



MINUTES
CITY COUNCIL MEETING
AUGUST 2, 2022

CALL TO ORDER – Roll Call and Determination of a Quorum

The Parker City Council met in a regular meeting on the above date at Parker City Hall, 5700 E. Parker Road, Parker, Texas, 75002.

Mayor Lee Pettle called the meeting to order at 7:00 p.m. Mayor Pro Tem Michael Slaughter and Councilmembers Diana M. Abraham, Terry Lynch, Cindy Meyer and Jim Reed, and were present.

Staff Present: City Administrator Luke Olson, Asst. City Administrator/City Secretary Patti Scott Grey, Finance/Human Resources Director Grant Savage, City Attorney Trey Lansford, Public Works Director Gary Machado, Fire Chief Mike Sheff, and Police Chief Richard Brooks

PLEDGE OF ALLEGIANCE

AMERICAN PLEDGE: Derek Bradley led the pledge.

TEXAS PLEDGE: W. Larkin Crutcher led the pledge.

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

Mayor Pettle asked that anyone in the audience having public comments for public hearing items hold those comments for the public hearings.

There were no public comments.

ITEMS OF COMMUNITY INTEREST

REMINDER – HOME HAZARDOUS WASTE - <http://www.parkertexas.us/416/Home-Hazardous-Waste>

PARKS AND RECREATION COMMISSION (P&R) – WEDNESDAY, AUGUST 10, 2022, 4 PM

The Wednesday, August 10, 2022, Parks and Recreation Commission (P&R) meeting is being planned, and the agenda will be available on the City's website, www.parkertexas.us.

COMPREHENSIVE PLAN (COMP) COMMITTEE – TBA

Mayor Pro Tem Slaughter said he would notify staff when he is ready for the COMP Plan Committee to move forward.

COUNCIL MEETING SCHEDULE

Mayor Pettle noted the 2022 Council Meeting Schedule in tonight's packet is tentative and may need to be updated from time to time, but it is a reference for upcoming meetings. She urged everyone to also check the City website for changes.

NATIONAL NIGHT OUT – TUESDAY, OCTOBER 4, 2022, 6:00 PM – 9:00 PM

Mayor Pettle encouraged residents to participate in National Night Out by contacting her or City Administrator Olson to receive visits from members of City Council, members of City Staff, the Parker Police Department, and the Parker Fire Department.

CONSENT AGENDA Routine Council business. Consent Agenda is approved by a single majority vote. Items may be removed for open discussion by a request from a Councilmember or member of staff.

1. APPROVAL OF MEETING MINUTES FOR JULY 19, 2022.
2. CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON RESOLUTION NO. 2022-707 AUTHORIZING THE MAYOR AND THE DEPARTMENT TRAINING COORDINATOR TO SIGN THE BILLING LETTER OF AGREEMENT (BLA) FOR THE TARRANT COUNTY COLLEGE DISTRICT CRIMINAL JUSTICE TRAINING CENTER.

MOTION: Mayor Pro Tem Slaughter moved to approve consent agenda items 1 and 2 as presented. Councilmember Reed seconded with Councilmembers Abraham, Lynch, Meyer, Reed, and Slaughter voting for the motion. Motion carried 5-0.

INDIVIDUAL CONSIDERATION ITEMS

3. PUBLIC HEARING ON ZONING REGULATION REVISIONS. *[CITY CODE OF ORDINANCES, CHAPTER 156: ZONING REGULATIONS]*

Mayor Lee Pettle opened a public hearing at 7:06 PM to receive comments regarding the Zoning Regulations Revisions.

Derek Scott Bradly, 4507 Springhill Estates Drive, requested changes to the City's fencing Ordinance. *[See Exhibit 1 – Derek Scott and Holly Bradly's comments, dated August 1, 2022.]*

Aleen Tyrrell, 5602 Elisa Lane, asked that the City's fencing ordinance/code be changed so she can update her wooden fence all at one time and not a section at a time. Ms. Tyrrell said she needed the fence for added security and a sound barrier due to recent construction along FM 2551.

Kay Booth, 4010 Anns Lane, was unable to attend the meeting and asked that her email be included in the minutes. *[See Exhibit 2 – Kay Booth's comments, dated August 1, 2022.]*

Andy Redmond, 7275 Moss Ridge Road, was unable to attend the meeting and asked that his email be included in the minutes. *[See Exhibit 3 – Andy Redmond's comments, dated August 2, 2022.]*

No one else came forward. The Mayor declared the public meeting closed at 7:15 p.m.

4. CONSIDERATION, DISCUSSION, AND/OR ANY APPROPRIATE ACTION ON ORDINANCE NO. 820 REGARDING AMENDMENTS TO CITY OF PARKER CODE OF ORDINANCES CHAPTER 156 ZONING.

MOTION: Councilmember Meyer moved to postpone approval vote, to allow for a Council Workshop for further input, and bring those amendments back for Council approval. The motion died for lack of a second.

MOTION: Mayor Pro Tem Slaughter moved to approve Ordinance No. 820 regarding amendments to City of Parker Code of Ordinances Chapter 156 Zoning

with City Attorney Lansford making the changes to Code as directed by Council as follows:

§156.32 SINGLE -FAMILY RESIDENTIAL DISTRICT

(H) Fences: SFT

(1) General restrictions.

(a) ~~No Fences shall be permitted in front yard areas and side yards extending beyond the house facade on developments in the SFT areas, except for lots of 2 two acres or more.~~

(b-a) All perimeter fencing shall not exceed 6 feet in height. All fences shall be of open construction and not solid or near-solid fabric or surfacing, except for parcels of land that are side or rear adja cent to the following roads: Parker Road, Dillehay Drive (FM 2551), and Hogge Drive (FM 2551) on which a solid or near-solid fence constructed of wood, masonry, or wrought iron is permitted. Open construction shall mean that each fence panel, when viewed from an elevation perspective at a perpendicular to that elevation, shall be constructed of materials that allow at least 50% of the surface area of each panel to provide for an open unobstructed view.

§156.33 SINGLE-FAMILY TRANSITIONAL DISTRICT.

(A) Applicability. The Single -Family Transitional District (FT) zoning classification is closed and not available for applications. The regulations concerning this zoning classification remain applicable to existing SFT zoned properties within the City.

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Councilmember Abraham seconded with Councilmembers Abraham, Lynch, Reed, and Slaughter voting for the motion. Councilmember Meyer voting against the motion. Motion carried 4-1. [See **Exhibit 4** – Amendments to City of Parker Code of Ordinances Chapter 156 Zoning update, **dated August 3, 2022**.]

5. CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON RESOLUTION NO. 2022-708 SETTING A PROPOSED TAX RATE; AND APPROVING DATES, TIMES; AND A LOCATION FOR ONE PUBLIC HEARING ON THE PROPOSED FY 2022-2023 BUDGET AND TAX RATE, AND A DATE FOR THE VOTE ON THE ADOPTION OF THE 2022-2023 BUDGET AND APPROVAL OF A TAX RATE.

Finance/Human Resources Director Grant Savage reviewed the budget calendar, the proposed tax rate and the record vote.

MOTION: Councilmember Reed moved to approve Resolution No. 2022-708 setting a proposed tax rate; and approving dates, times; and a location for one public hearing on the proposed FY 2022-2023 Budget and Tax Rate, and a date for the vote on the adoption of the 2022-2023 Budget and Approval of a Tax Rate as amended from \$0.333109 per hundred dollars valuation down to \$0.329289 per hundred dollars valuation. Councilmember Lynch seconded with Councilmembers Abraham, Lynch, Meyer, Reed, and Slaughter voting for the motion. Motion carried 5-0.

It was noted once again there would be a public hearing on August 16, 2022 and the final action would be August 22, 2022.

6. CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON RESOLUTION NO. 2022-709 AWARDING THE 2022 ANNUAL MOWING CONTRACT.

MOTION: Councilmember Lynch moved to approve Resolution No. 2022-709 awarding the 2022 annual mowing contract to Yellowstone Landscape. Mayor Pro Tem Slaughter seconded with Councilmembers Abraham, Lynch, Meyer, Reed, and Slaughter voting for the motion. Motion carried 5-0.

7. CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON RESOLUTION NO. 2022-710 APPROVING AN ENGINEERING SERVICES AGREEMENT FOR UTILITY RELOCATIONS ALONG FM 2551 FROM PARKER ROAD TO NORTH CITY LIMIT.

MOTION: Mayor Pro Tem Slaughter moved to approve Resolution No. 2022-710 approving an engineering services agreement for utility relocations along FM 2551 from Parker Road to north city limit. Councilmember Abraham seconded with Councilmembers Abraham, Lynch, Meyer, Reed, and Slaughter voting for the motion. Motion carried 5-0.

ROUTINE ITEMS

8. UPDATE(S):

NO THRU TRUCK TRAFFIC

Mr. Machado noted some “No Thru Truck Traffic” signs were up, but they were waiting on TxDOT approval for other signs.

FM 2551

City Administrator Olson said there was no real update on FM 2551. The project was behind due to supply chain issues and other factors. Mayor Pettle asked City Administrator Olson to update the website.

ANY COMMITTEE UPDATES, AS NEEDED.

ACCEPTANCE OF DONATION(S) FOR POLICE, FIRE, AND CITY STAFF FOR THE RECORD (Each valued at between \$0 - \$500)

Ling Shurtz donated cookies valued at \$7.00 to the Parker Police Department.

Anderson Family donated a case of water and a case of Gatorade valued \$25.00 to the Parker Police Department.

Victoria Hernandez donated a car care kit estimated value \$25.00 to the Parker Police Department.

Mayor and Council donated Tiff's Treats estimated value \$35.00 to City employees.

Mayor Pettle, on behalf of herself, City Council, and City Staff, thanked the above listed donors for their kind and generous donations.

FUTURE AGENDA ITEMS

9. FUTURE AGENDA ITEMS

Mayor Pettle asked if there were any items to be added to the future agenda.

Councilmember Lynch asked for a review of fences in drainage easements by Council be placed on the future agenda items.

Hearing no additional requests, Mayor Pettle encouraged everyone to email her requests. She noted the next regularly scheduled meeting would be Tuesday, August 16, 2022.

WORKSHOP

10. MUNICIPAL COMPLEX AND BOND

City Administrator Olson reviewed the exhibit for this item in tonight's Council packet. Mr. Olson was asked to continue reaching out to try to get additional information on the Municipal Complex as soon as possible as the deadline for the November 8, 2022 election is August 22, 2022.

Mayor Pro Tem Slaughter thanked City Administrator Olson.

EXECUTIVE SESSION - Pursuant to the provisions of Chapter 551, Texas Government Code, Vernon's Texas Codes Annotated the City Council may hold a closed meeting.

RECESS TO CLOSED EXECUTIVE SESSION IN ACCORDANCE WITH THE AUTHORITY CONTAINED IN:

Government Code Section 551.074 Personnel—To deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee.

Government Code Section 551.071(1)—Consultation with City Attorney concerning Pending or Contemplated Litigation.

Government Code Section 551.071(2) – Consultation with Attorney on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas Clearly conflicts with this chapter (Open Meetings Act).

Mayor Lee Pettle recessed the regular meeting to Executive Session at 8:41 p.m.
RECONVENE REGULAR MEETING.

Mayor Lee Pettle reconvened the meeting at 10:07 p.m.

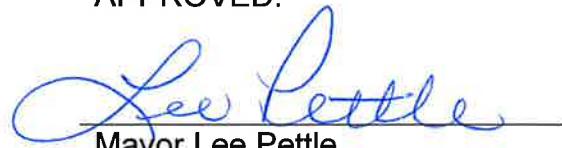
ANY APPROPRIATE DELIBERATION AND/OR ACTION ON ANY OF THE EXECUTIVE SESSION SUBJECTS LISTED ABOVE.

No action was taken.

Mayor Lee Pettle adjourned the meeting at 10:08 p.m.



APPROVED:



Mayor Lee Pettle

ATTESTED:



Patti Scott Grey, City Secretary

Approved on the 16th day
of August, 2022.

From: Derek Scott Bradley
To: [Patti Grey](#)
Cc: [Holly Bradley](#)
Subject: City Council Meeting 8/2/2022 request
Date: Monday, August 1, 2022 9:43:40 PM

Ordinance 156.32

Regarding the ordinance pertaining to fencing of the front yard of your property. We would like the the city to consider lifting the 2 or more acres allowance for fencing to include all acre lots in Parker. We believe the residents and property tax payers should be able to choose if they want to enclose the front yard especially if it pertains to the safety and security of their home. There are several houses in the city limits of Parker who have done this and are under the 2 acre allowance. We have multiple homes in our neighborhood, Springhill Estates, who have iron fencing that is pleasing to the eye and does not completely block off the property and consistent with the theme of “open area and spaces” we strive so hard to keep in place. We also live on a heavily traveled street (Springhill Estates Drive) and as many of you know, a large majority of the traffic consist of non-residents using our main road as a pass through or short cut. Further the posted speed limit is 30mph and is rarely followed with many drivers simply ignoring stop signs and driving right through them. We have had many mailboxes taken out by drivers on the street not paying attention as well. The last thing we want is for a vehicle to hit a house or even a person and having an additional barrier in place to stop these unfortunate situations from happening is a reasonable request. On Springhill Estates Drive, there is nowhere for large delivery trucks and vehicles, including their crews to turn around and they frequently use the side of the road to park or pull over and then if they need to turn around then driveways are used. Just recently we had a moving Uhaul truck demolish our retaining wall/culvert when trying to back into a driveway...we would like this to be considered as an amendment or at the very least put a concession in place for the most heavily travelled roads in the city, specifically Springhill Estates Drive.

Senate bill 1588

References that Texas residents are allowed to have perimeter fencing for added security That HOA can't say no as long as it follows the fencing material allowed or as stated.

Summary

- Ordnance should be changed to allow a cohesive look in the neighborhood. (Strange when some houses have one and you can't)
- allow people on any acreage to choose if they want to fence in their property not only 2 acres and above
- grant an allowance for homes that live on a highly trafficked street/road to be able to protect their house occupants children and pets inside the home

- of course to keep in accordance with the wrought iron fencing look.

Derek & Holly Bradley
4507 Springhill Estates Dr
Parker, TX 75002

From: [Patti Grey](#)
To: [Patti Grey](#)
Subject: PUBLIC COMMENTS--CITY COUNCIL ZONING ORDINANCE HEARING -8/02/02022
Date: Monday, August 1, 2022 10:31:16 PM
Attachments: [1987 ZONING ORD 242A img867.pdf](#)
[2022_0609 KCB EMAIL COMMENTS TO P&Z_pg.docx](#)

PUBLIC COMMENTS
(PLEASE READ INTO RECORD)

CITY COUNCIL HEARING - AUGUST 2, 2022 - COMPREHENSIVE ZONING ORDINANCE
UPDATES

The City Council hearing on the proposed changes to the current Comprehensive Zoning Ordinance (ORD 483-2000) took me by surprise -- had hoped City Council would discuss the proposed changes before calling the public hearing and vote.

My biggest concern is that a completely new zoning category (PD) has recently been introduced to ostensibly replace the 1987 Comprehensive Zoning Ordinance (ORD 242A) PRD/PRD1 zoning classification, closed to new development in the revised Comprehensive Zoning Ordinance of 2000 (ORD 483). There appears to have been no public discussion in committees or P&Z or Council prior to introducing this new Planned Development zone which would materially change Parker's Comprehensive Zoning ordinance in significant ways beyond just the "updating" that has been done on the majority of the document.

For comparison, a copy of the 1987 Comprehensive Zoning Ordinance (ORD 242A) is attached, which shows the earlier PRD/PRD1 section (see p. 15-17). The proposed PD district would add a new zone that is not currently in our codes-- without public discussion. Also, among other things, individualizing development agreements creates the risk of appearing to show favoritism.

To date, many people have put years of time and effort into updating Parker's zoning regulations. I ask that Council take the time now to *publicly* review and clarify this most recently proposed change and any other lingering concerns before voting.

Thank you,

Kay Booth
4010 Anns Lane
Parker

ATTACHED:
Comprehensive Zoning Ordinance ORD 242A
K Booth Comments P&Z Zoning Update Hearing

AMENDED COMPREHENSIVE ZONING ORDINANCE
CITY OF PARKER, TEXAS
ORDINANCE NO. 242A

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AMENDED COMPREHENSIVE ZONING ORDINANCE

CITY OF PARKER, TEXAS

ORDINANCE NO. 242A

AN ORDINANCE OF THE CITY OF PARKER, COLLIN COUNTY, TEXAS AS AMENDED ESTABLISHING COMPREHENSIVE ZONING REGULATIONS; ADOPTING AN OFFICIAL ZONING MAP; DEFINING TERMS; PROVIDING FOR SPECIAL AND GENERAL PROVISIONS; PROVIDING FOR AN AGRICULTURAL/OPEN-SPACE DISTRICT, SINGLE-FAMILY RESIDENTIAL DISTRICT, PLANNED RESIDENTIAL DEVELOPMENT DISTRICTS, AND SPECIAL ACTIVITIES DISTRICT; PROVIDING ZONING IN NEWLY ANNEXED TERRITORY; PROVIDING FOR USE OF LAND AND BUILDINGS; ADOPTING AREA AND HEIGHT REGULATIONS; RESTRICTING USE OF ACCESSORY BUILDINGS; PROVIDING FOR MISCELLANEOUS REQUIREMENTS AND LARGE ANIMAL ALLOWANCES; ALLOWING SPECIAL USE PERMITS; RECOGNIZING NON-CONFORMING STRUCTURES AND USES AND ESTABLISHING RESTRICTIONS THAT PERTAIN THERETO; PROVIDING FOR PROCEDURES FOR ADMINISTRATION OF ZONING REGULATIONS; PROVIDING FOR ENFORCEMENT; PROVIDING FOR A FINE NOT EXCEEDING ONE THOUSAND DOLLARS (\$1,000.00) FOR ANY VIOLATION; PROVIDING A REPEALER SECTION; PROVIDING A SAVING CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, ART. 1011a, Texas Civil Statutes Ann., empowers the City of Parker ("City") to enact a Comprehensive Zoning Ordinance to protect the welfare, safety and general welfare of its citizens and to provide for its administration, enforcement, and amendment; and

WHEREAS, THE PLANNING AND ZONING COMMISSION ("Commission") was appointed to recommend the boundaries of zoning areas and appropriate regulations to be enforced therein;

WHEREAS, the Commission and the City Council has determined that there exists need for adoption of a Comprehensive Zoning Ordinance of the City of Parker, Texas;

WHEREAS, the City is primarily agricultural and residential in nature with limited commercial activities, which were in existence at the time of incorporation and now are non-conforming uses, and with no industrial activities, and no apartments or multiple dwelling units;

WHEREAS, the City of Parker is bordered by the Cities of Plano and Allen, and within close proximity of the Cities of Richardson, Garland, McKinney and Dallas which have a highly developed number of business, commercial and industrial establishments, together

with apartment or multiple dwelling units, making it unnecessary that any portion of the City of Parker be zoned for industrial, apartment or multiple dwelling use;

WHEREAS, the City is relatively flat with no storm sewers causing slow drainage in many portions of the area;

WHEREAS, there is no sanitary sewer system within the corporate limits of Parker, and every conforming dwelling within the city is connected to a septic tank, which, due to the slow drainage and low permeability of the soil, could create a health hazard unless septic tanks are widely separated in order that the effluent from said septic tanks can be absorbed into the soil;

WHEREAS, open space around buildings act as a natural fire barrier that aid the Parker Volunteer Fire Department;

WHEREAS, in public hearings, the citizens have expressed their desire to maintain and enhance the overall environment by providing for open spaces, preservation of natural terrain features, architectural controls, and landscape regulations in order to preserve the City's small, quiet, semi-rural neighborhoods;

WHEREAS, the Commission has divided Parker into districts and has prepared regulations pertaining to such districts designed to lessen congestion in the streets; to secure safety from fire, panic and other dangers; to promote health and general welfare; to provide adequate clean air; to prevent the overcrowding of land and abutting traffic ways; to avoid undue concentrations of the population; and to establish zones where family values, and the blessing of quiet seclusion make the area a sanctuary for people.

WHEREAS, the City desires through this ordinance to provide an attractive, orderly, and unique environment for all its citizens and visitors; and

WHEREAS, the Commission and City Council, in compliance with the laws of the State of Texas, and the ordinances of the City of Parker, have given the requisite notices by publication and otherwise, and after holding public hearings and affording full and fair hearing to all property owners in the City of Parker, and in the exercise of its legislative discretion, have concluded that these regulations pertaining to Zoning should be adopted.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PARKER, TEXAS:

SECTION 1. ESTABLISHMENT OF THE DISTRICTS; PROVISIONS FOR OFFICIAL MAP; DEFINITIONS

A. DIVISION OF CITY INTO USE DISTRICTS

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

A-O Agricultural/Open Space

S-F Single-Family Residential

PRD Planned Residential Developments

S-A Special Activities

R. OFFICIAL ZONING MAP

The City of Parker is hereby divided into districts, as shown on the Official Zoning Map, which, together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of this ordinance. The Official 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 that this is the Official Zoning Map referred to in Section 1 of Ordinance Number 242A of the City of Parker, Texas as amended." If, in accordance with the provisions of this ordinance, the City's Comprehensive Plan, and Art. 1011 Texas Civil Statutes Ann., as amended, changes are made in district boundaries or other matter portrayed on the Official Zoning Map, then the amendment as approved by the City Council, shall be reflected on the Official Zoning Map.

No changes of any nature shall be made in the Official Zoning Map or matter shown thereon except in conformity with the procedures set forth in this ordinance. Any unauthorized change of whatever kind by any person shall be considered a violation of this ordinance and punishable as provided for hereafter. Regardless of the existence of purported copies of the Official Zoning Map which may from time to time be made or published, the Official Zoning Map, which shall be located in the Office of the City Secretary or City Administrator, shall be the final authority as to the current status of land and water areas, buildings, and other structures in the city.

C. REPLACEMENT OF OFFICIAL ZONING MAP

In the event that the Official Zoning Map becomes damaged, destroyed, lost or difficult to interpret because of the nature and/or number of changes and additions, the City Council, may, by ordinance, adopt a new Official Zoning Map, which shall supersede the prior Official Zoning Map. The new Official Zoning Map may correct drafting or other errors or omissions in the prior Official Zoning Map, but no such correction shall have the effect of amending the original Official Zoning Map of any subsequent amendment thereof. The new Official 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 Official Zoning Map supersedes and replaces the Official Zoning Map originally adopted by the City of Parker, Texas on the _____ day of _____, 19____."

Unless the prior Official 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.

D. DEFINITIONS

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 thereof, including, but not limited to stables, barns, swimming pool, garages, living quarters for servants or other approved occupants, bathhouses, greenhouses, tool sheds, and portable buildings over 100 sq. ft. floor area.

ADMINISTRATOR: The administrative officer responsible for administration of this ordinance.

AGRICULTURE: The science and art of farming; tillage; the cultivation of the ground, for purpose of producing vegetables, fruits and crops.

ALLEY: A public or private way not more than twenty (20) feet wide affording only secondary means of access to abutting property.

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

BASEMENT: A story partly underground and having at least one-half of its height below the average level of the adjoining ground. A basement shall be counted as a story if subdivided and used for dwelling purposes.

BOARD: The Board of Adjustment of the City of Parker.

BUILDING: Any structure built for the support, shelter, or enclosure of persons, animals, chattels or movable property of any kind and which is affixed to the land.

BUILDABLE AREA: The maximum amount of allowable space upon which a structure or building may be erected, after meeting the coverage, setback and other requirements of this ordinance.

BUILDING AREA: The building area of the lot is the gross area covered by the buildings or structures when placed on the lot.

BUILDING, HEIGHT OF: the vertical distance measured from the street level to the highest point of the roof surface, if a flat floor; to the deck line of mansard roof; and to the mean height level between eaves and ridge for a gable, hip or gambrel roof, provided, however, that where buildings are set back from the street line, the height of the building may be measured from the average elevation of the finished grade along the front of the building.

BUILDING, PRINCIPAL: A principal building is one which provides for main use of a lot or tract of land.

CARPORT: A structure with or without a wall on one or more sides, not containing an access door, covered with a roof and constructed specifically for the storage of one or more automobiles.

CITY: The City of Parker, Texas.

CIVIC CENTER (OR COMMUNITY CENTER): A multi-purpose structure for use as an activity center, meeting hall, Governmental Center or other such uses which provide a focal point for the community.

COMMISSION: The Planning and Zoning Commission of the City of Parker, Texas.

NURSERY: A place where young trees or other plants are propagated for experimental purposes, for transplanting, or for sale.

NOXIOUS: Noxious as used in this ordinance shall mean conduct which generates noise, odor, fumes, vibration, or any other condition, visible, obnoxious, or detrimental to abutting or adjacent properties.

OCCUPANCY: The purpose for which a building or land is used or intended to be used.

OFFENSIVE TRADE ACTIVITY: Any trade activity not customarily carried on in a dwelling unit or accessory building by a member of the occupant's family, being incidental to the primary occupancy of the home as a dwelling and not authorized by specific use permit.

PASTURAGE: Land used primarily for the grazing of animal stock.

PERMITTED USE: A use specifically allowed in one or more of the various districts without the necessity of obtaining a specific use permit.

REPAIR: The reconstruction or renewal of any part of an existing building for the purpose of its maintenance.

SINGLE-FAMILY RESIDENCE: A one-family detached dwelling.

STORY: That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there be no floor above it, then the space between such floor and the ceiling above it.

STORY-HALF: A story under a gable, hip or gambrel roof, the wall plates of which on at least two opposite exterior walls are not more than two feet above the floor of such story.

STRUCTURE: Anything constructed, the use of which requires permanent location on the ground or attachment to something having a permanent location on the ground.

SUBDIVISION: The division of a lot, tract or parcel of land situated within the corporate limits or within the City's statutory extra-territorial jurisdiction into two or more parts, lots or sites for the purpose whether immediate or future of sale, division of ownership, or building development including re-subdivision. Subdivision of land does not include the division of land for agricultural purposes in parcels or tracts of twenty-five (25) acres or more.

VARIANCE: A legal modification of the district provisions such as setbacks, height, or area requirements granted to relieve hardship conditions existing within a single piece of property other than financial and not of the applicant's making.

ANY OFFICER referred to in this Ordinance by title means the person employed or appointed by the City to that position, or his duly authorized representative.

SECTION 2. RULES FOR INTERPRETATION OF DISTRICT BOUNDARIES

A. UNCERTAIN BOUNDARIES

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

1. Boundaries indicated as approximately following the center lines of streets, highways, or alleys shall be construed to follow such center lines;
2. Boundaries indicated as approximately following plotted lot lines shall be construed as following such lot lines;
3. Boundaries indicated as approximately following City Limits lines shall be construed as following such City Limits lines.
4. Boundaries indicated as approximately following the center lines of streams, rivers, canals, lakes, or other bodies of water shall be construed to follow such center lines.
5. Boundaries indicated as parallel to or as extensions of features indicated in subsection (1) through (4) above shall be so construed. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map.
6. Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Map, or in other circumstances not covered by subsections 1 through 5 above, the Board shall interpret the district boundaries.
7. Where a district boundary line divides a lot which was in single ownership at the time of passage of this ordinance, the board may permit the extension of the regulations for either portion of the lot not to exceed fifty (50) feet beyond the district line into the remaining portion of the lot.

SECTION 3. APPLICATION OF DISTRICT REGULATIONS

A. UNIFORMITY

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

1. 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.
2. No part of a yard, or other open space, or off-street parking or loading space required about or in connection with any building or use for the purpose of complying with this ordinance, shall be included as part of a yard, open space, or off-street parking or loading space similarly required for any other building or use.

B. NEWLY ANNEXED TERRITORY

Any territory hereafter annexed to the City shall be classified in accordance with the then current Land Use Map, unless otherwise determined by the Commission and City Council at the time of annexation. If the territory annexed is not to be classified in accordance with the current Land Use Map, then the Commission must send notices and conduct a hearing in the same manner as any zoning change.

SECTION 4. NON-CONFORMING USES

Except as hereinafter specified, any use, building, or structure existing at the time of the enactment of this ordinance may be continued, even though such use, building or structure may not conform with the provisions of this ordinance 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 said use, building or structure now conforms with this ordinance.

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A. CONDITIONAL USES

Any use existing on the effective date of this ordinance which is listed as a conditional use in the district where it is located shall remain a non-conforming use until a conditional use permit is obtained as provided in this Ordinance.

B. ALTERATION OF NON-CONFORMING USES

No existing building or premises devoted to a use that is not permitted by this ordinance in the district in which such building or premises is located shall be enlarged or improved, except when required to do so by law or written order, unless the use thereof is changed to a use that is permitted in the district in which such building or premise is located, and except as follows:

1. When authorized by the Board in accordance with the provisions of this ordinance, the substitution for a non-conforming use of another non-conforming use, or an extension of a non-conforming use, may be made.
2. Whenever a non-conforming use has been changed to a conforming use, such use shall **not** thereafter be changed to a non-conforming use.
3. When authorized by the Board in accordance with the provisions of this ordinance, enlargement or completion of a building devoted to a non-conforming use may be made upon the lot occupied by such building, where such extension is necessary and incidental to the existing use of such building and does not exceed twenty-five percent (25%) of its area of non-conformity.
4. When authorized by the Board in accordance with the provisions of this ordinance, a non-conforming use may be extended throughout those parts of a building which were manifestly designed or arranged for such use prior to the date on which such use of said building became non-conforming, if no structural alterations, except those required by law, are made therein.

C. CESSATION OF USE OF BUILDING OR LAND

For the purposes of the succeeding subsections, a use shall be deemed to have ceased when it has been discontinued for twelve (12) months whether with the intent to abandon said use or not.

1. No building or structure which was originally designed for a non-conforming use shall again be put to a non-conforming use, where such use has ceased for twelve (12) months or more.
2. No building or structure which was not originally designed for a non-conforming use shall again be put to a non-conforming use, where such use has ceased for twelve (12) months or more.

D. CONSTRUCTION APPROVED PRIOR TO ORDINANCE

Nothing herein shall be construed to require any change in the overall plans, construction, or designated use of any development, structure, or part thereof, where official approval and the required building permits were granted before the enactment of this ordinance, or any amendment thereto where construction thereof, conforming with such plans, shall have been started prior to the effective date of this ordinance or such amendment, and where such construction shall have been completed in a normal manner within the subsequent six (6) months period, with no interruption, except for reasons beyond the builder's control.

E. UNSAFE BUILDINGS, REPAIR OF

Nothing in this ordinance shall be construed to prohibit the strengthening or repair of any part of any building or structure declared unsafe by proper authority.

F. NON-CONFORMING SIGNS

All non-conforming signs, billboards, or commercial advertising structures may be continued only for a period of one (1) year from the adoption of this ordinance, unless in violation of other ordinances or shorter periods are provided for in other ordinances.

G. DAMAGE OR DESTRUCTION

Any non-conforming structure except a dwelling, which is damaged more than sixty percent (60%) of the then appraised value for tax purposes above its foundation, by fire, flood, explosion, wind, earthquake, war, riot, or other calamity or Act of God, shall not be restored or reconstructed and used as it was before such happening. If such structure is damaged less than sixty percent (60%) of its then appraised value for tax purposes, it may be restored, reconstructed, or used as before, provided that such restoration or reconstruction is completed within twelve (12) months of the damaging event.

Dwellings may be restored or reconstructed provided that the reconstruction or restoration is at least to the same size and quality as the damaged or destroyed dwelling.

H. REPAIRS AND MAINTENANCE

A non-conforming structure may be repaired and maintained as necessary to keep it in sound condition but no structural alterations shall be made unless required by law or ordinance or unless authorized by the Board. Except as otherwise provided in this ordinance, the total structural repairs and alterations that may be made to a non-conforming structure shall not exceed 50 percent of its appraised value for tax purposes. This restriction does not apply to residential dwellings.

I. MOVING OF NON-CONFORMING STRUCTURE OR BUILDING

No non-conforming building or structure shall be moved in whole or in part to any other location on the lot, or on any other lot, unless every portion of such building or structure is made to conform to all the regulations of the district where relocated.

SECTION 5. SCHEDULE OF DISTRICT REGULATIONS ADOPTED

A. AGRICULTURE-OPEN SPACE DISTRICT (A-O)

1. Purpose. The district includes lands within the corporate limits of the City of Parker which are not subdivided and are relatively undeveloped. This district is designed to promote continued agricultural activities to provide open space.

2. Permitted Uses.

- a. Barn, stable for keeping private animal stock
- b. Agricultural
- c. Farm
- d. Pasturage
- e. Single-family dwelling
- f. Accessory buildings

3. Conditional Uses Permitted (subject to use permit).
 - a. Broadcast towers for radio, TV or microwave
 - b. Golf course
 - c. Accessory dwelling
 - d. Home occupation
 - e. Rodeo
 - f. Grain elevator
 - g. Common stables
 - h. Riding academy (private)
4. Set-Back Requirement. No structure shall be constructed within 100 feet of any property line.
5. Special Requirements.
 - a. No subdivision of land zoned A-O shall be allowed until such land has been rezoned in accordance with the current Comprehensive Plan.
 - b. Any single building constructed within this A-O District shall conform to all area requirements and building regulations as contained in Section 5-B of this ordinance.

R. SINGLE-FAMILY RESIDENTIAL DISTRICT (S-F)

1. Purpose. This district includes lands within the city limits for single-family residential purposes. The district is designed to maintain the open space atmosphere and to lessen congestion in the streets; to secure safety from fire, and panic, and other dangers; to promote health and general welfare; to provide adequate clean air; to prevent overcrowding of land and abutting traffic ways; to avoid undue concentrations of the population; and to establish a zone where family values, youth values, and the blessings of quiet seclusion make the area a sanctuary for people.

2. Permitted Uses
 - a. Single-family dwelling
 - b. Accessory buildings

3. Conditional Uses (subject to use permit)
 - a. Home occupation
 - b. Accessory dwelling
 - c. Riding academy (private)
4. Area Requirements.
 - a. Minimum lot size shall be two (2) acres net.
 - b. Maximum lot coverage occupied by buildings shall be ten percent (10%).
5. Building Regulations.
 - a. Building heights greater than two (2) stories shall not be allowed.
 - b. No garage shall open to the front of the lot.
 - c. All first-floor exterior material used on buildings shall be ninety percent (90%) brick or stone, with ninety percent (90%) being defined as brick, stone, doors, glass, windows, however, portland cement plaster or exposed aggregate plaster type finish material for buildings may be permitted in lieu of brick or stone, provided a determination is made by the building official, that this type finish material does not dominate the building patterns in any area of subdivision or portion thereof, and that these materials and their application conform to the requirements of the Uniform Building Code, Building Code Handbook and other pertinent ordinances in the City of Parker.
 - d. Accessory Building shall be designed and constructed in keeping with the general architecture and appearance of the development.
 - e. No Accessory Buildings with galvanized corrugated metal siding or roofing shall be permitted. Delta type (pre-finished metal siding) is permitted.
 - f. Accessory Buildings may be constructed provided they are constructed to the rear of the main building and subject to the following conditions.

- (1) Accessory Buildings must be constructed so as to be architecturally in keeping with the general architecture and appearance of the development.
- (2) Accessory Buildings to be used for living or meeting purposes may be constructed only after the issuance of a specific use permit.
- (3) Accessory Buildings may not be sold for occupancy or a use which is distinct or otherwise separate from the sale of the entire property, including the main building unit.

g. Location of Accessory Building. Accessory Buildings, excepting garages, must be located behind the main building unit in the rear yard and subject to the following conditions:

- (1) Accessory Buildings shall be at least thirty (30) feet from any side property line and thirty (30) feet from the rear property line.
- (2) Barns must be located a distance of one hundred (100) feet or more from the building unit on any adjoining property.
- (3) Number of Accessory Buildings permitted without a special variance shall be two (2) per lot of two (2) acres. For tracts larger than two (2) acres, the number permitted without a special variance shall be one (1) per acre.

6. Animal Restrictions.

- a. No more than two (2) large animals, specifically cattle and horses, may be maintained per acre of lot area.
- b. Swine are expressly prohibited.
- c. No large animals other than horses or cattle shall be kept for breeding purposes.

7. Special Requirements. Any subdivision of land zoned S-F shall be in accordance with the Subdivision Control Ordinance of the City of Parker.

C. PLANNED RESIDENTIAL DEVELOPMENT DISTRICTS (PRD) OR (PRDI)

1. The purpose of the Planned Residential Developments (PRD or PRDI) is to encourage flexible residential developments to preserve the natural features of individual tracts and to encourage developers to provide for a equestrian center and open space in all areas. PRD's shall include a minimum of twenty (20) contiguous acres and a maximum of two hundred (200) contiguous acres of land, except that the City Council may establish PRD's of less than twenty (20) acres or more than two hundred (200) where it is deemed to be necessary to accomplish the purpose stated above.
2. Permitted Uses
 - a. Single-family dwellings
 - b. Accessory buildings
 - c. Golf course, country club, community building or center, tot-lots, equestrian center, health club, swimming pool, or tennis courts.
3. All proposed PRD's developments shall require a mandatory site plan submittal. The site plan will be reviewed by the Commission and the City Council in public hearings prior to formal adoption. Approval shall be essential prior to receiving plat approval or building permits.
4. Before a final plat is approved capital improvement fees currently due shall be escrowed with the City in accordance with the Capital Improvement fee ordinances.
5. Each site plan shall comply with the following requirements:
 - a. Cluster development, or performance zoning, is preferred; conventional grid, cookiecutter or rectangular subdivision of the land is discouraged;
 - b. Open space should be interconnected, or linked, when feasible;
 - c. Required open space is established at a minimum of twenty percent (20%) and up to a maximum of fifty-five percent (55%) of open space (non-impervious surfaces) excluding space for streets and utilities easements;

- d. Any open space system or common areas shall be included as a part of the property to be maintained by the developer or homeowners association.
- e. A fifty (50) to two hundred (200) foot setback may be required from any existing subdivision lots platted prior to December 31, 1985. This open space is subject to the following restrictions:
 - (1) A minimum of six (6) trees per acre to be provided, over ten (10) feet high each.
 - (2) Ten (10) shrubs per acre to be planted.
 - (3) Grass, ground cover, etc. and other plantings shall be provided by each developer.
 - (4) Developer shall maintain any common open space areas or any other common areas until such common areas are transferred to the neighborhood association.
 - (5) Internal open space interconnected systems are encouraged.
- 6. Uses in a regular PRD is limited to single-family detached housing with a maximum of two (2) building units per gross acre. Uses in a PRDI is limited to a single-family detached building with a maximum of one (1) building unit per gross acre. PRD's over two hundred acres (200) may include a small village center with uses limited according to Special Use Permit requirements.
- 7. At least one (1) recreational facility is desired to be included in each open space area; examples: are golf course, country club, community building or center, tot-lots, equestrian center, health club, swimming pool, tennis courts, etc.
- 8. Garage doors which face the street are discouraged. If necessary and essential to site layout, then, only two (2) garage doors which face a street permitted to sixteen (16) linear feet of garage door per dwelling unit.
- 9. Height of all buildings in this district is limited to thirty-five (35) feet.
- 10. Roof colors are to be limited to earth tones: Terra cotta, or weathered cedar shake color (no reds, blues, whites, oranges, greens, etc.).

11. All existing trees and drainageways shall be noted on a PRD or PRDI submittals for review and approval.
12. No fences shall be permitted in front yard areas and side yards extending beyond the house facade on developments in PRD or PRDI areas.
13. Fencing in side yard or backyard areas shall not exceed 5'0" in height. All fences shall be transparent and not structure of solid, or near-solid fabric or surfacing.
14. Street lighting shall be in conformance with City standards, and not be natural metal finish. Only green or brown colored light standards are permitted. No light standards shall exceed 15'0" in height.
15. All subdivision sign identification shall be approved by the City and designed to fit into the design character of Parker.
16. Streets and roads shall be concrete surfaced with no curb and gutter. Drainage swales shall be provided adjacent to gravelled shoulder areas on both sides of streets and roads. Curb and gutter shall be permitted only where engineering requirements dictate.
17. Collector streets shall be thirty-six (36) feet in width of pavement as a minimum; internal streets shall be twenty-four (24) feet in width of pavement as a minimum.
18. All streets to have rows of trees (of approved species) planted along street edges at 50'0" on center.
19. Regulations to implement the standards in the Planned Residential Development Districts may be adopted by the City Council.
20. In a development with lots less than one (1) acre, lots should be arranged toward the center of the development.
21. The area bounded by Parker Road on the south, Gregory Lane on the east, Texas Power and Light easement on the north and Cottonwood North Estates on the west, may be developed as PRDI, but only if all of the area contained therein is annexed into the City of Parker and developed as one tract.

D. SPECIAL ACTIVITIES DISTRICT (SURROUNDING SOUTHFORK RANCH)

1. Purpose. In order to recognize the formidable tourist potential for the property, and encourage the Southfork Ranch owners to request annexation into the City, the areas surrounding the ranch should have its own zoning ordinance provisions as a "special design district" with architectural guidelines giving strong visual identity as a central focus for Parker's Grand Boulevards. Permitted uses on this land are recommended to include the following:
 - 1.
 2. Special Activities as supportive services for Southfork including convention and tourist-related activities, such as: hotel, motel, tourist home, arts and crafts galleries, photo studio, western theme shops, western wear, gourmet foods and cafes, dinner playhouse, antique shop, farmers market, or floral shops.
 3. Facade Treatments and Colors:
 - a. Wood materials.
 - b. All buildings must have overhangs and colonnades.
 - c. Canopies required, projecting from colonnades.
 - d. Country style, western cowtown style, no modern or post-modern styles permitted.
 - e. No concrete, concrete block, or metal surfaces. Wooden surfaces with accent brick is permissible.
 - f. No primary colors (red, green, yellow or blue), only earth tones (browns, etc.) or complementary colors on a design review basis only.
 - g. Only shingle or tile roofs are permitted.
 4. Height, setback, parking and landscaped area.
 - a. No more than three (3) stories or 35'0" high for hotels; one (1) story or 18'0" high for other structures.
 - b. No facade can have a continuous width longer than 60'0".
 - c. Landscaped, or open space, requirement is forty percent (40%) of the gross lot area.

- d. Landscaped materials are required in parking lots and in front of facades.
- e. Off-street parking is required, with space allocation according to permitted uses.
- f. Trees required as screening for parking and buildings.
- g. Sidewalks shall be brick paving or special sidewalks.
- h. 15'0" High light standards.
- i. Noise and lighting standards to be developed so that no obtrusive or noxious problems adversely affect adjacent residential districts.
- j. Suitable structural setbacks from Southfork of 300 feet minimum shall be provided from all existing residential areas.

5. Regulations to implement the standards in the Special Activities District may be adopted by the City Council.

E. CONDITIONAL USES (All Districts)

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 Use Permit. Detailed examination of proposed location and use characteristics is necessary to maximize compatibility.

- 1. Community building - meeting, recreational;
- 2. Telephone exchange;
- 3. Temporary signs;
- 4. Public library;
- 5. Municipal service facilities and buildings;
- 6. Parks, playfields and playgrounds;
- 7. Public swimming pool;
- 8. Temporary structure (construction, real estate, etc.);
- 9. Church;

10. School;
11. Guest ranches or party pavilions;
12. Parking areas.

SECTION 6. SCENIC ACCESS EASEMENTS

A. Purpose. Scenic access easements are established to regulate effectively the major drives and entry points to the City as follows:

1. From the northern city limits line at Easy Acres Estates to the southern city limits line of FM 2551 and the eastern city limits line beginning at Lewis Lane to the western city limits line of FM 2514 of Parker. Scenic access easements shall be established within one thousand (1,000) feet on either side of these roadways.
2. An Architectural Design Committee is established to enable the City to initially develop and continue to maintain the unique western quality of the City of Parker in the scenic easements.
 - a. The Committee shall be comprised of three (3) members of City Council and two (2) members of Planning and Zoning Commission. All recommendations of the Committee shall be approved by the City Council.
 - b. Appeals of disapproved designs may be made to the Zoning Board of Adjustment for matters of qualitative design decisions only.
 - c. All new buildings or structures within these scenic access easements should blend with the unique western quality of the city.
3. The intent of the scenic access easement is to provide a western culture design motif for the City.
4. Building colors within the easements shall be limited to earth tones, and roofing materials shall have the same color limitations.
5. All parking areas within the easements shall have treed and landscaped islands between selected parking spaces. Special landscape materials' screening or berms shall be developed from all road frontages.

6. Double rows of trees (of approved species) shall be planted at 50'0" on centers on either side of FM 2551 and FM 2514. Wide medians are required, and wildflowers are required to be planted also.
7. All curb cuts, as entrances to building parking, shall have adjacent identification entry gates, pylons and subdivision identification signage.
8. Western architectural design character is hereby defined as earth-tone building materials, having sloped roofs with overhangs. The roofing materials should be limited to fire-treated, wood singles, tile roofing, or other similar materials in keeping with a sloping roof with overhangs. Porches or elevated walkways shall be provided under the overhangs.
9. Only clear, untinted glass is permissible under overhangs.
10. Modern architecture or post-modern is strictly prohibited.
11. No structures or objects are allowed to stand higher than thirty-five (35) feet.

SECTION 7. SANITARY SEWER SYSTEM REQUIRED

In all districts provided for herein, except agricultural (A-O) and single-family (SF) districts, a central sanitary sewer system shall be required. Such sanitary sewer system must be constructed and maintained in accordance with all applicable local, state and federal regulations. A sanitary sewer system may be required in future developments in a single-family (SF) district if the city finds that the same is necessary to protect the health of adjacent or "down-stream" subdivisions, neighborhoods, or property owners.

SECTION 8. SCHEDULE OF MINIMUM FRONTAGE AND SETBACK REQUIREMENTS FOR RESIDENTIAL DISTRICTS

AREA	DISTRICTS			
	A/O	SF	PRD	PRD1
● <u>Lot Area (Min. 2 Acres)</u>				
Lot Width (Min.Ft.)	200	200	200	200
Lot Depth (Min.Ft.)	300	300	300	300
Lot Setback-Side Yard (Min.Ft.)	50	50	50	50
Lot Setback-Front Yard (Min.Ft.)	50	50	50	50
Lot Setback-Rear Yard (Min.Ft.)	50	50	50	50
● <u>Lot Area (Min. 1 Acre)</u>				
Lot Width (Min.Ft.)	N/A	N/A	150	150
Lot Depth (Min.Ft.)	N/A	N/A	150	150
Lot Setback-Side Yard (Min.Ft.)	N/A	N/A	25	25
Lot Setback-Front Yard (Min.Ft.)	N/A	N/A	50	50
Lot Setback-Rear Yard (Min.Ft.)	N/A	N/A	30	30
● <u>Lot Area (1/2 Acre or Less)</u>				
Lot Setback-Side Yard (Min.Ft.)	N/A	N/A	20	20
Lot Setback-Front Yard (Min.Ft.)	N/A	N/A	30	30
Lot Setback-Rear Yard (Min.Ft.)	N/A	N/A	30	30
● Minimum Floor Area of each dwelling unit, exclusive of breezeways, garages, or accessory buildings	1800	1800	1800	1800

SECTION 9. SUPPLEMENTARY DISTRICT REGULATIONS

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

1. 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.
2. Fences, Walls, and Hedges. Notwithstanding other provisions of this ordinance, fences, walls, and hedges may be permitted in any required yard, or along the edge of any yard, provided that such 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 twenty (20) feet back from the intersection of all curb lines extended.
3. Offensive Trade Activity. In any district, no offensive trade activity shall be carried on upon any lot or 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.
4. Lot Maintenance. In all districts, lots shall be maintained in such manner as to be free and clear of debris. All vegetation except for regularly cultivated crops, trees, or shrubbery which exceeds twelve (12) inches in height shall be presumed to be objectionable and unsightly. Regularly cultivated crops shall not be allowed to grow within the 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 such 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 thirty (30) days shall be deemed a compliance with this ordinance and to use every precaution to prevent the same growing on such premises to become a nuisance.
5. Accessory Buildings. No Accessory Building shall be erected in any required yard, and no separate Accessory Building shall be erected within five (5) feet of any other building. Accessory Buildings shall be designed and constructed in keeping with the general architecture of the development or any scenic easement.

6. Exceptions to Height Regulations. The height limitations do not apply to spires, belfries, cupolas, antennas, water tanks, ventilators, chimneys or other appurtenances usually required to be placed above the roof level and not intended for human occupancy.
7. Structures to Have Access. Every building erected or moved shall be on a lot with direct access on a public street, or with access to a municipally-approved street. All structures shall be so located on lots as to provide safe and convenient access for servicing, fire protection, and required on-site parking.
8. Yard Definitions. Yards as required in this ordinance 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.
 - a. Front yard. 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 from 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 eight (8) feet from the ground may project up to six (6) feet into the required front yard.
 - b. Rear yard. 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 four (4) feet.
 - c. Side yard. 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.
9. Use of Major Recreational Equipment. 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, 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 when parked or stored on a residential lot or in any location not approved for such use.

10. Parking and Storage of Certain Vehicles. Automotive vehicles or trailers bearing license plates or state motor vehicle inspection stickers which are more than three (3) months out of date shall not be parked or stored on any residentially designated property except in completely enclosed buildings or covered with protective cloth specifically made for such use.
11. Parking of Large Vehicles. No vehicle larger than that of a two (2) ton capacity shall be parked upon any lot or premises in a residentially zoned district.
12. District Changes. Whenever the boundaries of a district shall be changed so as to transfer an area from one district to another district of a different classification or when boundaries or districts are changed as a result of annexation of new territory or changes in the regulations or restrictions of this ordinance the foregoing provisions shall also apply to any non-conforming uses existing therein which may so become non-conforming.
13. Mobile Homes. Mobile homes will not be allowed in the City of Parker for any use except as may be allowed by a variance.
14. Off-Street Parking. Off-street parking must be provided for all non-residential uses in accordance with the following schedule:
 - a. Church: One (1) space for each four (4) fixed seats in the sanctuary or auditorium or one (1) space for each twenty-eight (28) square feet in the sanctuary or auditorium if fixed seats are not provided.
 - b. School (public or private):
 - (i) 1-1/2 spaces for each kindergarten/elementary school classroom;
 - (ii) 3-1/2 spaces for each junior high/middle school classroom;
 - (iii) 9-1/2 spaces for each senior high school classroom.

- c. Private recreational facilities, country club or golf course: One (1) space for each one hundred (100) square feet of floor area and five (5) spaces for each golf green.
- d. All other non-residential uses: One (1) space for each two hundred (200) square feet of floor area.

SECTION 10. ADMINISTRATION AND ENFORCEMENT, BUILDING PERMITS, CERTIFICATES OF COMPLIANCE AND OCCUPANCY

A. ADMINISTRATION AND ENFORCEMENT

The Building Official, City Planner, or City Engineer or other administrative official of the City shall be designated Administrator by the Legislative Body to administer the provisions of this ordinance.

If the Administrator shall find, or if any person files with him a complaint in writing alleging that any of the provisions of this ordinance are being violated, he shall immediately investigate and when necessary give written notice to the person responsible to cease such violations forthwith.

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

B. PENALTY FOR VIOLATION

Any person who violates or fails to comply with the requirements of this ordinance 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 One Thousand Dollars (\$1,000.00). Each day such violation shall be permitted to exist shall constitute a separate offense.

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

C. BUILDING PERMITS REQUIRED

No building or other structure shall be erected, moved, added to, or structurally altered without a permit therefor, issued by the Building Official. A building permit shall not be issued except in conformity with the provisions of this

ordinance, unless otherwise authorized in a written order from the Board in the form of an administrative review of variance as provided by this ordinance.

1. Application for Building Permit and Certificate of Compliance and Occupancy. All applications for building permits shall be accompanied by the site plans in triplicate drawn to scale, showing the actual dimensions and shape of the lot to be built upon; and the dimensions of the buildings, if any, already existing on the lot, and the location and dimensions of the proposed building structure, or alteration. The application will serve as a basis for issuing both the Building Permit and the Certification of Compliance and Occupancy. It shall include such information as lawfully may be required by the Administrator, including existing or proposed uses of the building and land; conditions existing on the lots and on abutting and adjacent properties; parking where required and such other matters as may be necessary to determine conformance with, and provide for the enforcement of, this ordinance.

One (1) copy of the plans shall be returned to the applicant by the Administrator, after he and the Building Inspector have marked such copy either as approved or disapproved and attested to same by their signatures on such copy. Two of the copies of the plans, similarly marked, shall be retained by the Administrator.

2. Certificates of Compliance and Occupancy for New, Altered, or Non-Conforming Uses. It shall be unlawful to use, occupy, or permit the use or occupancy of any building or premises on both or part thereof, hereafter created, erected, changed, converted or wholly or partly altered or enlarged in its use or structure, nor will permanent utility connections to serve the premises be made until a Certificate of Compliance shall have been issued therefore by the Administrator stating that the proposed use of the land conforms to the requirements of this ordinance.

A temporary Certificate may be issued by the Administrator for a period not exceeding six (6) months during alterations or partial occupancy of a building pending its completion, provided that such temporary certificate may include such conditions and safeguards as will protect the safety of the occupants and the public.

The Administrator shall maintain a record of all Certificates of Compliance, which shall be open to public inspection.

Failure to obtain a Certificate of Compliance shall be a violation of this ordinance, and punishable under the preceding part.

3. Building Permit Becomes Invalid. If the work described in any building permit has not begun within six (6) month from the date of issuance thereof, said permit shall be cancelled by the Building Official, and a written notice thereof shall be given to the persons affected.
4. Construction and Use to be as Provided in Application, Plans, Permits, and Certificates of Compliance. Building Permits issued on the basis of plans and applications approved by the Administrator authorized only the use, arrangement, and construction set forth in such approved plans and applications, and no other use, arrangement, or construction. Any use or arrangement at variance with that authorized when a Building Permit is obtained and application is made for Certificate of Compliance shall be deemed a violation of this Ordinance.

SECTION 11. USE PERMITS

A. PURPOSE

The purpose of the regulations described by this section is to allow the compatible and orderly development within the City of uses which may be suitable only in certain locations in a designated district if developed in a specific way or only for a limited period of time.

A Use Permit is required for all Conditional Uses. A Use Permit may have a specified time limitation attached and may impose conditions other than those which are specifically set forth in this ordinance.

B. APPROVAL RESPONSIBILITY

The Planning and Zoning Commission shall have the initial responsibility for recommending all Use Permits required for the "Conditional Uses."

The City Council shall have the final authority for approval or denial of all Use Permits.

The following procedures shall be complied with prior to the approval or denial of any Use Permit.

1. Application concerning Use Permits for those uses which are conditional in any district shall be submitted to the Administrator in writing and be automatically referred to the Commission for a public hearing on same. The Administrator shall investigate conditions, arrange hearing notification, and obtain any expert advice needed to achieve agreement between the applicant and the City.
2. After receiving an application for Use Permit, notification of such request by mail shall be made to all owners of real property located within two hundred (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.
3. After a public hearing, the Commission may recommend an application for a Use Permit not be approved, if the proposed use fails to meet one of the criteria set forth in Paragraph C. In recommending a Use Permit be approved, the Commission, on the basis of recommendations from the Administrator, may impose requirements and conditions with respect to locations, construction, maintenance, and operation, in addition to those expressly stipulated in the Ordinance for the particular use, as they deem necessary for the protection of adjacent properties and the public interest.
4. When application has been denied by the Commission, applicant may appeal for a hearing before the City Council.
5. Appeals From Decisions of the Commission. Any person or persons, jointly or severally, aggrieved by a decision of the Commission, may present the City Council a petition, duly verified, setting forth that such decision is unjust, in whole or in part, specifying the grounds of injustice. Such petition shall be presented to the body within ten (10) days after the final decision of the Commission and not thereafter.

C. PREREQUISITES OF APPROVAL BY CITY COUNCIL

1. No structure or property in any district shall be used for a use listed as a "Conditional Use" without first having obtained a Use Permit for such use from the City Council.
2. 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. That the proposed use meets all the minimum standards established in this ordinance for this type of use.
- b. That the proposed use is in harmony with the purpose and intent of this ordinance.
- c. That 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.
- d. Each specific use permitted by the City Council shall be evidenced by a duly adopted ordinance granting such use permit and containing such conditions as may be prescribed by the Council.
- e. The City Council may impose additional reasonable restrictions or conditions to carry out the spirit and intent of this ordinance 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 curbing, sidewalks, and fencing.
- f. Prior to any public hearing before the City Council for a Specific Use Permit, notification shall be made by mail to all property owners within two hundred (200) feet of the property on which the application was made.

D. APPLICATION FILING PROCEDURE

1. Application shall be made by property owner or certified agent thereof to the Administrator on a form prescribed for this purpose by the City. Application shall be accompanied by drawings as provided herein. Granting a Use Permit does not exempt the applicant from complying with requirements of the Building Code or other ordinances.

E. SITE PLANS REQUIRED

1. Purpose. The purpose of the Site Plan is to insure compliance with this ordinance 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 ordinance.

2. Copies. The applicant shall file with the Administrator five (5) copies of his Site Plan or other documents as may be required by the Administrator. The Administrator or City Engineer shall keep one (1) copy in his files. The duplicate copies shall be used during the investigation of the case and for review of the Commission, in the event a hearing is required.
3. Contents. The Site Plan shall contain drawings to scale in triplicate to indicate:
 - a. The location of all structures on the subject property and on adjoining property.
 - b. Landscaping and/or fencing of yards and setback areas and uses of landscaping and/or walls or fences for screening purposes.
 - c. Design of ingress and egress to minimize interference with traffic flow on abutting streets.
 - d. Off-street parking and loading facilities.
 - e. Height of all structures.
 - f. Proposed uses.
 - g. The location and types of all signs including lighting and heights.

F. DEVELOPMENT

Following the issuance of a Use Permit, the Building Official shall insure that if the development is undertaken, it is completed in compliance with said permit.

SECTION 12. BOARD OF ADJUSTMENT

THERE IS HEREBY CREATED A BOARD OF ADJUSTMENT WHICH SHALL BE ORGANIZED, APPOINTED AND FUNCTION AS FOLLOWS:

A. ORGANIZATION OF BOARD OF ADJUSTMENT

1. The Board of Adjustment shall consist of five (5) members who are residents of the City of Parker, each to be appointed by resolution of the City Council for a term of

two (2) years and removable for cause by the appointing authority upon written charges and after public hearing. Vacancies shall be filled for the unexpired term of any member, whose place becomes vacant for any cause in the same manner as the original appointment was made. Provided, however, that the City Council may by ordinance, provide for the appointment of four (4) alternate members of the Board who shall serve in the absence of one (1) or more of the regular members when requested to do so by the Mayor or City Secretary, 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 (4) members. The alternate members, when appointed, shall serve for the same period as the regular members, which is for a term of two (2) years, and any vacancy shall be filled in the same manner and they shall be subject to removal the same as the regular members.

2. The person acting as Administrator for the City shall be an ex-officio member of the Board of Adjustment without power of vote and as an ex-officio member of such Board shall act as Secretary of the Board of Adjustment and 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 such 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.
3. The Secretary of 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 ordinance.

B. OPERATIONAL PROCEDURE

1. The Board shall adopt rules to govern its proceedings provided, however, that such rules are not inconsistent with this ordinance or State Law. Meetings of the Board shall be held at the call of the Chairman and at such other times as the Board may determine. The Chairman, or in his absence, the Acting Chairman, may administer oath and compel the attendance of witnesses.
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 such fact, and

two (2) years and removable for cause by the appointing authority upon written charges and after public hearing. Vacancies shall be filled for the unexpired term of any member, whose place becomes vacant for any cause in the same manner as the original appointment was made. Provided, however, that the City Council may by ordinance, provide for the appointment of four (4) alternate members of the Board who shall serve in the absence of one (1) or more of the regular members when requested to do so by the Mayor or City Secretary, 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 (4) members. The alternate members, when appointed, shall serve for the same period as the regular members, which is for a term of two (2) years, and any vacancy shall be filled in the same manner and they shall be subject to removal the same as the regular members.

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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 such 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 Administrator. Such appeal shall be filed with the Board by the Administrator within fifteen (15) days after the original decision rendered by the Administrator. The appeal shall be accompanied by all papers constituting the record pertaining to such appeal. Formal notice of the appeal shall be issued by the Administrator, such 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 officer from whom the appeal is taken certified to the Board after the notice of appeal shall have been filed with him, that by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life or property. In such 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 officer from whom the appeal is taken and on due cause shown.
5. Upon notice of appeal being given to the Administrator and before such appeal shall be construed as having been perfected, the applicant must file with such notice of appeal to the Board an amount of money estimated by Administrator to be sufficient to mail and publish all notices required herein, such amount in no case to be less than Twenty-Five Dollars (\$25.00).
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 (6) months from the previous ruling by the Board on any appeal to such body unless other property in the immediate vicinity has, within the said six (6) months period, been changed or acted on by the Board or City Legislative Body so as to alter the facts and conditions on which the previous Board action was based. Such change of circumstances shall permit the rehearing of an appeal by the Board prior to the expiration of six (6) months period, but such conditions shall in no wise have any force in law to compel the Board, after a hearing, to grant a subsequent appeal. Such 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 ordinance shall authorize the issuance of a Building Permit or a Certificate of Occupancy, as the case may be, for a period of one hundred eighty (180) days from the date of the favorable action of the Board, unless said Board shall have in its action approved a longer period of time and has so shown such specific longer period of time in the minutes of its action. If the building permit and/or Certificate of Occupancy shall not have been applied for within said one hundred eighty (180) day period or such extended period as the Board may have specifically granted, then the variance shall be deemed to have been waived and all rights thereunder terminated. Such termination and waiver shall be without prejudice to a subsequent appeal and such subsequent appeal shall be subject to the same regulations and requirements for hearing as herein specified for the original appeal.

C. ACTIONS OF THE BOARD

1. In exercising its powers, the Board may, on conformity with the provisions of the Statutes of the State of Texas 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 order, requirement decision or determination as ought to be made and shall have all the powers of the Officer from whom the appeal is taken. The Board shall have the power to impose reasonable conditions to be complied with by the applicant.
2. The concurring vote of four (4) 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 ordinance or to effect any variance in said ordinance.
3. 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 such decision is illegal, in whole or in part, specifying the grounds of illegality. Such petition shall be presented

to the court within ten (10) days after the filing of the decision in the office of the Board and not thereafter.

D. NOTICE OF HEARING BEFORE THE BOARD REQUIRED

The Board shall hold a public hearing on all appeals made to it and written notice of such public hearing shall be sent to the applicant and all other persons who are owners of real property lying within two hundred (200) feet of the property on which the appeal is made. Such notice shall be given not less than ten (10) days nor more than thirty (30) days before the date set for hearing to all such owners who have rendered their said property for city taxes as the ownership appears on the last city tax roll. Such notice may be served by depositing the same, properly addressed and postage paid, in the United States Post Office. Notice shall be given by publishing the same in official publication of the City at least ten (10) days nor more than thirty (30) days prior to the date set for hearing, which shall state the time and place of such hearing.

E. JURISDICTION OF THE BOARD

1. A variance is an authorization by the Board 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 the ordinance will result in unnecessary hardship.
2. 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 non-conforming use.

3. Variances

- a. A variance may be granted an applicant when the Board finds:
 - (1) That 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 such land or building and do not apply

generally to lands or buildings in the same district or neighborhood, and that said circumstances or conditions are such that the strict application of the provisions of this ordinance would deprive the applicant of the reasonable use of such land or building; and

- (2) That the granting of such variance will not be detrimental to the public welfare or injurious to the property or improvements in such zone or neighborhood in which the property is located; and
- ,
- (3) That the granting of the variance is necessary for the reasonable use of the land or building and that the variance as granted by the Board is the minimum variance that will accomplish this purpose; and
- (4) That the literal enforcement and strict application of the provisions of this ordinance will result in an unnecessary hardship inconsistent with the general provisions and intent of this ordinance and that in granting such variance the spirit of the ordinance will be preserved and substantial justice done; and

- 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 ordinance under the power and authority herein granted.
- c. In granting any variance under the provisions of this ordinance the Board may designate such conditions in connection therewith which, in its opinion, will secure substantially the purpose and intent of this ordinance.
- d. To 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 ordinance.
- e. 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.

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- f. Initiate on its motion, or cause to be presented by interested property owners, action to bring about the discontinuance of a non-conforming 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 ordinance.
- g. Permit the change of occupancy from one non-conforming use to another non-conforming use when the extent of the second non-conforming use is found to be less detrimental to the environment than the first.
- h. Permit the enlargement of a non-conforming use only when the enlargement will not prolong the life of the non-conforming use. A specific period of time for the return to conformity can be required.
- i. Permit the reconstruction of a non-conforming structure or building on the lot or tract occupied by such building, provided such reconstruction does not, in the judgment of the Board, prevent the return of such property to a conforming use or increase the non-conformity of a non-conforming structure.
- j. Require the vacation and demolition of a non-conforming structure which is deemed to be obsolete, dilapidated, or substandard.
- k. Permit such 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 ordinance would result in an unnecessary hardship, and where such 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 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 ordinance shall not be granted to relieve a self-created or personal hardship, nor for financial reason only, nor shall such modification be granted to permit any person a privilege in developing a parcel of land not permitted by this ordinance to other parcels of land in the district.

F. APPEALS FROM THE BOARD OF ADJUSTMENT

1. Any person or persons, or any board, taxpayer, department, board or bureau of the City aggrieved by any decision of the Board may seek review by a court of record of such decision, in the manner provided by the laws of this state.

SECTION 13. RESPONSIBILITIES OF THE ADMINISTRATOR, BOARD OF ADJUSTMENT, AND CITY COUNCIL ON MATTERS OF APPEAL

- A. It is the intent of this ordinance that all questions of interpretation and enforcement shall be first presented to the Administrator in writing and that such questions shall be presented to the Board only on appeal from the decision of 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 ordinance that the duties of the City Council in connection with this ordinance shall not include hearing and deciding questions of interpretation that may arise. The procedure for deciding such questions are stated herein.
- C. Under this ordinance, the City Council shall have only the duties:
 1. of considering and adopting or rejecting proposed amendments or the repeal of this ordinance, as provided by law;
 2. of establishing a schedule of fees and charges as stated in Section 14 below;
 3. of appointing members of a Board and designating an Administrator; and
 4. of hearing appeals on and approving or rejecting Use Permits.

SECTION 14. SCHEDULE OF FEES, CHARGES AND EXPENSES

- A. The City Council shall establish from time to time by resolution 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

ordinance. The schedule of fees shall be posted in the office of the 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.

SECTION 15. AMENDMENTS

A. The regulations, restrictions, and boundaries set forth in this ordinance 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 their recommendation received; and until
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 ten (10) days nor more than thirty (30) days prior to the hearings, notice of the time and place of such hearings and description of 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 two hundred (200) feet from the boundaries of the subject property, at least ten (10) days prior to the hearing date. In case of a written protest against such change, signed by the owners of twenty percent (20%) or more either of the area of the lots or land included in such proposed change, or of the lots or land immediately adjoining the same and extending two hundred (200) feet therefrom, then such amendments shall not become effective except by the favorable vote of at least three-fourths (3/4) of all members of the City Council.

D. The same procedure for notifying property owners as provided in Paragraph C above shall be followed by the City Council for hearings on proposed amendments that affect the zoning classification, redistricting petitions and for 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 ten (10) days before such hearing.

F. 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 (1) year from date of final denial, except with permission of the Commission or upon initiation by the Commission or City Council.

SECTION 16. MEETINGS OF PLANNING AND ZONING COMMISSION

All meetings of the Commission shall be open to the public. The Commission shall keep the minutes of their proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicate such 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.

SECTION 17. PROVISIONS OF ORDINANCE DECLARED TO BE MINIMUM REQUIREMENTS

In their interpretation and application, the provisions of this ordinance shall be held to be minimum requirements, adopted for the promotion of public health, safety, morals, or general welfare. Wherever the requirements of this ordinance 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.

SECTION 18. REPEAL OF CONFLICTING ORDINANCES: EFFECTIVE DATE

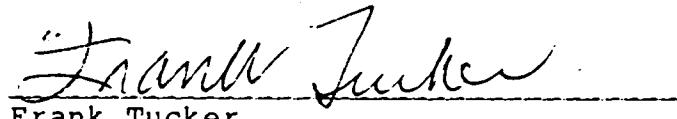
All ordinances or parts of ordinances in conflict with this ordinance or inconsistent with the provisions of this ordinance, are hereby repealed to the extent necessary to give this ordinance full force and effect. This ordinance shall become effective and in full force on the 13th day of January, 1987.

SECTION 19. SEPARABILITY CLAUSE

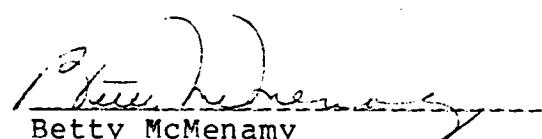
Should any section or provision of this ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not effect the validity of the ordinance as a whole, or any part thereof, other than the part so declared to be unconstitutional or invalid.

DULY PASSED BY THE CITY COUNCIL OF THE CITY OF PARKER, TEXAS on this the 13th day of January, 1987.

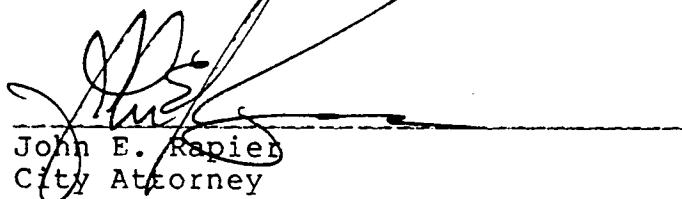
APPROVED:


Frank Tucker
Mayor

ATTEST:


Betty McMenamy
City Secretary

APPROVED AS TO FORM:


John E. Rapier
City Attorney

City of Parker
Planning and Zoning Commission
5700 E. Parker Road
Parker, TX

COMMENTS FOR 6/9/2022 MEETING - ZONING CODE REVISIONS HEARING

First: City Council and P&Z have spent many golden hours over the last few years discussing and trying to implement revisions to the Zoning Code (Ord. 483, passed 2000) and updates to the latest Comprehensive Plan (Ord. 721, passed 2015). At present, it appears that Council is waiting for the code changes to be approved before addressing the Comprehensive Plan.

Per state statutes, this sequence of approval "puts the cart before the horse". "Under Local Government Code § 211.004(a), zoning regulations must be adopted in accordance with a City's comprehensive plan if one exists."(1) Disregarding the procedural requirements leaves the City wide open to zoning regulation challenges.

Second: Within the proposed Zoning Ordinance under consideration tonight there are some sections that seem inconsistent with others. Please especially take another look at the discrepancies between the definition of ACCESSORY USE, ACCESSORY STRUCTURE AND ACCESSORY BUILDING and the section (N) ACCESSORY BUILDINGS changes/exceptions in size/square-footage requirements, building permit requirements and exemption of compliance with standard set backs.

Especially perplexing is:

(P) Storage units and construction containers. (3) **Non-temporary** storage units. (b) Storage sheds of less than **126** 200 square feet of floor area are allowed on residential properties. Not more than **1** 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).**

How is a "non-temporary storage shed" different from any building which requires building permit and must honor setback rules? The infringement on neighboring property is exactly the same when any structure is allowed to occupy space within the setback.

Third: Please explain the reasoning behind bringing back PRD/PD zoning district.

Thank you,

Katharine Booth
4010 Anns Lane
Parker

(1)

<http://texascityattorneys.org/2011speakerpapers/2011fallconference/DRoggia-RecentStateCaces.pdf>

XIX. Zoning

City of Laredo v. Rio Grande H2O Guardian, No. 04-10-00872-CV (Tex. App—San Antonio, July 27, 2011). After the City of Laredo amended its zoning map, Rio Grande filed a declaratory judgment action against the City challenging the legality of the new zoning ordinances. In response, the City filed a motion for summary judgment. Among other things, the City argued that Rio Grande's claim that the new zoning ordinance was not adopted in accordance with the City's comprehensive plan was moot. The City's argument is based on the fact that, during the instant suit, the City modified its comprehensive plan as permitted by its charter. Under Local Government Code § 211.004(a), zoning regulations must be adopted in accordance with a City's comprehensive plan if one exists. The court reasoned that if a City fails to adopt zoning ordinances in accordance with its comprehensive plan, such ordinances are void *ab initio*. Thus, the court held that the ordinances were never valid and the City could not revive them by subsequently amending the comprehensive plan.

SEE ALSO: <http://texascityattorneys.org/2010speakerpapers/LandUseLaw.pdf>

From: [Lee Pettle](#); [Diana Abraham](#); [Jim Reed](#); [Terry Lynch](#); [Cindy Meyer](#); [Michael Slaughter](#); [Patti Grey](#)
To: [Lee Pettle](#); [Diana Abraham](#); [Jim Reed](#); [Terry Lynch](#); [Cindy Meyer](#); [Michael Slaughter](#); [Patti Grey](#)
Subject: 8/2/22 Council meeting, kindly include my comments i
Date: Tuesday, August 2, 2022 2:41:40 PM

Dear Mayor, Council and Secretary Gray:

Kindly include these comments in the record for tonight's meeting as I'm unable to attend.

I'm Andy Redmond of 7275 Moss Ridge Road.

Item 2: BLA for Criminal Justice Training.

Both our police and other city staff should be well trained and continue to participate in continuing edu/follow up training, as required.

As presented we are giving the Tarrant College a blank check, I see no transparency as to why this is the best option or what it costs, merely that we have an agreement (for them to take our money).

Suggestion:

Let's vet this, showing the taxpayer's who the top three providers are, the costs of each, reason for spending then add this item to a future agenda.

Item 3 & 4 : Public Hearing on Zoning:

Although the efforts of P&Z and council are appreciated, I see many issues where apparent changes are contrary to "Uniquely Parker"

These include "fences on easements," "large animals," "home occupations" "accessory dwelling vs accessory structure," "building materials" etc.

Finally, once a comprehensive plan is adopted, this would potentially drive zoning changes, not in reverse.

Suggestion:

Parker residents have quite a lot of pride in their homes and neighborhoods, yet many of us do not purposefully live in a HOA, nor desire those type of excessive regulations.. Let's rethink these changes.

Item 5: Tax Rate & Budget

My proposal is to reduce the City budget by 5% and also adopt a "no new net revenue tax rate" as was proposed by myself and others last year.

Item 6: Mowing Contract.

Suggestions: Can we reduce required services and re-bid? Last years amount seems cost excess for actual services rendered.

Item 7: Engineering Services Agreement

Suggestion: Were any other engineering firms asked to bid or considered? The firm of which the services are to be awarded wrongly suggested that the current city hall is in a "FEMA 100 year flood plain." Also if one is to believe the Facebook posts from residents in PLE/along Dillehay, seems we've already had some flooding complaints and construction challenges. Perhaps we want to more carefully vet whom is chosen.

Regards,
Andy

CHAPTER 156: ZONING

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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, hired help, 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 thereof, including, but not limited to, stables, barns, 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 practice of farming and ranching; including:

- (a) Cultivating the soil (tilling soil in order to better prepare it for planting);
- (b) Producing crops for human food, animal feed, planting seed, or fiber;
- (c) Floriculture (cultivation and management of ornamental and flowering plants);
- (d) Viticulture (the cultivation or culture of grapes especially for wine making);
- (e) Horticulture (growing fruits, vegetables, flowers, or ornamental plants – wildflowers may exceed 12 inches when growing, but shall be mowed to a maximum height of 12 inches after seeding);
- (f) Silviculture (dealing with the development and care of forests);
- (g) Current wildlife management; and
- (h) Current raising or keeping livestock or poultry.

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

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

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

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

BUFFER YARD. A unit of land and any structures such as fences, walls, or berms that may be required between different land uses on adjacent lots to eliminate or minimize conflicts between them. 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 when placed on the lot.

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, Collin County, Texas.

CITY COUNCIL. The City Council of this city.

COMMISSION. The Planning and Zoning Commission of the city.

COMPREHENSIVE ZONING ORDINANCE. This chapter, and as hereafter 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, Buffer Yards, 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 process.

CONSTRUCTION PLAN. A plan for new construction or for additions to any structure submitted in application for a building permit.

DEVELOPMENT. The process of converting land to a new purpose by constructing buildings or making use of its resources.

EMPLOYEE. 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.

ETJ. Extraterritorial jurisdiction.

HOME OCCUPATION. Commercial non-agricultural activity within the home or on the grounds that does not involve more than one other unrelated person, client visitation without appointment, operation of commercial trucks, or signage or outside storage of business-related equipment or materials.

HOME OCCUPATION is defined as business activity within the residence, or any other building, or on the grounds, that does not involve more than 1 other unrelated person, operation of commercial trucks, signage, or visible storage of business related equipment or materials. Business activity is broadly construed to include all non-residential activity, for profit or otherwise, including, but not limited to, retail, commercial, industrial, manufacturing, or similar use.

COMPREHENSIVE PLAN. A plan and associated maps showing the existing and proposed land uses within the city and its extraterritorial jurisdiction (ETJ).

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

GROSS (SITE) AREA. The total area of a tract of land, including rights-of-way and dedicated easements.

LOT SIZE. Area enclosed by the metes and bounds of a given lot.

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

OFFICER. A person referred to in this chapter by title means the person employed or appointed by the city to that position, or his or her duly authorized representative.

OPEN SPACE. An outdoor area for outdoor living, recreation, pedestrian access, or landscaping, but excluding parking facilities.

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

RECREATIONAL EQUIPMENT. Items of person use and enjoyment other than automotive vehicles and trucks, specifically including boats and boat trailers, travel trailers, pick-up campers or coaches (designed to be mounted on automotive vehicles or trucks), motorized dwellings/RVs, tent trailers, and cases or boxes used for transporting recreational equipment, whether occupied by such equipment or not.

SINGLE-FAMILY RESIDENCE. A one family detached dwelling.

STORY. The portion of a building included between the surface of any floor and the surface of the floor next above it, or if there be no floor above it, then the space between that 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 lot, tract, or parcel of land situated within the corporate limits or within the city's statutory extraterritorial jurisdiction into two or more parts, lots, or sites for the purpose, whether immediate or future, of sale, division of ownership, or building development, including resubdivision. **SUBDIVISION** of land does not include the division of land for agricultural purposes in parcels or tracts of 25 acres or more.

TREES, REQUIRED. Pecan, Texas Ash, Eastern Red Cedar, Chinese Pistachio, Austrian Pine, Bur Oak, Live Oak, Red Oak, Sycamore, Lacebark Elm. Examples of trees not to be planted in the Buffer Yard are: Arizona Ash, Chinese Tallow, Cottonwood, Siberian Elm, Honeylocust, Hackberry, Mimosa, Fruitless Mulberry, Pin Oak, Poplar, Silver Maple, and Italian Cyprus.

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

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;
- (E) PRD, planned residential development; and
- (F) 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 that 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 or matter shown thereon except in conformity with the procedures set forth in this chapter. Any unauthorized change of whatever kind 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 in the office of the City Secretary or City Administrator, 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 or cultural 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

(G) Where a district boundary line divides a lot which was in single ownership at the time of passage of this chapter, the Board may permit the extension of the regulations for either portion of the lot not to exceed 50 feet beyond the district line into the remaining portion of the lot.

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

§ 156.18 NEWLY ANNEXED TERRITORY.

Any territory hereafter annexed to the city shall be annexed in accordance with the zoning designation indicated in the current city land use plan. The owner of that territory 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.

(C) No part of a yard, or other open space, or off-street parking or loading space required about or in connection with any building or use for the purpose of complying with this chapter, shall be included as part of a yard, open space, or off-street parking or loading space similarly required for any other building or use.

(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 and are relatively undeveloped. 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;
- (c) Farm;
- (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) Rodeo;
- (e) Grain elevator;
- (f) Common stables; and
- (g) 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;
- (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 hearing by Planning & Zoning Commission after which approval is required by City Council:

(a) Accessory Dwelling;

(b) Boarding and activities involving large animals.

(C) *Lot size requirements; SF.*

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

(2) *Maximum lot coverage.* The maximum lot coverage by all above ground structures shall be no more than 20%. 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 Buildings.

(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 greater than or equal to 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) *Buffer Yards; SF.* Buffer Yards are not required for the single-family zoning classification.

(1) The Buffer Yard shall be included as a part of the property to be maintained by the homeowner's association, or owner of the lot.

(E) *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 the front setback on the side closest to the adjacent street.

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

(F) *Building regulations; SF.*

(1) *Single-family residence.*

(a) *Minimum living space.* There shall be a minimum of 2,500 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, stone or approved masonry product, 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 the finished foundation elevation, not to exceed 45 feet above finished foundation elevation, excluding architectural treatment elements.

2. Architectural treatment elements are not to exceed 50 feet above finished foundation 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 the finished foundation elevation, 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) *Fences; SF.*

(1) *General restrictions.*

(a) 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, except for parcels of land that are side or rear adjacent to the following roads: Parker Road, Dillehay Drive (FM 2551), and Hogge Drive (FM 2551) on which a solid or near-solid fence constructed of wood, masonry, or wrought iron is permitted along the roadway. Open construction shall mean that each fence panel, when viewed from an elevation perspective at a perpendicular to that elevation, shall be constructed of materials that allow at least 50% of the surface area of each panel to provide for an open unobstructed view.

(b) 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.

(c) 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. They cannot extend beyond the front building line of the primary dwelling on the lot. They cannot extend into the side setback on the street side of a corner lot. It is preferred that chain link fence be black or green vinyl coated rather than galvanized.

(3) *Privacy fencing.* Privacy fences are permitted around swimming pool areas, subject to the following:

(a) The privacy fence must not be built farther than 30 feet from the side of the pool. The side of the pool is defined as where the water's edge meets the side of the pool, not the outside edge of the pool decking, if any.

(4) *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.

(5) *Materials.*

(a) *Permitted materials.* Materials permitted are wood, concrete, masonry, chain link, wrought iron, metal tubing, vinyl, fiberglass composite, barbed wire, or other materials approved by the Building Official for exterior exposure as fence material.

(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.

(6) *Certain locations, construction prohibited.*

(a) *Within easements.* No fence shall be located within any 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.

(7) *Swimming pool enclosures.* A building permit is required for the construction of all swimming pools, and all pools and their associated safety fences shall be built according to the building code.

(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) *Applicability.* The Single-Family Transitional District (SFT) zoning classification is closed and not available for applications. The regulations concerning this zoning classification remain applicable to existing SFT zoned properties within the City.

(B) *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 Buffer Yard between cities.

(C) *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 hearing by Planning & Zoning Commission after which approval is required by City Council:

- (a) Accessory Dwelling;

- (b) Boarding and activities involving large animals.

(D) *Lot size requirements; SFT.*

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

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

(3) *Maximum lot coverage.* The maximum lot coverage by all above-ground Structures shall be no more than 20%.

- (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 structures maximum lot coverage.* No more than 10% of the total lot area may be Accessory Buildings.

(5) *Special provisional lot sizes.*

- (a) Minimum lot size within the city limits after January 1, 1999 shall be two acres. These lots are included in the average lot size calculation in paragraph (C)(1) above.
- (b) Lots adjacent to platted lots within the city limits on or before January 1, 1999 shall be a minimum of two acres or not less than the smallest adjacent platted lot, whichever is less.

(6) *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 greater than or equal to 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.

(E) *Buffer Yards; 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 below, shall be required providing a Buffer Yard to compensate for the differences in lot sizes. This Buffer Yard setback shall contain at least 1 tree per 20 linear feet. If hardy native or adapted trees currently are growing in the area of this Buffer Yard 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 area. New trees shall be from the required tree list. All Buffer Yard plantings must be completed prior to a certificate of occupancy being issued for the lot.

(F) *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. 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.

 - (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.

(G) *Building regulations; SFT.*

(1) *Single-Family Residence.*

(a) *Minimum living space.* There shall be a minimum of 2,500 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 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, stone, or approved masonry product, 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 the finished foundation elevation, not to exceed 45 feet above finished foundation elevation to top of roof peak, excluding architectural treatment elements.

2. Architectural treatment elements are not to exceed 50 feet above finished foundation 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 the primary residence.*

(c) *Maximum height.* The maximum height for any Accessory Buildings shall be two stories above the finished foundation elevation, not to exceed the height of the primary residence.

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

(I) *Fences; SFT.*

(1) *General restrictions.*

(a) All perimeter fencing shall not exceed 6 feet in height. All fences shall be of open construction and not solid or near-solid fabric or surfacing, except for parcels of land that are side or rear adjacent to the following roads: Parker Road, Dillehay Drive (FM 2551), and Hogge Drive (FM 2551) on which a solid or near-solid fence constructed of wood, masonry, or wrought iron is permitted along the roadway. Open construction shall mean that each fence panel, when viewed from an elevation perspective at a perpendicular to that elevation, shall be constructed of materials that allow at least 50% of the surface area of each panel to provide for an open unobstructed view.

(b) 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.

(c) 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. They cannot extend beyond the front building line of the primary dwelling on the lot. They cannot extend into the side setback on the street side of a corner lot. It is preferred that chain link fence be black or green vinyl coated rather than galvanized.

(3) *Privacy fencing.* Privacy fences are permitted around swimming pool areas, subject to the following:

(a) The privacy fence must not be built more than 30 feet from the side of the pool. The side of the pool is defined as where the water's edge meets the side of the pool, not the outside edge of the pool decking, if any.

(4) *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.

(5) *Materials.*

(a) *Permitted materials.* Materials permitted are wood, concrete, masonry, chain link, wrought iron, metal tubing, vinyl, fiberglass composite, barbed wire, or other materials approved by the Building Official for exterior exposure as fence material.

(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.

(6) *Certain locations, construction prohibited.*

(a) *Within easements.* No fence shall be located within any 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.

(7) *Swimming pool enclosures.* A building permit is required for the construction of all swimming pools, and all pools and their associated safety fences shall be built according to the building code.

(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. Occupation 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 1 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 constructions 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 3 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: 1 visitor space for every 4 manufactured home spaces; and 1 supplemental parking or vehicle storage space for every 2 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 2 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 3 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 1 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 1 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 5 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 5 foot candles;
- e. Visitor and supplemental parking areas: at least 5 foot candles; and
- f. Recreation areas: at least 5 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 1 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 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 8 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 4-inch diameter sewer riser pipe. The sewer riser pipe shall extend at least 4 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.
 - i. Cross-section: auger or dead man, 6 inches in diameter; arrowhead 8 inches.
 - ii. Depth: auger or arrowhead 4 feet; dead man 5 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.
- c. 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 7 strands of 7 wires each (7 x 7).
- b. Galvanized aircraft cable: 1/4 inch 7 strands of 19 wires each (7 x 19).
- c. Steel strap: 1.25 inch by 0.035 inch galvanized with tensioning device.
- d. Cable ends: Secured by 2 U-bolt clamps.
- e. 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 5 feet from end of manufactured home.
- b. Footings of solid concrete 16 inches by 16 inches by 4 inches (16 x 16 x 4).
- c. Piers of standard 8 inches by 8 inches by 16 inches (8 x 8 x 16) of solid concrete.
- d. Treated trim shingles may be used for leveling.
- e. 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. He or she 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 emplacement 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](#)

§ 156.35 PLANNED DEVELOPMENT DISTRICT.

(A) The purpose of Planned Development (PD) is to provide an alternative zoning district to ensure flexible, innovative developments under controlled conditions which preserve the natural features of individual tracts and encourage developers to provide for open space in all areas not otherwise attainable under conventional base zoning districts.

(B) *Review Procedure:* The following procedure shall be used for PDs:

a. Step 1: Pre-Application Activities.

i. *Pre-Application Conference.* A pre-application conference is required to be held. In addition, the applicant shall include a concept/schematic plan for review by the Director to help determine whether or not a proposed PD is the appropriate procedure for the applicant and the city. The concept/schematic plan shall include at a minimum the following:

1. Proposed uses;
2. Number and type of units;
3. Floor area of all buildings;
4. Floor area of each use for mixed-use buildings (if applicable);
5. Proposed parking capacity and configuration;
6. General site planning layout and phasing; and
7. Summary of proposed deviations from the City's Code of Ordinance standards and a description of compensating public benefits achieved through the PD process.

b. Step 2: Application Submittal and Processing.

i. *Generally.*

1. The PD application shall be submitted and accepted, and may be revised or withdrawn.
2. An application for rezoning to a PD shall include a PD plan.

ii. *PD Plan.*

1. *Generally.*

- a. The PD Plan establishes the development regulations for a planned development and specifically identifies where there are deviations from the Code of Ordinances.
- b. The PD Plan shall include a development plan map.
- c. Unless specifically modified by the PD Plan, the PD shall comply with all standards in the Code of Ordinances, as amended.
- d. Where the applicant is proposing deviations from the zoning provisions of the Code of Ordinances, the applicant shall specify both the existing regulations and the wording of each corresponding substitution, as proposed. The proposed PD district shall represent a quality development when weighed overall against the standards in the Code or the alternative regulations proposed by the applicant.
- e. The PD plan shall be reviewed by the Director of Public Works and the Planning and Zoning Commission, whose recommendations are forwarded to the City Council for review and approval.
- f. Approval of the PD plan is required prior to approval of a development permit in a PD zoning district.

2. *Public Benefits to be Provided.* When an applicant is proposing deviations from the zoning provisions of this Code to establish a PD zoning district, the applicant shall demonstrate how the proposed PD zoning district will generally provide public benefits to justify the increased flexibility offered by the city through the PD procedure.
 - iii. *Concurrent Comprehensive Plan Amendment Review.* A comprehensive plan amendment application may be reviewed concurrently with a PD application.
 - iv. *Concurrent Subdivision Review.* A subdivision application submitted under Chapter 155 may be reviewed concurrently with a PD application. A preliminary plat for a PD shall only be approved following approval of the rezoning to PD.

- c. Step 3: Staff Review and Action. The Director of Public Works shall review the PD application and prepare a staff report and recommendation in accordance with the approval criteria below.
- d. Step 4: Scheduling and Notice of Public Meetings/Hearings. The PD application shall be scheduled for public hearings before the Planning and Zoning Commission and City Council, and noticed in accordance with applicable law.
- e. Step 5: Review and Decision.
 - i. *Planning and Zoning Commission Review and Recommendation.* The Planning and Zoning Commission shall review the PD application in accordance with the approval criteria below, and shall forward its recommendation to the City Council.
 - ii. *City Council Review and Decision.*

1. The City Council may review and approve, approve with conditions, or deny the PD application in accordance with the approval criteria below.
2. If the Planning and Zoning Commission recommends denial of the PD application, the rezoning shall become effective only by a three-fourths vote of all members of the City Council.
3. The City Council may also remand the PD application back to the Director of Public Works or the Planning and Zoning Commission for further consideration.
4. If the City Council remands the PD application back to the Director of Public Works or Planning and Zoning Commission, additional public hearings will be required before final adoption.

iii. *Protest Procedure.*

1. The rules governing amendment over protest are contained in Texas Local Government Code, Chapter 211. The Director of Public Works may prescribe forms for protest petitions.
2. Property owners within 200 feet of a proposed rezoning, as indicated on the most recently approved city tax roll, may file a written protest against the rezoning. If written protests are received by owners of 20 percent or more of the area within 200 feet of the proposed rezoning, approval shall require three-fourths vote of the City Council for a rezoning to become effective. In such case, a supermajority vote shall not be required by the Planning and Zoning Commission.

f. Step 6: Post-Decision Actions and Limitations.

- i. *Adoption of a Planned Development District.* At the time a PD zoning document is approved by the City Council, it becomes an integral part of this Code for that PD district established by the city on the property. All future development within the adopted PD district shall thereafter be in conformity with the PD zoning document for that property.
- ii. *Future Development.* Upon adoption of the PD district, the applicant may proceed with the development of the property in accordance with the PD zoning document and, the PD development standards document by applying for preliminary and final plat(s) approval in accordance with the phasing plan in the PD district.

iii. *Administration and Enforcement.*

1. While ownership of a project may subsequently be transferred (in whole or in part), PD zoning will continue to be implemented and maintained on the total acreage of the PD district. It is the responsibility of the owner to notify all prospective purchasers of the existence of the PD district and the PD development plan.
2. In the event that the applicant has failed to comply with the conditions adopted by the City Council in conjunction with the approved PD zoning document, the city may enforce the conditions of the PD under applicable law.

iv. *Amendments to a Planned Development.*

1. *Generally.*

- a. The applicant or its successors may request amendments to the PD zoning document and or PD development standards document.
- b. Amendments to the approved PD documents shall be delineated as major or minor amendments, according to the criteria set forth in this subsection.
- c. Amendments to the approved PD documents will not affect development units not included in the proposed amendment.
- d. Upon receipt of a PD amendment application, the Director shall determine if the proposed amendment constitutes a major or minor amendment subject to the criteria in subsections 2 and 3 below.

2. *Major Amendments.*

- a. An amendment will be deemed major if it involves any one of the following:
 - i. A change in the overall PD district boundary;
 - ii. A significant change to the approximate boundary of one or more development unit(s) from that approved in the PD district, as determined by the Director of Public Works. A change to an individual development unit generally shall be deemed to be significant if it represents a 10 percent increase to the approximate gross area of the development unit as approved in the PD district;
 - iii. An increase of 10 percent or more of the approved number of projected dwelling units or gross leasable area (GLA) for an individual development unit;
 - iv. Any change in land use or density that is likely to negatively impact or burden public facilities and utilities infrastructure as determined by the Director of Public Works;
 - v. Any change in land use or density that is likely to negatively impact or burden mobility adjacent to the PD district or to the overall major street system; or
 - vi. Any other proposed change to the development plan, which substantively alters one or more components of the PD district.
- b. If the Director of Public Works determines the amendment to be major, the amendment request shall be processed under the rezoning procedure described in Subsection 156.35(b).

3. *Minor Amendments.*

- a. Amendments not meeting one or more of the criteria listed above for major amendments shall be considered minor. If the Director of Public Works determines the amendment to be minor, the Director may administratively act on the

amendment and attach stipulations or conditions of approval thereto, to protect the public health, safety, and welfare.

- b. At least 15 days prior to consideration of a requested minor amendment by the Director of Public Works, notice of the proposed minor amendment shall be mailed to each owner of property wholly or partly within 200 feet of the affected development unit(s) to which the amendment relates.
- c. If written protest to any minor amendment is received from any notified property owner within 10 days of the notification mailing date and such protest cannot be resolved, then the minor amendment shall be reclassified as a major amendment. No additional application shall be required; however, all provisions governing major amendments shall then apply.
- d. If written protest is not received as described above, the Director of Public Works shall render a decision on the minor amendment request.
- e. The Director's decision shall be final unless appealed to the Planning and Zoning Commission in Subsection 4 below.

4. *Administrative Decision Appeals.*

- a. The applicant or a property owner within 200 feet may appeal an action or decision by the Director of Public Works on minor amendments to the Planning and Zoning Commission within 10 days from the date of the Director's decision.
- b. Appeals shall be in writing on a form provided by the Director of Public Works and shall include only the specific items being appealed.

g. *Rezoning to PD Approval Criteria.* In reviewing a proposed rezoning to a PD district, the Planning and Zoning Commission and City Council shall consider the general approval criteria in Chapter 156 and whether and to what extent the proposed PD district:

- i. Complies with the goals of the Comprehensive Plan;
- ii. Complies with this Code, except where modifications are expressly authorized through the PD zoning document, the PD development standards document, and in the PD development plan map;
- iii. Provides a greater level of building design quality, community amenities, and connectivity than would be required if the project were not being developed in a PD district;
- iv. In the case of proposed residential development, that the development will promote compatible buildings and uses and that it will be compatible with the character of the surrounding area;
- v. In the case of proposed non-residential uses or mixed-uses, that such development will be appropriate in area, location, and overall planning for the purpose intended; and

vi. The provisions for public facilities such as schools, fire protection, law enforcement, water, wastewater, streets, public services and parks are adequate to serve the anticipated population within the PD district.

(C) *Planned Development Standards.*

- a. Unless specifically modified by the PD Plan during the rezoning to PD procedure established above, the PD shall comply with all standards of this Code, as amended.
- b. Where the PD standards conflict with the standards in this Code, the regulations of the approved PD Plan shall control.

(D) Before a Final Plat is approved, capital improvement fees currently due shall be escrowed with the City in accordance with the Capital Improvement fee ordinances.

 § 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-throughs.
- 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
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(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 agricultural operations and may then exceed 12 inches.

(2) The practice of Agriculture includes the following activities:

- (a) Cultivating the soil (tilling soil in order to better prepare it for planting);
- (b) Producing crops for human food, animal feed, planting seed, or fiber;
- (c) Floriculture (cultivation and management of ornamental and flowering plants);
- (d) Viticulture (the cultivation or culture of grapes especially for wine making);
- (e) Horticulture (growing fruits, vegetables, flowers, or ornamental plants - wildflowers may exceed 12 inches when growing, but shall be mowed to a maximum height of 12 inches after seeding);
- (f) Silviculture (dealing with the development and care of forests);
- (g) Current wildlife management;
- (h) Current raising or keeping livestock or poultry.

(3) 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) *Exceptions to height regulations.* The height limitations do not apply to spires, belfries, cupolas, antennas, water tanks, ventilators, chimneys, or other appurtenances usually required to be placed above the roof level and not intended for human occupancy.

(F) *Structures to have access.* Every building erected or moved shall be on a lot with direct access on a public street, or with access to a municipally approved street. All structures shall be so located on lots as to provide safe and convenient access for servicing, fire protection, and required on-site parking.

(G) *Yard definitions.* 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.

(1) *Front yard.* 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 eight feet from the ground may project up to six feet into the required front yard.

(2) *Rear yard.* 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 four feet.

(3) *Side yard.* 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.

(H) *Use of recreational equipment.*

(1) No Recreational Equipment shall be used for living, sleeping, or housekeeping purposes for more than:

(a) 21 days (consecutive or non-consecutive) in any 30-day period not to exceed a total of 63 days in a 12 month period.

(2) Recreational Equipment must be parked or stored on a residential lot or in a location approved for such use.

(I) *Parking and storage of certain vehicles.* Automotive vehicles or trailers bearing license plates or state motor vehicle inspection 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 or covered with protective cloth specifically made for that use.

(J) *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.

(K) *District changes.* Whenever the boundaries of a district shall be changed so as to transfer an area from one district to another district of a different classification, or when boundaries or districts are changed as a result of annexation of new territory or changes in the regulations or restrictions of this chapter, the foregoing provisions shall also apply to any nonconforming uses existing therein which may so become nonconforming.

(L) *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):

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, or the entire vehicle shall be within 15 feet of the centerline of the driveway.

(b) Recreational vehicles and equipment (including, but not limited to, recreational vehicles, motor homes, travel trailers, pickup campers, boats and boat trailers, horse or stock trailers, and similar equipment).

1. On lots of two acres or less, must be parked behind the front line of the house, on either an improved or unimproved surface.

2. On lots greater than two acres, may be parked or stored within 50 feet of the front building line of the house, so long as the RVs are not parked within 100 feet of the front property line.

(c) Industrial/commercial vehicles over a GVWR (gross vehicle weight rating) of 10,000 pounds must be parked behind the front line of the house, either on an improved or unimproved surface.

(d) Farm equipment.

1. On lots of two acres or less, must be parked behind the front line of the house, on either an improved or unimproved surface.

2. On lots greater than two acres, may be parked behind the frontline of the house, or up to 50 feet in front of the house, but not closer than 100 feet from the front building line, either on an improved or unimproved surface.

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

(M) *Home occupation.*

(1) 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.

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

(a) There shall be not more than one employee who does not reside permanently at the residence. Staging or gathering of employees at the residence for work assignments away from the residence is not allowed.

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

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

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

(e) 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.

(f) All home occupations must comply with the city nuisance ordinance.

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

(N) *Accessory Buildings. See Definition*

(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 finished foundation elevation.

(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 20 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.

(O) *Accessory dwellings. See definition*

(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 2500 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), with annual renewal.

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 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 short term (no longer than one month) guest room.
 - (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 laid.

(P) *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 200 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) Non-temporary trash containers. All non-temporary 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 enactment of this chapter 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 the effective date of Ord. 242A 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 when required to do so by law or written order, unless the use thereof is changed to a use that is permitted in the district in which the building or premises is located, and except as follows.

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

(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 upon the lot occupied by that building, where that extension is necessary and incidental to the existing use of the building and does not exceed 25% of its area of nonconformity, as measured by the square footage of the building or land area.

(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.

(E) *Construction approved prior to ordinance.* Nothing herein shall be construed to require any change in the overall plans, construction, or designated use of any development, structure, or part thereof, where official approval and the required building permits were granted before the enactment of this chapter, or any amendment thereto, where construction thereof, conforming with those plans, shall have been started prior to the effective date of this chapter or the amendment, and where that construction shall have been completed in a normal manner within

the subsequent six month period, with no interruption, except for reasons beyond the builder's control.

(F) *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.

(G) *Nonconforming signs.* All nonconforming signs, billboards, or commercial advertising structures may be continued only for a period of one year from the adoption of this chapter, unless in violation of other ordinances or shorter periods are provided for in other ordinances or code provisions.

(H) *Damage or destruction.*

(1) Any nonconforming structure except a dwelling, which is damaged as measured by the cost to repair as more than 60% of the then appraised value for tax purposes above its foundation, by fire, flood, explosion, wind, earthquake, war, riot, or other calamity or act of God, shall not be restored or reconstructed and used as it was before that happening. If the structure is damaged less than 60% of its then appraised value for tax purposes, it may be restored, reconstructed, or used as before, provided that the restoration or reconstruction is completed within 12 months of the damaging event.

(2) Dwellings may be restored or reconstructed provided that the reconstruction or restoration is at least to the same size and quality as the damaged or destroyed dwelling.

(I) *Repairs and maintenance.*

(1) A nonconforming structure may be repaired and maintained as necessary to keep it in sound condition, but no structural alterations shall be made unless required by law or ordinance or unless authorized by the Council.

(2) Except as otherwise provided in this chapter, the total structural repairs and alterations that may be made to a nonconforming structure shall not exceed 50% of its appraised value for tax purposes. This restriction on rebuilding does not apply to accessory dwellings or single-family residences.

(J) *Moving of nonconforming structure or building.* No nonconforming building or structure shall be moved in whole or in part to any other location on the lot, or on any other lot, unless every portion of the building or structure is made to conform to all the regulations of the district where relocated.

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

§ 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; meeting or recreational;
- (2) Temporary signs;
- (3) Public library;
- (4) Municipal service facilities and buildings;
- (5) Parks, playfields, and playgrounds;
- (6) Public swimming pool;
- (7) Temporary structure (construction, real estate, and the like);

- (8) Church;
- (9) School; and
- (10) Guest ranches or party pavilions; parking areas.

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

 § 156.52 SPECIAL USE PERMITS.

(A) *Purpose.* The purpose of the regulations described by this section is to allow the compatible and orderly development within the city of uses which may be suitable only in certain locations in a designated district if developed in a specific way or only for a limited period of time.

(B) *Requirement.* A special use permit is required for all conditional uses. A special use permit may have a specified time limitation attached and may impose conditions other than those which are specifically set forth in this chapter.

(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 concerning special use permits for those uses which are conditional in any district shall be submitted to the Administrator in writing and be automatically referred to the Commission for a public hearing on same. The Administrator shall investigate conditions, arrange hearing notification, and obtain any expert advice needed to achieve agreement between the applicant and the city.

(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 Commission may recommend an application for a special use permit not be approved, 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 Commission, on the basis of recommendations from the Administrator, may impose requirements and conditions with respect to locations, construction, maintenance, and operation, 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 Commission, the applicant may appeal for a hearing before the City Council.

(D) *Appeals from decisions of the Commission.* Any person or persons, jointly or severally, aggrieved by a decision of the Commission, may present the City Council a petition, duly verified, setting forth that the decision is unjust, in whole or in part, specifying the grounds of injustice. The petition shall be presented to the body within 10 days after the final decision of the Commission and not thereafter.

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

(1) No structure or property in any district shall be used for a use listed as a conditional use without first having obtained a special use permit for that use from the City Council.

(2) 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 is in harmony with the purpose and intent of this chapter; and

(c) 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.

(3) Each use permitted by the City Council shall be evidenced by a duly adopted ordinance granting the special use permit and containing those conditions as may be prescribed by the City Council.

(4) 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.

(5) 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 prescribed for this purpose 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.* Following the issuance of a special use permit, the Building Official shall ensure that if the development is undertaken, it is commenced in compliance with the permit within one year. If the development is not commenced within one year of issuance of the applicable special use permit, the special use permit shall expire without notice.

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

ADMINISTRATION AND ENFORCEMENT

§ 156.65 CONSTRUCTION; SITE PLAN REQUIRED.

(A) *Requirement.* A site plan shall be required for all new construction, exterior remodeling, or additions to any structure. No building permit shall be issued for a development subject to site plan review until the site plan has been approved in accordance with this section.

(B) *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.

(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 and adjoining 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; and
- (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 Planner, City Engineer, City Administrator, or other administrative official of the city shall be designated Administrator by the City Council to administer the provisions of this chapter.

(B) If the Administrator shall find, or if any person files with him or her 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.

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

(B) *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 Mayor or City Secretary, 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.

(2) The person acting as Ordinance Administrator for the city shall be an ex-officio member of the Board of Adjustment without power of vote, and as an ex-officio member of the Board 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.

(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) The terms of the Zoning Board of Adjustment members and alternates shall commence December 1 of the two-year term, and shall expire on November 30.

(C) *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.

(D) *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.

(E) *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.

(F) *Authority of the Board.*

(1) A variance is an authorization by the Board of Adjustment 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.

(2) 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.

(3) (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.

(4) 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.

(G) *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. (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 and on the City website.

(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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