.

a. Spaced at 10-foot intervals on both frame rails with end ones no farther than five feet from end of manufactured home.

- Footings of solid concrete 16 inches by 16 inches by 4 inches (16 x 16 x 4).

- Piers of standard 8 inches by 8 inches by 16 inches (8 x 8 x 16) of solid concrete.

- Treated trim shingles may be used for leveling.

- Pier or footing designs equivalent to the above when approved by the City

Engineer.

5. *Permanent structures.* Park buildings, patio awnings, and cabana roofs. All permanent park buildings, patio awnings, and cabana roofs hereafter constructed and all extensions to existing structures shall comply with applicable ordinances of the city.

6. *General application.* These provisions for structural protection shall also apply to individual manufactured home lots.

(bb) *Responsibilities of park management.*

1. *Operation.* The licensee, or his or her agent, of every manufactured home park located within the corporate limits of the city shall operate and maintain the park in compliance with these regulations and with all other applicable ordinances of the city. The owner/agent shall provide adequate supervision to maintain the park, its facilities, and equipment in good repair and in a clean and sanitary condition.

2. *Information; responsibility for violations.* The licensee or agent shall notify park occupants of all applicable provisions of these regulations and inform them of their duties and responsibilities under these regulations. The licensee or agent shall bear final responsibility for any violations of the ordinances set forth for manufactured home parks, except as specifically outlined as the responsibility of park occupants.

3. *Registration; information required.* The licensee or agent shall maintain a register of park occupancy which shall contain the following information:

- a. The names and addresses of park residents;
- b. Manufactured home registration data including make, length, width, year of manufacture, and identification number;
- c. The location of each manufactured home within the park by space or lot number and street address; and
- d. Dates of arrival and departure.

2. *Information to Tax Assessor-Collector.* The licensee or agent shall furnish to the Tax Assessor-Collector for the city, no later than January 10 and July 10 of each year, a list of all manufactured home residents in the park on the last day of the preceding month. The register shall provide information on the make, length, width, year of manufacture, and identification number of the manufactured home, the address or location description of the manufactured home within the park, and information on manufactured homes which have moved out of the park since the last report including the foregoing data plus the departure dates of each manufactured home and, if known, its destination. These lists shall be prepared using forms provided by the Tax Assessor-Collector for the city.

(cc) *Responsibilities of owner.* The owner or agent shall ensure that every occupant of a space in a manufactured home park located within the corporate limits of the city shall maintain his or her manufactured home space, its facilities and equipment, in good repair and in a clean, sanitary condition. He or she shall be responsible for proper placement of his or her manufactured home in its manufactured home space and proper installation of all utility connections in accordance with the instructions of the park management.

1. *Skirting and additions.* Fire-resistant skirting with the necessary vents, screens, and openings shall be required on all manufactured homes in manufactured home parks and shall be installed within 10 days after placement of the manufactured home. Skirting, porches, awnings, and other additions, when installed, shall be maintained in good repair.

2. *Prohibition of storage under homes.* The use of space immediately underneath a manufactured home for storage shall be prohibited.

(dd) *Inspections.*

1. *Inspections by public officials.* The Mayor or his or her designee and the Fire Marshal or his or her designee, are hereby authorized and directed to make inspections as are necessary to determine compliance with these regulations.

2. *Authority to inspect.* The Mayor or the Mayor's designee, the Fire Marshal or his or her designee, the Tax Assessor-Collector, and the Water Superintendent shall have the power to

enter at reasonable times upon any private or public property for the purpose of inspecting or investigating conditions relating to the enforcement of this section. They shall have the power and authority in discharging their official duties to inspect the register containing a record of all residents of the manufactured home park.

3. *Access to premises.* It shall be the duty of every occupant of a manufactured home park to give the licensee, his or her agent, or authorized employee access to any part of the park at reasonable times for the purpose of making repairs or alterations as are necessary to effect compliance with this section.

(D) *Nonconforming manufactured housing parks; MH.* Any manufactured home park in existence at the time of the addition of the manufactured housing district to the city's zoning regulations (September 19, 1995), which does not meet the regulations as set forth herein, shall not be enlarged in size or number of units in place, extended in land area or number of units, or improved, unless the enlargement, extension, or improvement complies with all regulations contained herein.

(Ord. 483, passed 6-6-2000) [Penalty, see § 156.99](#)

§ 156.36 SPECIAL ACTIVITIES DISTRICT.

(A) *Purpose; SA.* The purpose of the special activities district is to provide for tourist-related commercial uses that are integrated through site planning and architectural design guidelines. A site plan shall be required for all land to be zoned special activities district, and shall be approved at the time the district is approved, and attached to the ordinance establishing a special activities district, in accordance with the provisions in division (B)(3). A site plan shall be required for all new construction for land zoned special activities district and shall conform in all respects to the site plan, in accordance with the provisions in division (B)(4). The acreage of a special activities district shall be not less than 175 acres.

(B) *Concept plan; SA.*

(1) *Procedures.* The City Council may, after receiving the report of the Planning and Zoning Commission, approve by ordinance the creation of a special activities district based upon a concept plan prepared in accordance with provisions of this section and processed in accordance with the procedures for establishing zoning districts. The approved plan shall be made part of the ordinance establishing the district. Any amendments to a concept plan must be in harmony with the plan for the entire district and must be approved by the City Council by ordinance. An amendment to a Council approved plan will be considered an amendment to the special activities zoning district and be processed in accordance with zoning amendment procedures. The City Council shall have full legislative discretion in its consideration of any type of plan.

(2) *Criteria.* In determining whether a special activities district should be established and the concept plan should be approved, the Planning and Zoning Commission in making its recommendations and the City Council in making its decision shall consider the following criteria:

- (a) The plan of development is consistent with the future land use policies and map in the city's Comprehensive Plan;
- (b) The proposed uses and project design are compatible with existing and planned adjoining uses;
- (c) Adequate public facilities, including open space, will be provided in a timely manner to support each phase of the development;

(d) The proposed uses and development standards are consistent with the purposes and standards of these zoning regulations; and

(e) The proposed timing of the development is consistent with the overall growth and development of the city.

(3) *Designation.* The ordinance establishing a special activities district shall set forth the following provisions. The general site plan shall be incorporated as an exhibit to the ordinance.

(a) A statement as to the purpose and intent of the district;

(b) The general land uses and acreage of each use authorized in the district, by use category, the location of these uses, the residential densities and nonresidential densities associated with phases of the project, in conformance with the approved site plan;

(c) General conditions and standards applicable to development within the district; and

(d) Required dedications or public improvements, if any.

(4) *Site plan.* A site plan shall be required for all new construction, exterior remodeling, or additions to any structure which exceed 10% of either the structure's size or assessed value for tax purposes, in a special activities district. No building permit shall be issued for a development subject to site plan review until that site plan has been approved in accordance with this section.

(a) *Application.* The property owner or designated representative may initiate site plan review by filing an application with the City Administrator and submitting the required review fee and five copies of the site plan and related documents.

(b) *Contents of application.* Applications shall contain drawings to scale to indicate:

1. The location of existing and anticipated new structures on the subject property and adjoining property;
2. Landscaping and fencing, setback areas, uses of landscaping and walls or fences for screening purposes, and landscaping of parking areas, if applicable;
3. The design of ingress and egress to minimize interference with traffic flow on abutting streets;
4. The height of all structures;
5. The proposed uses for all structures;
6. The location and types of all signs including lighting and heights; and
7. The facade elevations of each building, including descriptions of materials and colors for finishes.

(c) *Standards.* The site plan shall conform to all zoning regulations, all additional requirements of the ordinance creating the district, and any supplemental or special regulations applicable to the particular use.

(d) *Decision on site plan and appeal.* The City Council shall designate the official responsible for review and action in the ordinance creating the district. The official so designated may approve, approve with conditions, or deny the site plan. Appeals from denial of administrative site plan shall be to the Zoning Board of Adjustment, and shall be made within 15 days. Procedures governing the appeal shall be in accordance with § 156.68.

(C) *Uses; SA.* The following uses shall be permitted of right or by special use permit in the special activities district.

(1) *Permitted uses.*

(a) The following uses shall be allowed in a special activities district; provided, however, that these uses may be restricted by the City Council in the ordinance creating the district:

1. Hotel;
2. Motel;

3. Bed and breakfast establishments;
4. Retail and service uses:
 - a. Arts and crafts galleries;
 - b. Photography studio;
 - c. Retail shops for clothing and souvenirs, gourmet foods, antiques, or florist shops;

and

- d. Cafes, restaurants, and catering facilities, excluding fast food restaurants or drive-thru(s).
5. Dinner playhouse;
6. Farmers' market;
7. Conference or events facilities;
8. Indoor or outdoor special events, such as the following: rodeos, livestock exhibitions, and auctions;
9. Tennis club or golf course;
10. Single-family residence for on-site caretaker or staff;
11. Facilities for the mixing of personal care products from natural and raw agricultural products, such as an aloe vera products mixing facility. This use does not include any animal processing, raw material processing, uses which emit odors, or heavy manufacturing or industrial uses; and
12. Private club for the serving of alcoholic beverages, where properly permitted by the State Alcoholic Beverages Commission, and where the facility is not less than 300 feet from a church, public school, or public hospital. Only one private club shall be approved per site plan.

(b) The City Council shall have full legislative discretion in determining whether these uses are appropriate with adjacent land uses, and shall have discretion to impose conditions as may be necessary to protect adjacent land uses and ensure compatibility.

(2) *Conditional uses.* All uses listed as conditional uses in the SF district may be requested in accordance with the provisions of that section.

(3) *Temporary outdoor uses.* The following temporary use may be allowed upon application for and issuance of a special use permit from the City Building Official or other designated official: seasonal fireworks displays. Request for a special use permit for a seasonal fireworks display shall be accompanied by a properly issued permit from the Fire Marshal, and may only be denied in times of drought or when the safety of the public is endangered by the activity. Fireworks displays shall be limited to no more than four per year, including one each for Independence Day weekend and New Year's Eve.

(4) *Prohibited uses.* The following uses shall be prohibited:

- (a) Sexually oriented businesses, including adult bookstores, adult theaters, nude modeling or photography studios, adult dancing or entertainment at private clubs; and
- (b) Strip commercial development or shopping centers.

(D) *Area and dimensional requirements; SA.*

(1) *Building setbacks.*

- (a) Structures shall be set back from existing residential structures on or adjacent to the property zoned as special activities district a minimum of 300 feet, measured from roof overhang to roof overhang. Structures shall be set back 300 feet from any major roadway, including FM 2551, FM 2514, Park Boulevard, and other roads as the city may from time to time designate.
- (b) Enclosures such as outdoor or rodeo arenas, riding areas, or similar outdoor uses which do not require the construction of a building, shall be set back 100 feet from all roadways.

(c) Buildings shall have the following setbacks.

Yard	Setback from Roadway	Setback from Buildings
Front yard	300 feet	100 feet
Rear yard	150 feet	50 feet
Side yard	100 feet	50 feet

(d) Building setbacks may be modified by City Council on the site plan, provided that public safety objectives are preserved.

(2) *Height limitations.*

(a) Buildings for hotel use only may be three stories, not to exceed 35 feet.

(b) Buildings for all other uses shall not exceed one story, or 18 feet.

(c) Where new buildings are constructed on property which has existing buildings on the date the property is zoned special activities district, new construction shall not exceed the height of the existing buildings, or three stories, whichever is less. In this instance, the City Council may modify the height limitation in division (D)(2)(b) above, if existing buildings are higher than the buildings existing on the property when the district is created.

(E) *Parking regulations; SA.* Off-street parking shall be required for all new construction, based on the following standards.

(1) Where necessary for fire safety purposes, specially designated fire or traffic lanes may be required by the Fire Chief or the Building Official. The designated area shall be kept clear of all parking, storage, and other obstructions at all times.

(2) For parking areas which are hard surfaced, parking areas shall be subdivided into smaller lots. No more than 100 spaces shall be included in a single lot area. Accessible parking shall be provided as required by state and federal standards.

(3) Overflow parking for special events or recreational activities of a short-term, non-permanent nature may be located on grassy areas.

(F) *Design elements; SA.*

(1) *Facade.* Facade treatments and colors shall conform to the following, subject to any exceptions which may be approved by the City Council on the site plan:

(a) Wood materials;

(b) Overhangs and colonnades;

(c) Canopies are required, projecting from colonnades;

(d) All buildings must be constructed in uniform rural style, as that term is defined by the city. No modern or post-modern styles will be permitted. New construction shall be consistent with any existing buildings in the district;

(e) Colors of building materials must be neutrals, earth tones, or as are consistent with adjacent buildings. Any deviation from this standard must be approved by the City Council on the site plan;

(f) Shingle or tile roofs;

(g) Painted metal building materials, stucco, stone, or brick may be allowed where they are provided for in the ordinance establishing the district or on an approved site plan; and

(h) Prohibited building materials, which may not be permitted on a site plan: concrete or concrete block surfaces.

(2) *Sidewalk.* Sidewalks shall be installed in accordance with state or federal statutes.

(3) *Lighting.* Light fixtures located in parking areas must not exceed 15 feet in height, and may not be directed or placed so that the illumination circle falls outside the district boundary; provided, however, that fixtures for outdoor sporting events may not exceed 30 feet in height.

(4) *Signs.* Signs shall meet the following standards.

- (a) Monument style signs, constructed of the same or similar materials as other improvements on the property, and no more than five feet high from the ground, are permitted in this district. Total size of the sign shall not exceed 32 square feet.
- (b) No illumination elements are allowed on sign surfaces; provided, however, that the signs may be backlit or illuminated from a light installed on the ground, and designed to shine upwards only on the face of the sign.
- (c) Signs shall be placed only at driveway entrances and shall not be allowed on buildings.
- (d) Temporary signs for directions or events shall be permitted in accordance with the regulations contained in § [153.05](#), or as the same may be amended. Illuminated signs, as they are defined in [Chapter 153](#) of this code, are specifically not allowed in this district.

(5) *Loading zones and storage.* All loading and unloading shall be conducted at the rear of any building or structure. Loading zones shall be placed on the property as required by the city's building code. No outdoor storage is allowed, unless approved by City Council on the site plan, and where, due to the nature of the items being stored, it is necessary to keep them outside.

(G) *Landscaping requirements; SA.*

- (1) Open space must constitute 40% of the gross area covered by the site plan.
- (2) Parking lots shall be landscaped as follows.
 - (a) Landscaping requirements may be waived or modified by the City Council at the site plan stage if a finding is made that the site plan provides sufficient permeable surfaces and adequately addresses the drainage and visual impacts of impermeable surfaces.
 - (b) There shall be a minimum of one tree planted in the parking area for each 400 square feet or fraction thereof of hard surfaced area. Trees shall be a minimum of a 4-inch caliper, and shall be conifers or hardwoods.
 - (c) The perimeter of all parking areas should be effectively screened to a minimum depth of 15 feet from streets, driveways, drop-off areas, buildings, and open spaces.
 - (d) An area equal to 15% of the total size of the parking lot must be landscaped and permeable, exclusive of perimeter plantings.

(H) *Manufactured housing limitations; SA.* No mobile homes or HUD-Code manufactured homes shall be permitted.

(Ord. 483, passed 6-6-2000) [Penalty, see § 156.99](#)

§ 156.37 SUPPLEMENTARY ZONING REGULATIONS.

The following supplementary zoning regulations are hereby adopted and shall apply in all cases where specified by this section.

(A) *Visibility at intersections in all districts.* On a corner lot in any district, nothing shall be erected, placed, planted, or allowed to grow in such a manner as materially to impede vehicle drivers' vision at intersections.

(B) *Fences, walls, and hedges.* Notwithstanding other provisions of this chapter, fences, walls, and hedges may be permitted in any required yard, or along the edge of any yard, provided that the fences, walls, or hedges along lot lines at street intersections do not impair visibility at

the intersection within an area defined by lines of joining points located 20 feet back from the intersection of all curb lines extended.

(C) *Offensive trade activity.* No offensive trade activity shall be carried on upon any lot, nor shall anything be done which may be or become an annoyance or nuisance. No lot shall be used or maintained as a dumping ground for rubbish.

(D) *Lot maintenance.* In all districts, lots shall be maintained in such a manner as to be free and clear of debris. The following provisions relate only to the height of grass and weeds:

(1) On tracts of land, whether platted or described by metes and bounds, grass and weeds are not permitted to grow to a height in excess of 12 inches unless the vegetation is for equestrian or agricultural operations and may then exceed 12 inches.

(2) Regularly cultivated crops shall not be allowed to grow within the public road right-of-way of any public street or easement but shall be kept mowed. It shall be the duty of any person owning, claiming, occupying, or having supervision or control of any real property to cut and remove all weeds, brush, or other objectionable or unsightly matter as often as may be necessary; provided that the removing and cutting same at least once in every 30 days shall be deemed a compliance with this chapter; and to use every precaution to prevent the same growing on the premises to become a nuisance.

(E) *Use of major recreational equipment.*

(1) For purposes of these regulations, **MAJOR RECREATIONAL EQUIPMENT** is defined as including boats and boat trailers, travel trailers, pick-up campers or coaches (designed to be mounted on automotive vehicles), motorized dwellings/RVs, tent trailers, and the like, and cases or boxes used for transporting recreational equipment, whether occupied by such equipment or not. No such equipment shall be used for living, sleeping, or housekeeping purposes for more than:

- (a) Seven consecutive days, or
- (b) 21 days (consecutive or non-consecutive) in any twelve-month period.
- (c) In the event of a catastrophe, a variance may be requested for additional time.

(2) The equipment must be parked or stored in a location behind the front building line of a residence.

(F) *Parking and storage of certain vehicles.* Automotive vehicles or trailers bearing state motor vehicle registration stickers which are more than three months out of date shall not be parked or stored on any residentially designated property except in completely enclosed buildings.

(G) *Parking of large vehicles.* No vehicle larger than that of a 2-ton capacity shall be parked upon any lot or premises in a residentially zoned district except as permitted in (E)(1), above.

(H) *Off-street parking.*

(1) *Non-residential.* Off-street parking must be provided for all nonresidential uses in accordance with the following schedule.

(a) Religious facility: one space for each four fixed seats in the sanctuary or auditorium, or one space for each 28 square feet in the sanctuary or auditorium if fixed seats are not provided.

- (b) School (public or private, not homeschool):
 1. One and one-half spaces for each kindergarten/elementary school classroom;
 2. Three and one-half spaces for each junior high/middle school classroom; and
 3. Nine and one-half spaces for each senior high school classroom.

- (c) All other nonresidential uses: one space for each 200 square feet of floor area.

(2) *Residential.*

(a) Passenger vehicles may be parked anywhere behind the front facade of the house, or, if in front of the house, on the driveway.

(b) Recreational vehicles and equipment defined as: motor homes, travel trailers, pickup campers, boats and boat trailers, horse or stock trailers, and similar equipment, shall be parked behind the front build line of the house.

(c) Industrial/commercial vehicles over a GVWR (gross vehicle weight rating) of 10,000 pounds must be parked behind the rear build line of the house or in a garage.

(d) Farm equipment must be parked behind the front line of the house or in a garage for any district other than AO.

(e) Prohibited vehicles. Semi tractors and their trailers.

(I) *Home occupation.*

(a) No residential structure, and/or lot in any Parker zoning district, except SA - Special Activities, may be used for business purposes, unless and except in cases meeting the strict wording of the home occupation definition or an SUP has been granted.

(b) Use of a residential property for a home occupation is allowed only under the following conditions:

1. There shall be not more than one employee who does not reside permanently at the residence. A person who receives a wage, salary, or percentage of profits related to the home occupation and whose place of work is at the residence shall be considered an

EMPLOYEE. Staging or gathering of employees at the residence for work assignments away from the residence is not allowed.

2. No signage is permitted for a home occupation (with the exception of state-approved/licensed vineyard).

3. No raw materials, scrap, inventory, equipment, work in progress and/or finished goods may be visible from the street, or adjacent properties.

4. No building alterations shall be allowed that will alter the residential design or use of the residence or the property.

5. No toxic, explosive, flammable, combustible, corrosive, radioactive, or other hazardous materials shall be used or stored on the site for home occupation purposes, unless approved by the city Fire Marshal.

6. All home occupations must comply with the city nuisance ordinance.

7. No traffic shall be generated by a home occupation in greater volumes than normally expected for the zoning classification of that neighborhood.

(J) *Accessory buildings.*

(1) Accessory buildings shall be constructed of materials similar in appearance to the main dwelling or with any of the following exterior materials:

(a) Brick, pre-finished metal, wood siding or simulated wood, masonry products, Portland cement plaster, stucco or exposed aggregate concrete.

(b) Corrugated sheet metal siding and roofing are expressly prohibited.

(2) All construction of accessory buildings requires the issuance of a building permit by the city. All construction shall meet the building code requirements of the city.

(3) Accessory buildings shall be located according to the most restrictive of the following:

(a) In the rear portion of the lot, behind the rear building line of the main dwelling.

(b) If on a corner, no closer to a street than the main dwelling.

- (c) In compliance with the setbacks requirement required by the zoning classification or final plat of the lot.
- (4) Maximum height.
 - (a) The maximum height of an accessory building is measured from the peak of the roof of the accessory building to grade level.
 - (b) The maximum height shall be 40 feet, or the height of the peak of the roof of the main dwelling, whichever is lower.
 - (c) The maximum height of a sidewall of an accessory building shall not exceed 15 feet.
- (5) Additional requirements.
 - (a) The building area of an accessory building shall not exceed the lesser of 2,500 square feet or 3% of the lot area.
 - (b) The applicant shall submit a fully dimensioned site plan, showing the location and the dimensions of the accessory building, the property lines, easements and all structures within 100 feet of the property line. The sketch shall include a depiction of the size and location of all doors in the accessory building.
 - (c) Accessory buildings of any size used to shelter animals shall be at least 100 feet from the primary dwelling of adjacent residents on contiguous lots.
 - (d) No accessory building shall be closer to the front of the lot than the dwelling on an adjacent lot. This rule is waived if the residence on the adjacent lot is at least 200 feet from the proposed accessory building.
 - (e) Lots of less than two acres are limited to one accessory building. Lots greater than two acres are limited to one accessory building per acre. A variance is required for more than two accessory buildings per lot, or one accessory building larger than 2,500 square feet.
- (6) Usage and occupancy. Accessory buildings shall not be used for accessory dwellings, unless converted in accordance with all provisions governing accessory dwellings.
- (7) A greenhouse is an accessory building, but because of its function, building options are different from other accessory buildings. Greenhouses shall be used only for the purpose of growing plants. Greenhouses exceeding 120 square feet shall be constructed in accordance with the following requirements:
 - (a) The exterior of a greenhouse must be constructed of fiberglass, glass, carbonite, or other rigid material approved by the Building Inspection Department. Such materials will be mounted in frames of steel, aluminum, cedar, or treated wood, suitable for building purposes, and in accordance with the applicable building code.

(K) *Accessory dwellings.*

- (1) Accessory dwelling regulations. Each single lot may have one accessory dwelling (either attached, or detached).
- (2) Detached dwellings.
 - (a) No detached dwelling may be constructed on less than two acres.
 - (b) Detached dwellings must be designed, constructed, and used for single family use, not multi-family use.
 - (c) Detached dwellings may not be larger than 1,000 square feet of living space, or 25% of the living space of the primary residence, whichever area is less.
 - (d) Detached dwellings require a special use permit (SUP).
 - 1. Architectural design, features, and construction materials must match the primary dwelling.
 - 2. The detached dwelling must meet all setback and side yard requirements.

3. Detached dwellings shall be located according to the most restrictive of the following:
 - a. In the rear portion of the lot, behind the rear building line of the main dwelling.
 - b. If on a corner, no closer to the street than the main dwelling.
 - c. In compliance with the setbacks requirement required by the zoning classification or final plat of the lot.

4. The ingress and egress to the detached dwelling by vehicle must be shown on the site plan, and any driveway must connect with the main residence driveway.

(3) Attached dwellings. Attached dwellings must meet all requirements set forth above for detached dwellings, and an attached dwelling must also comply with the following:

- (a) The attached dwelling may be constructed on a lot of ~~1~~-one acre or larger.
- (b) The attached dwelling must be architecturally designed and constructed to be incorporated into the structure of the primary residence, connected by an enclosed walkway, or other means of attachment as approved in the SUP for the dwelling.

(c) The front of the attached dwelling must not be located a distance greater than 20 feet from the rear or side of the primary dwelling.

(4) General conditions for accessory dwellings.

(a) No accessory dwelling, either attached or detached, may be rented or leased to third parties by the owners or residents of the primary residence. The owners of the primary residence may not live in the accessory dwelling, and rent to third parties the primary residence.

(b) No portion of a garage, bonus room, cabana, accessory, or any other structure on the property may be used as a dwelling for any person other than the occupants of the primary residence, and their family members of the first or second degree of affinity or consanguinity, other than as a guest room for no longer than one month.

(c) An attached or detached dwelling may be provided, without monetary charge, to domestic or agricultural workers providing services to the residents of the primary residence or for farm and livestock care on the property.

(d) There must be a fire hydrant within 450 feet of a detached dwelling, or an 8-inch water line must be installed.

(L) *Storage units and construction containers.*

(1) Temporary storage units and trash containers.

(a) No shipping containers, PODS, or trash containers may be located on residential lots for more than 30 days. A lot owner may apply to the city for a permit for a longer period of use. The City Administrator or his/her designee may issue a permit for an additional time period, not to exceed 60 days.

(b) Temporary storage units and trash containers must not be in the right-of-way or public easement.

(2) Construction storage and trash containers.

(a) Storage and trash containers, or other containers in use for a permitted construction project, must be removed within 10 days of the project completion or issuance of a CO (certificate of occupancy).

(b) Construction storage units and trash containers must not be in the right-of-way or public easement.

(3) Non-temporary storage units.

(a) Shipping containers, PODS, railroad cars, or transportation storage equipment may not be located on a residential lot in a permanent manner.

(b) Storage sheds of less than 126 square feet of floor area are allowed on residential properties. Not more than one per acre will be allowed. The shed must be placed behind the rear building line of the principal dwelling, and, on a corner lot, no closer to the street than the main dwelling. Building setbacks do not apply to storage sheds described in this division (P)(3).

(4) Permanent trash containers. All permanent trash containers require an SUP, must be screened on all four sides, with access on one side, and must be out of the right-of-way and/or city easement.

(5) Portable toilets.

(a) Portable toilets are required for permitted construction projects, and must be removed within 10 days of the project completion or CO.

(b) Portable toilets are allowed on a residential lot for special events of up to three days without a permit.

(c) Portable toilets are allowed on agricultural zoned lots (non-residential) without a permit, but not be placed within 100 feet of the property lines.

(Ord. 483, passed 6-6-2000; Am. Ord. 508, passed 7-10-2001; Am. Ord. 638, passed 2-17-2009;

Am. Ord. 653, passed 3-16-2010; Am. Ord. 696, passed 5-21-2013) Penalty, see § [156.99](#)

NONCONFORMING, CONDITIONAL, AND SPECIAL USES

§ 156.50 NONCONFORMING USES.

(A) *Existing buildings, structures, and uses.* Except as hereinafter specified, any use, building, or structure existing at the time of the as of January 13, 1987 may be continued, even though that use, building, or structure may not conform with the provisions of this chapter for the district in which it is located; provided, however, that this section shall not apply to any use, building, or structure established in violation of any ordinance previously in effect in the city, unless that use, building, or structure now conforms with this chapter.

(B) *Conditional uses.* Any use existing on January 13, 1987 which is listed as a conditional use in the use district where it is located shall remain a nonconforming use until a special use permit is obtained as provided in this chapter.

(C) *Alteration of nonconforming uses.* No existing building or premises devoted to a use that is not permitted by this chapter in the use district in which the building or premises is located shall be enlarged or improved except as follows.

(1) When authorized by the City Council in accordance with the provisions of this chapter, the substitution for one nonconforming use for another, or an extension thereof may be made.

(2) Whenever a nonconforming use has been changed to a conforming use, that use shall not thereafter be changed to a nonconforming use unless approved by the City Council.

(3) When authorized by the City Council in accordance with the provisions of this chapter, enlargement or completion of a building devoted to a nonconforming use may be made.

(D) *Cessation of use of building or land.* For the purposes of the succeeding divisions, a use shall be deemed to have ceased when it has been discontinued for 12 months, whether with the intent to abandon the use or not.

(1) No building or structure which was originally designed for a nonconforming use shall again be put to a nonconforming use, where that use has ceased for six months or more.

(2) No building or structure which was not originally designed for a nonconforming use shall again be put to a nonconforming use, where that use has ceased for six months or more.

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(E) *Repair of unsafe buildings.* Nothing in this chapter shall be construed to prohibit the strengthening or repair of any part of any building or structure declared unsafe by proper authority.

§ 156.51 CONDITIONAL USES.

(A) The following uses may be permitted in any district when they meet special regulations and conditions prescribed by the Commission and are approved by the City Council through the issuance of a special use permit. Detailed examination of proposed location and use characteristics is necessary to maximize compatibility.

(B) These uses include:

- (1) Community building;
- (2) Temporary signs;
- (3) Public library;
- (4) Municipal service facilities and buildings;
- (5) Parks, playfields, and playgrounds;
- (6) Temporary structure (construction, real estate, and the like);
- (7) Church;
- (8) School; and
- (9) Guest ranches or party pavilions; parking areas.

[Penalty, see § 156.99](#)

§ 156.52 SPECIAL USE PERMITS.

(A) *Purpose.* Provides the opportunity to allow non-conforming use within a designated district.

(B) *Requirement.* A special use permit is required for all conditional uses and may have a specified time limitation attached and/or may impose additional conditions.

(C) *Approval responsibility.*

- (1) The Planning and Zoning Commission shall have the initial responsibility for recommending all special use permits required for the conditional uses.
- (2) The City Council shall have the final authority for approval or denial of all special use permits.
- (3) The following procedures shall be complied with prior to the approval or denial of any special use permit.

(a) Application for special use permits shall be submitted to the Administrator in writing and referred to the Planning and Zoning Commission for a public hearing. The Administrator shall investigate conditions, arrange hearing notification, and obtain any expert advice needed for the hearing.

(b) After receiving an application for a special use permit, notification of that request by mail shall be made to all owners of real property located within 200 feet of the property on which application has been made. The names and addresses of the affected parties shall be supplied by the applicant.

(c) After a public hearing, the Planning and Zoning Commission may recommend the application for a special use permit be denied, if the proposed use fails to meet one of the criteria set forth in division (E) below. In recommending a special use permit be approved, the Planning and Zoning Commission, on information from the Administrator, may impose requirements and conditions in addition to those expressly stipulated in the ordinance for the particular use, as it deems necessary for the protection of adjacent properties and the public interest.

(d) When application has been denied by the Planning and Zoning Commission, the applicant may appeal before the City Council.

(D) *Appeals from decisions of the Planning and Zoning Commission.* Anyone aggrieved by a decision of the Planning and Zoning Commission, may present to the City Council a petition setting forth that the decision is unjust, specifying the grounds of injustice. The petition shall be presented to the City Secretary for placement on the City Council's agenda within 10 days after the final decision of the Planning and Zoning Commission and not thereafter.

(E) *Prerequisites for approval by City Council.*

(1) The City Council, after receipt of report and recommendation of the Commission, may permit a conditional use subject to appropriate conditions and safeguards, when, after public notice and a hearing, the City Council finds:

(a) The proposed use meets all the minimum standards established in this chapter for this type of use;

(b) The proposed use will not be detrimental to the health, welfare, and safety of the surrounding neighborhood or its occupants, nor be substantially or permanently injurious to neighboring property.

(2) For each use permitted, the City Council shall adopt an ordinance granting the special use permit and containing those conditions as may be prescribed by the City Council.

(3) The City Council may impose additional reasonable restrictions or conditions to carry out the spirit and intent of this chapter and to mitigate adverse effects of the proposed use. These requirements may include, but are not limited to, increased open space, loading and parking requirements, suitable landscaping, and additional improvements such as drainage, trails, and fencing.

(4) Prior to any public hearing before the City Council for a special use permit, notification shall be made by mail to all property owners within 200 feet of the property on which the application was made.

(F) *Application filing procedure.* Application shall be made by the property owner or certified agent thereof to the Administrator on a form provided by the City. The application shall be accompanied by drawings as provided herein. Granting a special use permit does not exempt the applicant from complying with requirements of [Chapter 151](#) of this code or other code provisions.

(G) *Development and time limits.* Commencement of construction must begin within one year of permit issuance or the special use permit shall expire without notice.

[Penalty, see § 156.99](#)

ADMINISTRATION AND ENFORCEMENT

 **§ 156.65 CONSTRUCTION; SITE PLAN REQUIRED.**

(A) *Purpose.* The purpose of the site plan is to ensure compliance with this chapter and to assist in the orderly and harmonious development of the city, to protect and enhance the general welfare, and to help prevent the impairment or depreciation of land values and development by the erection of structures, additions, or alterations thereto without proper attention to site planning and preserving the intent of this chapter.

(B) *Requirement.* A site plan shall be required for all new construction, exterior remodeling, or additions to any structure. A site plan must be submitted, reviewed, and approved prior to issuance of a building permit.

(C) *Application.* The property owner or designated representative may initiate site plan review by filing an application with the City Administrator, and submitting the required review fee and five copies of the site plan and related documents.

(D) *Contents of application.* Applications shall contain drawings to scale to indicate:

- (1) The location of all structures on the subject property;
- (2) Landscaping and fencing, setback areas, uses of landscaping and walls or fences for screening purposes, and landscaping of parking areas;
- (3) Design of ingress and egress to minimize interference with traffic flow on abutting streets;
- (4) The height of all structures;
- (5) The proposed uses for all structures;
- (6) The location and types of all signs including lighting and heights;
- (7) The facade elevations of each building, including descriptions of materials and colors for finishes.

(E) *Standards.* The construction plan shall conform to the concept plan, all zoning regulations, all additional requirements for the ordinance creating the district, and any supplemental or special regulations applicable to the particular use.

(F) *Decision on site plan and appeal.* The City Council, the Building Official, or other official as may be designated by the City Council, shall review and approve, approve with conditions, or deny the site plan. Appeals from denial of site plan shall be to the Board of Adjustment, made within 15 days. Procedures will be in accordance with § [156.67](#).

(Ord. 483, passed 6-6-2000) [Penalty, see § 156.99](#)

§ 156.66 ADMINISTRATION AUTHORITY.

(A) The Building Official, City Administrator, or other administrative official of the city shall be Administrator of this chapter.

(B) If the Administrator shall find or receives a complaint in writing alleging that any of the provisions of this chapter are being violated, he or she shall immediately investigate and when necessary give written notice to the person responsible to cease those violations forthwith. The Administrator is responsible for ensuring the violations are remedied

(C) Notice may be delivered in person, by mail, or by certified mail to a violator or to any occupant of property where a violation is occurring.

(Ord. 483, passed 6-6-2000) [Penalty, see § 156.99](#)

§ 156.67 BOARD OF ADJUSTMENT.

(A) *Purpose.* Board of Adjustment may issue variances granting relief and doing substantial justice in the use of the applicant's property by a property owner where, owing to special conditions, a literal enforcement of the provisions of this chapter will result in unnecessary hardship.

(B) *Establishment.* There is hereby created a Board of Adjustment which shall be organized, appointed, and function as follows.

(C) *Organization.*

(1) The Board of Adjustment shall consist of five members who are residents of the city, each to be appointed by resolution of the City Council for a two-year term and removable for cause by the appointing authority upon written charges and after public hearing. Vacancies shall be filled for the unexpired term of any member whose place becomes vacant for any cause, in the same manner as the original appointment was made. The City Council may provide for the appointment of two alternate members of the Board who shall serve in the absence of one or

more of the regular members when requested to do so by the ZBA chairperson, as the case may be. All cases to be heard by the Board of Adjustment will always be heard by a minimum number of four members. The alternate members, when appointed, shall serve for a two-year term, and any vacancy shall be filled in the same manner, and they shall be subject to removal the same as the regular members. The two year terms of the Zoning Board of Adjustment members and alternates shall commence on December 1 and shall expire on November 30.

(2) The City shall set up and maintain a separate file for each application for appeal and variance received and shall record therein the names and addresses of all persons, firms, and corporations to whom notices are mailed, including the date of mailings and the person by whom the notices were delivered to the mailing clerk, post office, or mail box, and further keep a record of all notices published as required herein. All records and files herein provided for shall be permanent and official files and records of the city.

(D) *Operational procedure.*

(1) The Board of Adjustment shall adopt rules to govern its proceedings; provided, however, that the rules are not inconsistent with this chapter or state law. Meetings of the Board shall be held at the call of the chairperson and at other times as the Board may determine. The chairperson, or in his or her absence, the acting chairperson, may administer oath and compel the attendance of witnesses.

(2) All meetings of the Board shall be open to the public. The Board shall keep minutes of its proceedings showing the vote of each member upon each question, or, if absent or failing to vote, indicating that fact, and shall keep record of its examinations and other official actions, all of which shall be immediately filed in the office of the Board and shall be a public record.

(3) Appeals to the Board may be made in writing by any person aggrieved or by any municipal officer, department, or board affected by any decision of the designated Administrator. The appeal shall be filed with the Board by the Administrator within 15 days after the original decision rendered by the Administrator. The appeal shall be accompanied by all papers constituting the record pertaining to that appeal. Formal notice of the appeal shall be issued by the Administrator, this notice to specify the grounds upon which the appeal is made.

(4) Appeal shall stay all proceedings in furtherance of the action appealed from unless the Administrator from whom the appeal is taken certified to the Board, after the notice of appeal shall have been filed with him or her, that by reason of facts stated in the certificate, a stay would, in his or her opinion, cause imminent peril to life or property. In these cases, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board or a court of record on application, on notice to the Administrator from whom the appeal is taken, and on due cause shown.

(5) Upon notice of appeal being given to the Administrator and before the appeal shall be construed as having been perfected, the applicant must file with the notice of appeal to the Board an amount of money estimated by Administrator to be sufficient to mail and publish all notices required herein, that amount in no case to be less than \$25.

(6) No appeal to the Board for the same or related variance on the same piece of property shall be allowed prior to the expiration of six months from the previous ruling by the Board on any appeal to that body unless other property in the immediate vicinity has, within that six-month period, been changed or acted on by the Board or City Council so as to alter the facts and conditions on which the previous Board action was based. Such a change of circumstances shall permit the rehearing of an appeal by the Board prior to the expiration of the six-month period, but those conditions shall in no way have any force in law to compel the Board, after a hearing,

to grant a subsequent appeal. The subsequent appeal shall be considered entirely on its merits and the peculiar and specific conditions related to the property on which the appeal is brought.

(7) At a public hearing relative to any appeal, any interested party may appear in person or by agent or by attorney. The burden of proof shall be on the applicant to establish the necessary facts to warrant favorable action of the Board on any appeal. Any variance granted or authorized by the Board under the provisions of this chapter shall authorize the issuance of a building permit or a certificate of occupancy, as the case may be, for a period of 180 days from the date of the favorable action of the Board, unless the Board shall have in its action approved a longer period of time and has so shown that specific longer period of time in the minutes of its action. If the building permit or certificate of occupancy shall not have been applied for within the 180-day period or extended period as the Board may have specifically granted, then the variance shall be deemed to have been waived and all rights thereunder terminated. This termination and waiver shall be without prejudice to a subsequent appeal, and the subsequent appeal shall be subject to the same regulations and requirements for hearing as herein specified for the original appeal.

(E) Actions of the Board.

(1) In exercising its powers, the Board of Adjustment may, on conformity with the provisions of the statutes of this state as existing or hereafter amended, reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed from and make such an order, requirement, decision, or determination as ought to be made, and shall have all the powers of the Administrator from whom the appeal is taken. The Board shall have the power to impose reasonable conditions to be complied with by the applicant.

(2) The concurring vote of four members of the Board shall be necessary to reverse any order, requirement, decision, or determination of any such administrative official, or to decide in favor of the applicant on any matter upon which it is required to pass under this chapter, or to effect any variance in this chapter.

(3) The Board shall forthwith notify in writing the City Council, the Commission, and the City Building Inspector of each decision, interpretation, and variance granted under the provisions of this chapter.

(4) Any person or persons, jointly or severally aggrieved by any decision of the Board, or any taxpayer or any officer, department, or board of the municipality, may present to a court of record (district court) a petition, duly verified, setting forth that the decision is illegal, in whole or in part, specifying the grounds of illegality. The petition shall be presented to the court within 10 days after the filing of the decision in the office of the Board and not thereafter.

(5) No appeal to the Board for the same or related variance on the same piece of property shall be allowed prior to the expiration of six months from the previous ruling by the Board on any appeal to that body unless other property in the immediate vicinity has, within that six-month period, been changed or acted on by the Board or City Council so as to alter the facts and conditions on which the previous Board action was based. Such a change of circumstances shall permit the rehearing of an appeal by the Board prior to the expiration of the six-month period, but those conditions shall in no way have any force in law to compel the Board, after a hearing, to grant a subsequent appeal. The subsequent appeal shall be considered entirely on its merits and the peculiar and specific conditions related to the property on which the appeal is brought.

(F) Notice of hearing before the Board required. The Board of Adjustment shall hold a public hearing on all appeals made to it, and written notice of the public hearing shall be sent to the applicant and all other persons who are owners of real property lying within 200 feet of the property on which the appeal is made. This notice shall be given not less than 10 days nor more

than 30 days before the date set for the hearing to all above-mentioned owners who have rendered their property for city taxes as the ownership appears on the last city tax roll. The notice may be served by depositing the same, properly addressed and postage paid, in the U.S. post office. Notice shall be given by publishing the same in official publication of the city at least 10 days and not more than 30 days prior to the date set for the hearing, which shall state the time and place of the hearing.

(G) *Authority of the Board.*

(1) When, in its judgment, the public convenience and welfare will be substantially served and the appropriate use of the neighboring property will not be substantially or permanently injured, the Board may, in specific cases, after public notice and public hearing, and subject to appropriate conditions and safeguards, authorize the following variances to the regulations herein established and take action relative to the continuance or discontinuance of a nonconforming use.

(2) (a) A variance may be granted an applicant when the Board finds:

1. There are special circumstances or conditions applying to the land or building for which the variance is sought, which circumstances or conditions are peculiar to that land or building and do not apply generally to lands or buildings in the same district or neighborhood, and that those circumstances or conditions are such that the strict application of the provisions of this chapter would deprive the applicant of the reasonable use of the land or building;

2. The granting of the variance will not be detrimental to the public welfare or injurious to the property or improvements in the zone or neighborhood in which the property is located;

3. The granting of the variance is necessary for the reasonable use of the land or building, and the variance as granted by the Board is the minimum variance that will accomplish this purpose; and

4. The literal enforcement and strict application of the provisions of this chapter will result in an unnecessary hardship inconsistent with the general provisions and intent of this chapter, and in granting the variance the spirit of the chapter will be preserved and substantial justice done.

(b) The Board may, after public notice and hearing and subject to the conditions and safeguards herein contained, vary or adapt the strict application of any of the terms of this chapter under the power and authority herein granted.

(c) In granting any variance under the provisions of this chapter, the Board may designate conditions in connection therewith which, in its opinion, will secure substantially the purpose and intent of this chapter.

(3) The Board may:

(a) Hear and decide appeals where it is alleged there is error on any order, requirement, decision, or determination made by the Zoning Administrator in the enforcement of this chapter;

(b) Interpret the intent of the Zoning Map where uncertainty exists because the physical features on the ground vary from those on the Zoning Map and none of the rules set forth herein apply;

(c) Initiate on its motion, or cause to be presented by interested property owners, action to bring about the discontinuance of a nonconforming structure or use under any plan whereby full value of the structure can be amortized within a definite period of time, taking into consideration the general character of the neighborhood and the necessity for all property to conform to the regulations of this chapter;

- (d) Permit the change of occupancy from one nonconforming use to another nonconforming use when the extent of the second nonconforming use is found to be less detrimental to the environment than the first;
- (e) Permit the enlargement of a nonconforming use only when the enlargement will not prolong the life of the nonconforming use. A specific period of time for the return to conformity can be required;
- (f) Permit the reconstruction of a nonconforming structure or building on the lot or tract occupied by that building; provided the reconstruction does not, in the judgment of the Board, prevent the return of the property to a conforming use or increase the nonconformity of a nonconforming structure;
- (g) Require the vacation and demolition of a nonconforming structure which is deemed to be obsolete, dilapidated, or substandard; and
- (h) Permit variance of the front yard, side yard, rear yard, lot width, lot depth, coverage, minimum setback standards, off-street parking, or off-street loading regulations where the literal enforcement of the provisions of this chapter would result in an unnecessary hardship, and where the variance is necessary to permit a specific parcel of land which differs from other parcels of land in the same district by being of such a restricted area, shape, or slope that it cannot be developed in a manner commensurate with the development permitted upon other parcels of land in the same district. A modification of the standard established by this chapter shall not be granted to relieve a self-created or personal hardship, nor for financial reason only, nor shall a modification be granted to permit any person a privilege in developing a parcel of land not permitted by this chapter to other parcels of land in the district.

(H) *Appeals from the Board.* Any person or persons, or any board, taxpayer, department, board, or bureau of the city aggrieved by any decision of the Board of Adjustment, may seek review by a court of record of that decision, in the manner provided by the laws of this state. No appeal to the Board for the same or related variance on the same piece of property shall be allowed prior to the expiration of six months from the previous ruling by the Board on any appeal to that body unless other property in the immediate vicinity has, within that six-month period, been changed or acted on by the Board or City Council so as to alter the facts and conditions on which the previous Board action was based. Such a change of circumstances shall permit the rehearing of an appeal by the Board prior to the expiration of the six-month period, but those conditions shall in no way have any force in law to compel the Board, after a hearing, to grant a subsequent appeal. The subsequent appeal shall be considered entirely on its merits and the peculiar and specific conditions related to the property on which the appeal is brought. (Ord. 483, passed 6-6-2000; Am. Ord. 604, passed 10-10-2006; Am. Ord. 709, passed 2-4-2014) Penalty, see § [156.99](#)

§ 156.68 APPEALS; BOARD AND COUNCIL RESPONSIBILITIES.

(A) It is the intent of this chapter that all questions of interpretation and enforcement shall be first presented to the Ordinance Administrator in writing and that these questions shall be presented to the Board only on appeal from the decision of Ordinance Administrator, and that recourse from the decisions of the Board shall be to the courts as provided by law.

(B) It is further the intent of this chapter that the duties of the City Council in connection with this chapter shall not include hearing and deciding questions of interpretation that may arise. The procedure for deciding those questions are stated herein.

(C) Under this chapter, the City Council shall have only the following duties:

- (1) Considering and adopting or rejecting proposed amendments or the repeal of this chapter, as provided by law;
- (2) Establishing a schedule of fees and charges as stated in § [156.69](#) below;
- (3) Appointing members of a Board and designating an Ordinance Administrator; and
- (4) Hearing appeals on and approving or rejecting special use permits.

(Ord. 483, passed 6-6-2000)

§ 156.69 FEES, CHARGES, AND EXPENSES; ESTABLISHMENT.

(A) The City Council shall establish from time to time by resolution or ordinance a schedule of fees, charges, and expenses and a collection procedure for building permits, certificates of compliance, appeals, and other such matters pertaining to this chapter. The schedule of fees shall be posted in the office of the Ordinance Administrator and may be altered or amended only by the City Council.

(B) Until all applicable fees, charges, and expenses have been paid in full, no action shall be taken on any application or appeal.

(Ord. 483, passed 6-6-2000)

§ 156.70 AMENDMENT.

(A) The regulations, restrictions, and boundaries set forth in this chapter may from time to time be amended, supplemented, changed, modified, or repealed upon initiation by the Commission, the City Council, or by a petition of a property owner or owners or their authorized agents, submitted to the City Administrator; provided however, that no such action may be taken until:

- (1) The question has been referred to the Commission for consideration and public hearing on the question and its recommendation received; and
- (2) A public hearing has been held in relation thereto, before the City Council, at which parties in interest and citizens shall have an opportunity to be heard.

(B) At least 10 days but not more than 30 days prior to the hearings, notice of the time and place of these hearings and description of the proposed change shall be published in a newspaper of general circulation in the city.

(C) When a proposed amendment affects the zoning classification or redistricting of property, the Commission shall give written notice to property owners within a distance of at least 200 feet from the boundaries of the subject property, at least 10 days prior to the hearing date. In case of a written protest against the change, signed by the owners of 20% or more either of the area of the lots or land included in the proposed change, or of the lots or land immediately adjoining the same and extending 200 feet therefrom, then the amendments shall not become effective except by the favorable vote of at least 3/4 of all members of the City Council.

(D) The same procedure for notifying property owners as provided in division (C) above shall be followed by the City Council for hearings on proposed amendments that affect the zoning classification, redistricting petitions, and for special use permit applications, except that the City Council may notify all property owners of record within the city, as shown on the current tax roll, by letter at least 10 days before the hearing.

(E) If a petition for redistricting is denied either by the Commission or by the City Council, another petition for reclassification of the same property or any portion thereof shall not be filed within a period of one year from the date of final denial, except with permission of the Commission or upon initiation by the Commission or City Council.

(Ord. 483, passed 6-6-2000)

§ 156.71 PLANNING AND ZONING COMMISSION MEETINGS.

All meetings of the Commission shall be open to the public. The Commission shall keep the minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating that fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Administrator and shall be a public record.

(Ord. 483, passed 6-6-2000)

Cross-reference:

Planning and Zoning Commission, see § [150.02](#)

 **§ 156.99 PENALTY.**

(A) Any person who shall violate any provision of this chapter for which no other penalty is provided shall, upon conviction thereof, be subject to penalties as provided in § [10.99](#) of this code.

(B) (1) Any person, firm, or corporation who violates or fails to comply with the requirements of this chapter or who builds or alters any building in violation of any plan or statement submitted and approved hereunder, shall be guilty of a misdemeanor and shall be liable to a fine of not more than \$2,000 for each offense. Each day the violation shall be permitted to exist shall constitute a separate offense.

(2) Nothing herein contained shall prevent the city from taking such other lawful action as is necessary to prevent or remedy any violation.

(Ord. 483, passed 6-6-2000; Ord. 508, passed 7-10-2001; Am. Ord. 562, passed 2-8-2005; Am. Ord. 737, passed 7-20-2016)

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(4) *Rear setback.* The minimum rear setback for any structures on the lot shall be 50 feet from the closest point of the rear property line.

(E) *Building regulations; SF.*

(1) *Single-family residence.*

(a) *Minimum living space.* There shall be a minimum of 3,000 square feet of air-conditioned living space.

(b) *Building materials.*

1. *First floor elevation.* Not less than 90% of the exterior materials used on the first floor elevation shall be brick, stone or approved masonry product, exclusive of doors and windows.

2. *Total elevation.* Not less than 75% of the exterior materials used on the entire elevation, including the first floor elevation, shall be brick or stone, excluding doors and windows.

3. *Brick or stone; alternatives.* Approved masonry products for elevations may be permitted in lieu of brick or stone, with the approval of the Building Official that these materials and their application conform to the requirements of the International Residential Code, and other pertinent ordinances in the city.

(c) *Maximum height.*

1. The maximum height for the primary residence shall be two stories above ground level, not to exceed 35 feet above ground level, excluding architectural treatment elements.

2. Architectural treatment elements are not to exceed 40 feet above finished floor elevation.

(2) *Accessory buildings.* Refer to § 156.37(N).

(3) *Accessory dwellings.* Accessory dwellings may be constructed only after the issuance of a special use permit.

(a) *Minimum living space.* There is no minimum living space requirement.

(b) *Building materials.*

Same requirements as primary residence.

(c) *Maximum height.* The maximum height for any accessory buildings shall be two stories above ground level, not to exceed the height of the primary residence.

(F) *Garages; SF.* No garage shall open to the front of a lot or to the side street in a corner lot.

(G) *Drainage; SF.*

(1) *Drainage.* Drainage ways shall be noted on the conceptual site plan submitted with the zoning application and shall be consistent with the overall drainage plan of the subdivision. A separate landscaping plan may be submitted with this conceptual plan.

(I) *Fences; SF.*

(1) *General restrictions.*

(a) All fences require a permit except for an electric fence or barbed wire fence for animal control.

(b) No fences shall be permitted in front yard areas and side yards extending beyond the house facade on developments in the SF areas, except for lots of two acres or more.

(c) All perimeter fencing shall not exceed six feet in height. All fences shall be of open construction and not solid or near-solid fabric or surfacing. Open construction shall mean that each fence panel shall be constructed of materials that allow at least 50% of the surface area of each panel to provide for an unobstructed view.

*Matrix calls out
2500 ft AC*

Parker Land Usage
Zoning

6/12/2018

Section	A-O	SF	SFT	MH	PRD	SA
§156	Agricultural-Open Space	Single-Family Residential	Single-Family Transitional	Manufactured Housing	Planned Residential Development	Special Activities District
Building Setback Side	100 Feet	40 Feet from closest point	1 Acre - 25 feet, 1.5 Acres - 25 feet, 2 Acres - 40 feet			
Building Setback Side at Corner			1 Acre - 50 feet, 1.5 Acres - 75 feet, 2 Acres - 75 feet			
Building Setback - Rear	100 Feet	50 Feet from closest point	1 Acre - 30 feet, 1.5 Acres - 50 feet, 2 Acres - 50 feet			
Single Family Residence - Living space	2500 Air Conditioned	2500 Air Conditioned	2500 Air Conditioned			
Single Family Residence -1st Floor Building Materials	90% Masonry (excl windows and doors)	90% Masonry (excl windows and doors)	90% Masonry (excl windows and doors)			
Single Family Residence -Total Elevation Building Materials	75% Masonry (excl windows and doors)	75% Masonry (excl windows and doors)	75% Masonry (excl windows and doors)			
Residence Max Height	35 Feet above finished floor elevation, Architectural treatment not to exceed 40"	35 Feet above finished floor elevation, Architectural treatment not to exceed 40"	35 Feet above finished floor elevation, Architectural treatment not to exceed 40"			
Accessory Dwelling* Living Space	No minimum	No minimum	No minimum			
Accessory Dwelling* - Building Materials, 1st floor	90% Masonry (excl windows and doors)	90% Masonry (excl windows and doors)	90% Masonry (excl windows and doors)			
Accessory Dwelling* - Building Materials, Total	75% Masonry (excl windows and doors)	75% Masonry (excl windows and doors)	75% Masonry (excl windows and doors)			
Accessory Dwelling* - Maximum Height	2-story maximum (not to exceed height of primary residence)	2-story maximum (not to exceed height of primary residence)	2-story maximum (not to exceed height of primary residence)			
Garages	No opening to front of lot or side street	No opening to front of lot or side street	No opening to front of lot or side street			
Fences - Types	Open construction with a maximum of 50% coverage	Open construction with a maximum of 50% surface area	Open construction with a maximum of 50% surface area			
Fences - Front yard	If greater than 2 acres. Chain link in front yard prohibited	If greater than 2 acres. Chain link in front yard prohibited	If greater than 2 acres. Chain link in front yard prohibited			
Fences - Privacy	<30 Feet from side of pool, finished side facing exterior of lot	<30 Feet from side of pool, finished side facing exterior of lot	<30 Feet from side of pool, finished side facing exterior of lot			
Fences - Materials	Wood, masonry, chain link, wrought iron, metal tubing, vinyl/figerglass composite, barbed wire	Wood, masonry, chain link, wrought iron, metal tubing, vinyl/figerglass composite	Wood, masonry, chain link, wrought iron, metal tubing, vinyl/figerglass composite			

proposed changes
state 3000 A/c