

CITY OF COUPLAND, TEXAS

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF COUPLAND, TEXAS, ADOPTING ZONING REGULATIONS FOR THE REGULATION OF LAND WITHIN THE LIMITS OF THE CITY OF COUPLAND AS AUTHORIZED BY CHAPTER 211 OF THE LOCAL GOVERNMENT CODE; PROVIDING DEFINITIONS, ZONING DISTRICTS, ZONING REGULATIONS, AND STANDARDS FOR THE DEVELOPMENT AND USE OF LAND WITHIN THE CITY OF COUPLAND; PROVIDING FOR VIOLATIONS, PENALTIES AND INJUNCTION; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; AND PROVIDING THE EFFECTIVE DATE.

WHEREAS, the City of Coupland is a general law city operating under the provisions of the Texas Constitution and the Local Government Code;

WHEREAS, Chapter 211 of the Local Government Code authorizes municipalities to establish zoning regulations within its corporate limits for the purpose of promoting the health, safety and welfare of the community; and

WHEREAS, The City Council of the City of Coupland now deems it necessary to adopt regulations to provide for the safe, orderly, healthful development of the City.

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

TITLE OF ORDINANCE

This Ordinance shall be known and may be cited as the "Zoning Ordinance of the City of Coupland, Texas."

SECTION 1

PURPOSE

1.1 Zoning Regulations and Districts are herein established in accordance with a comprehensive plan for the purpose of promoting the health, safety and general welfare of the City. They are designed to lessen congestion in the streets; to secure safety from fire, panic and other dangers; to provide adequate light and air, to prevent overcrowding of land, to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements. They have been established with reasonable consideration, among other things, to maintain the characteristics and atmosphere of the City; and its peculiar suitability for the particular uses specified; and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the City.

SECTION 2

Description and Purpose of Zoning Districts

"A" - Agricultural District: This district provides for the continuance of farming, ranching and gardening activities on land now utilized for these purposes. When land in the "A" category is needed for urban purposes, it is anticipated the zoning will be changed to the appropriate zoning categories to provide for orderly growth and development in accordance with the Comprehensive Plan.

"SF-1" - Reserved for future use.

"SF-2" - Single Family Residential District: This district will permit a minimum of a 2 to 5-acre residential lot. Density in this district will be no greater than one unit per 2 to 5 acres.

"SF-3" - Single Family Residential District: This district will allow for special restrictions in the original town of Coupland due to the small lot sizes.

"SF-5" - Single Family Residential District: This district provides for a minimum 5-acre residential lot. Density in this district will be no greater than one unit per 5 or more acres.

"B-1" - Business District: Retail, commercial and office uses developed under the standards of the B-1 District are designed to provide a compatible relationship between the B-1 development and adjacent residential areas.

"B-2" - Business District: Uses which require considerable space for display, sales or open storage, or by the nature of the use is generally not compatible with uses in the B-1 District are located in the B-2 Business District.

"I-1" - Light Industrial District: The Light Industrial District is established to accommodate uses of a non-nuisance type located in relative proximity to residential and B-1 business areas. Development in the I-1 district is limited to certain wholesale, jobbing, and warehouse uses and certain specialized manufacturing and research uses of a type which will not create nuisances.

"PD" - Planned Development District: This district provides a zoning category for the planning and development of larger tracts of land or tracts of land with unique characteristics for a single or combination of uses requiring flexibility and variety in design to achieve orderly development with due respect to the protection of surrounding property.

"FP" - Flood Plain District: Zoning Districts located in flood plain areas which are subject to periodic inundation may be preceded by the prefix FP, indicating a sub-district.

An area may be designated as mixed use to allow for more than one zoning type within a designated zoning district. In this event such a district will be designated with the specific zoning types allowed.

SECTION 3

ZONING DISTRICT MAP

(ZONING MAP WILL BE FURNISHED UPON REQUEST.)

SECTION 4

ZONING DISTRICT BOUNDARIES

4.1 THE DISTRICT BOUNDARY LINES SHOWN ON THE ZONING DISTRICT MAP ARE USUALLY ALONG STREETS, ALLEYS, PROPERTY LINES OR EXTENSIONS THEREOF. WHERE UNCERTAINTY EXISTS AS TO THE BOUNDARIES OF DISTRICTS AS SHOWN ON THE OFFICIAL ZONING MAP, THE FOLLOWING RULES SHALL APPLY:

4.2 Boundaries indicated as approximately following streets, highways or alleys shall be construed to follow the centerline of such street, highway or alley.

4.3 Boundaries indicated as approximately following platted lot lines shall be construed as following such lines.

4.4 Boundaries indicated as approximately following city limits shall be construed as following city limits.

4.5 Boundaries indicated as following railroad or utility lines shall be construed to be the centerline of the right-of-way or if no centerline is established, the boundary shall be interpreted to be midway between the right-of-way lines.

4.6 Boundaries indicated as approximately following the centerlines of streams, drainage ways or other bodies of water shall be construed to follow such centerlines.

4.7 Boundaries indicated as parallel to or extensions of features indicated in 4.1 through 4.6 above shall be so construed. Distances not specifically indicated on the original Zoning Map shall be determined from the graphic scale on the map.

4.8 Whenever the street, alley or other public way is vacated by official action of the City Council, or whatever street or alley area is franchised for building purposes, the zoning district line adjoining each side of such street, alley or other public way shall be automatically extended to the centerline of such vacated street, alley or way, and all areas so involved shall then and henceforth be subject to all regulations of the extended districts.

4.9 Where physical features of the ground are at variance with information shown on the official zoning district map, or if there arises a question as to how a parcel of property is zoned and such question cannot be resolved by the applications of subsections 4.1 through 4.8 or the zoning of property is invalidated by a final judgment of a court of competent jurisdiction, the property shall be considered as classified "A", Agricultural District, temporarily, in an area determined to be temporarily classified as "A", Agricultural District, no person shall construct, add to or alter any building or structure or cause the same to be done; nor shall any use be located therein or on the land which is not permitted in an "A" District, unless and until such territory has been zoned to permit such use by the City Council.

SECTION 5

TEMPORARY ZONING-ANNEXED TERRITORY

5.1 ALL TERRITORY HEREAFTER ANNEXED TO THE CITY OF COUPLAND, SHALL, BE TEMPORARILY CLASSIFIED AS "A", AGRICULTURAL DISTRICT, UNTIL PERMANENT ZONING IS ESTABLISHED BY THE CITY COUNCIL OF THE CITY OF COUPLAND. THE PROCEDURE FOR ESTABLISHING PERMANENT ZONING ON ANNEXED TERRITORY SHALL CONFORM TO THE PROCEDURES ESTABLISHED BY LAW FOR THE ADOPTION OF ORIGINAL ZONING REGULATIONS.

5.2 In an area temporarily classified as "A", Agricultural District:

- a. No person shall erect, construct or proceed or continue with the erection or construction of any building or structure or cause the same to be done in any newly annexed territory to the City of Coupland without first applying for and obtaining a building permit or certificate of occupancy from the building official or the City Council as may be required.
- b. No permit for the construction of a building or use of land shall be issued by the City Council other than a permit which will allow the construction of a building permitted in the "A", Agricultural District, unless such territory has been classified in a zoning district other than the "A", Agricultural District, by the City Council in the manner prescribed by the law.

SECTION 6

COMPLIANCE REQUIRED

6.1 ALL LAND, BUILDINGS, STRUCTURES OR APPURTENANCES THEREON LOCATED WITHIN THE CITY OF COUPLAND, TEXAS, WHICH ARE OCCUPIED AT THE TIME OF THE EFFECTIVE DATE OF THIS ORDINANCE, ARE GRANDFATHERED. ANY NEW CONSTRUCTION OR USE CHANGE SHALL BE IN CONFORMANCE WITH THE ZONING REGULATIONS PRESCRIBED FOR THE ZONING DISTRICT IN WHICH SUCH LAND OR BUILDING IS LOCATED.

SECTION 7

"A" - AGRICULTURAL DISTRICT

General Purpose and Description - This district is intended to apply to land used for agricultural purposes.

7.1 Permitted Uses - A building or premise shall be used only for the following purposes;

7.1.1 Single-family dwellings on building lots of two (2) acres or more in areas where said dwellings can be adequately served by utilities or septic tanks located on the building lot.

7.1.2 Accessory buildings and structures clearly incidental to the above operations, including but not limited to barns, stables, equipment sheds, granaries, private garages, pump houses, and servant's quarters not for rent, provided that accessory buildings and structures shall ~~not~~ be limited to fifty (50) percent of the gross land area.

7.1.3 Temporary metal buildings less than six hundred (600) square feet which are used for tool and supply storage.

7.1.4 Greenhouse, green nursery and general gardening activities.

7.1.5 Riding academy or other equestrian related activities.

7.1.6 Accessory uses, including but not limited to temporary buildings for construction purpose for a period not to exceed the duration of such construction 18 months or whichever comes first.

7.1.7 Other uses as listed in Section 17 of this ordinance.

The following specific uses shall be permitted in the "A" Agricultural District, when granted in accordance with Section 18:

a) Uses as listed in Section 17 of this ordinance.

7.2 Height Regulations: No building shall exceed thirty-five (35) feet in height.

7.3 Area Regulations:

7.3.1 Size of Yard

a) Front Yard: There shall be a front yard of not less than fifty (50) feet as measured from the front property line.

b) Side Yard: There shall be a side yard of not less than fifteen (15) percent of the width of the lot or fifty (50) feet, whichever is less.

c) Rear Yard: There shall be a rear yard of not less than twenty-five (25) feet for main structure and ten (10) feet for accessory buildings.

7.3.2 Size of Lot:

a) Lot Area: No lot shall have an area of less than 2 acres.

b) Lot Width: No lot shall have a lot width of less than one hundred fifty (150) feet.

c) Lot Depth: No lot shall have a lot depth of less than two hundred (200) feet.

d) Minimum Frontage for Acreage Adjoining a FEMA: Where a lot adjoins a FEMA (100-year floodplain), the minimum frontage of the lot will be 500 feet.

7.3.3 Lot Coverage: In no case shall more than twenty-five (25%) percent of the total lot area be covered by the area of the main building. A maximum total of forty (40%) percent may be covered by the main building, accessory buildings, driveways and parking.

7.4 Parking Regulations: Minimum of two (2) spaces behind the front set-back line for single family dwelling units. Other off-street parking spaces shall be provided in accordance with the requirements for specific uses set forth in Section 18.

7.5 Additional Restrictions Applicable to All Structures: Refer to Section 19.5.

SECTION 8

"SF - 5 SINGLE FAMILY RESIDENTIAL DISTRICT

General Purpose and Description: This district is intended to provide for large lots with associated large single-family residential dwellings and associated structures. Such districts will usually be located in areas separated from heavy traffic and major thoroughfares. This district is also appropriate in areas of environmental sensitivity and/or uneven topography and as a buffer between areas expected to remain in agricultural use for an extended period of time and areas expected to experience residential development. Density in this district is restricted to no less than 5 acres.

8.1 Permitted Uses: A building or premise shall be used only for the following uses:

8.1.1 Single-family dwellings, detached.

8.1.2 Farms, nurseries, greenhouses or truck gardens limited to the propagation and cultivation of plants, provided no retail or wholesale business is conducted on the premises.

8.1.3 Parks, playgrounds and other public recreational facilities owned and/or operated by the municipality or other public agency.

8.1.4 Real estate sales offices during the development of residential subdivisions, but not to exceed two (2) years.

8.1.5 Temporary buildings for uses incidental to construction work on the premises, which said buildings shall be removed upon the completion or abandonment of construction work. The building official shall determine the appropriate time period for use on the site.

8.1.6 Accessory buildings and uses, customarily incident to the above uses and located on the same tract therewith, not involving the conduct of a retail business except as provided below, subject to the following provisions:

- a) The term accessory use shall include customary home occupations as herein defined.

8.2 Area Regulations

- a) Where lots have double frontage, running through from one street to another, the required front yard shall be provided on both streets. No required parking shall be allowed within the required front yard. There shall be a sixty (60) foot front yard setback (minimum) for all accessory buildings or uses.

- b) Side Yard: There shall be a side yard on each side of the lot having a width of not less than fifteen (15) feet. A side yard adjacent to a side street shall not be less than twenty-five (25) feet. No side yard for allowable nonresidential uses shall be less than twenty-five (25) feet. Minimum side yard for accessory uses shall be ten (10) feet from the property line.
- c) Rear Yard: There shall be a rear yard with a depth of not less than twenty-five (25) feet. Minimum rear yard for accessory buildings shall be not less than ten (10) feet from the property line.

8.3 Size of Lot:

- a) Lot Area: No building shall be constructed on any lot of less than 5 acres.
- b) Lot Width: Two hundred (200) feet, minimum.
- c) Lot Depth: Two hundred (200) feet, minimum.
- d) Minimum Frontage for Acreage Adjoining a FEMA: Where a lot adjoins a FEMA (100-year floodplain), the minimum frontage of the lot will be 500 feet.

8.4 Lot Coverage: In no case shall more than twenty-five (25%) percent of the total lot area be covered by the area of the main building. A maximum total of forty (40%) percent may be covered by the main building, accessory buildings, driveways and parking.

8.5 Parking Regulations: A minimum of two parking spaces shall be provided behind the set-back line. Off-street parking spaces shall be provided in accordance with the requirements for specific uses set forth in Section 18.

8.6 Additional Restrictions Applicable to All Structures: Refer to Section 19.5.

- a) Accessory buildings, including a private garage and bona fide servant's quarters, not for rent but for use of servants employed on the premises, shall be located not less than sixty (60) feet from the front lot line, nor less than ten (10) feet from either side line, provided said accessory building shall not occupy more than fifty (50%) percent of the minimum required rear yard in the case of a one-story building.
- b) When the accessory building is directly attached to the main building it shall be considered an integral part of the main buildings. When the accessory building is attached to the main building by a breezeway, the breezeway is considered a part of the accessory building.
- c) The term accessory building shall include temporary metal buildings less than four hundred (400) square feet which are used for tool and supply storage.

8.7 Accessory uses, including but not limited to temporary buildings for construction purpose for a period not to exceed the duration of such construction.

8.8 Other uses as listed in Section 17 of this ordinance.

8.9 The following specific uses shall be permitted in the "SF-5" district, when granted in accordance with Section 18:

8.9.1 Non-commercial stable as an accessory, used for the housing of animals owned by the resident and set back from adjacent property lines a minimum distance of one hundred (100) feet.

8.9.2 Privately owned and maintained recreation areas.
Other uses as listed in Section 17 of this ordinance.

8.10 Height Regulations: No buildings shall exceed thirty-five (35) feet in height. Accessory buildings or uses shall be a maximum of thirty-five (35) feet.

8.11 Area Regulations:

8.11.1 Size of Yards

a) Front Yard: There shall be a front yard having a depth of not less than thirty (30) feet as measured from the front property line.

SECTION 9

"MH" - MANUFACTURED HOME DISTRICT

General Purpose and Description - This district provides for the use of Manufactured Homes. Density in this district shall be the same as other Single-Family Residential requirements for the same zoned area (e.g. an area zoned SF-5 and MH will require a minimum lot size of 5 acres for a home of traditional construction or a manufactured home). Manufactured homes shall be permitted only in areas zoned MH and prohibited in areas not so zoned.

"SF - 3" - SINGLE FAMILY RESIDENTIAL DISTRICT (OLD TOWN)

General Purpose and Description - This district is intended to make allowances for the small lots that are a part of the original plat of Coupland. Because none of the existing lot sizes fall into the "SF - 1", "SF-2" or "SF-5" districts, and because county regulations require a minimum lot size of one acre for a septic tank permit, the following regulations apply to Old Town Coupland. Density in this district will be no greater than one unit per lot.

9.1 Permitted Uses: A building or premise in an "SF - 3" District shall be used only for the following purposes:

9.1.1 Any use permitted in the "SF - 5", "SF - 2", "SF - 1" Districts, except farm and farm accessory building uses.

9.1.2 Accessory uses, including but not limited to temporary buildings for construction purpose for a period not to exceed the duration of such construction.

9.1.3 Other uses as listed in Section 17 of this ordinance.

9.2 The following specific uses shall be permitted in an "SF-3" District, when granted in accordance with Section 18:

9.2.1 Other uses as listed in Section 17 of this ordinance.

9.3 The following special regulations apply:

9.3.1 A minimum twenty-five (25) foot setback off the front property line.

9.3.2 A minimum five (5) foot setback off the side property line if the property adjoins another residence.

9.3.3 A minimum five (5) foot setback off the back-property line if the property adjoins another residence.

9.3.4 A zero (0) setback off the back-property line if the property adjoins an alley.

9.3.5 Whenever an aggregate number of adjacent lots owned by a single individual equals one acre or more, then those aggregate lots will comply with the "SF-1" District regulations.

SECTION 10

"SF - 2" - SINGLE FAMILY RESIDENTIAL DISTRICT

General Purpose and Description - This district is designed to provide for low density, traditional single-family residential development. This district is appropriate as a buffer between higher density residential uses and agricultural and/or estate type residential areas. Densities in this district will range from a maximum of one dwelling per 2 to 5 acres.

10.1 Permitted Uses: A building or premise in an "SF 2" District shall be used only for the following purposes:

10.1.1 Other uses as listed in Section 17 of this ordinance.

10.1.2 Accessory uses, including but not limited to temporary buildings for construction purpose for a period not to exceed the duration of such construction.

10.2 The following specific uses shall be permitted in an "SF-2" District, when granted in accordance with Section 17.

10.2.1 Uses as listed in Section 17 of this ordinance.

10.3 Height Regulations: No building shall exceed thirty-five (35) feet in height.

Accessory uses shall be a maximum of thirty-five (35) feet in height.

10.4 Area Regulations:

10.4.1 Size of Yard: (Reference Coupland Subdivision ordinance)

10.4.2 Size of Lot:

a) Lot Area: No building shall be constructed on any lot of less than 2 acres.

b) Lot Width: No lot shall have a lot width of less than one hundred fifty feet.

- c) Lot Depth: No lot shall have a lot depth of less than two hundred (200) feet.
- d) Minimum Frontage for Acreage Adjoining a FEMA: Where a lot adjoins a FEMA (100-year floodplain), the minimum frontage of the lot will be 500 feet.

10.4.3 Lot Coverage: In no case shall more than forty percent (40%) of the total lot area be covered by the area of the main building. A maximum of sixty percent (60%) of the total lot may be covered by accessory buildings, driveways and parking.

10.5 Parking Regulations: A minimum of two (2) parking spaces shall be provided behind the setback line. Off-street parking spaces shall be provided in accordance with the requirements for specific uses set forth in Section 18.

10.6 Additional Restrictions Applicable to All Structures: Refer to Section 19.5.

SECTION 11

"B-1" BUSINESS DISTRICT - 1

General Purpose and Description: The "B-1" Business District is intended for office facilities, neighborhood shopping facilities and retail and commercial facilities of a service character. The B-1 District is established to accommodate the daily and frequent needs of the community.

11.1 Use Regulations: A building or premise shall be used only for the following purposes.

11.1.1 Banks or savings and loans containing no more than five thousand (5,000) square feet of floor space.

11.1.2 Clinic, medical or dental containing no more than five thousand (5,000) square feet of floor space.

11.1.3 Food store with floor space not greater than seventy-five hundred (7,500) square feet.

11.1.4 Furniture and appliance; retail sales containing no more than seventy-five hundred (7,500) square feet of floor space.

11.1.5 Laboratory, medical or dental containing no more than five thousand (5,000) square feet of floor space.

11.1.6 Lithographic or print shop, retail only.

11.1.7 Jewelry store, less than three thousand (3,000) square feet.

11.1.8 Tool rental (inside only).

11.1.9 Other general retail sales of similar nature and character provided that the business establishment is subject to the following conditions, which shall be applicable to all uses in the district:

- a) The business shall be conducted wholly within an enclosed building.

- b) Required yards shall not be used for display, sale or storage of merchandise or for the storage of vehicles, equipment, containers or waste material which are products for sale;
- c) All merchandise shall be sold at retail on the premises; and
- d) Such use shall not be objectionable because of odor, excessive light, smoke, dust, trash or similar nuisance.

11.1.10 Other uses as listed in Section 17 of this ordinance.

11.1.11 Accessory uses, including but not limited to temporary buildings for construction purpose for a period not to exceed the duration of such construction.

11.2 The following specific uses shall be permitted in the B-1 District, when granted in accordance with Section 18:

11.2.1 Gasoline service station with associated automobile repair facility with floor space not greater than two thousand five hundred (2500) square feet.

11.2.2 Other uses as listed in Section 17 of this ordinance.

11.3 Height Regulations: No building shall exceed thirty-five (35) feet in height.

11.4 Area Regulations:

11.4.1 Size of Yards:

- a) Front Yard: Twenty (20) feet measured from the front property line. Sixty (60) foot front yard.
- b) Side Yard: Adjacent to a street twenty-five (25) feet; adjacent to a residential district property line twenty (20) feet; other conditions ten (10) feet.
- c) Rear Yard: Twenty (20) feet for any building or structure. If an alley is not required, a masonry or wood wall of a minimum height of six (6) feet shall be constructed adjacent to the rear property line to provide a barrier between the adjoining uses, unless adjacent property owners do not want the fence.
- d) Special Side or Rear Yard Requirement: When a nonresidential zoned lot or tract abuts upon a zoning district boundary line dividing the lot or tract from a residentially zoned lot or tract, a minimum side yard of twenty (20) feet shall be provided on the nonresidential property. For new construction, a masonry or wood wall having a minimum height of six (6) feet about the average grade of the residential property shall be constructed on the non-residential property adjacent to the common side (or rear) property line, unless adjacent property owners do not want the fence.

11.4.2 Size of Lot:

- a) Minimum Lot Area: No building shall be constructed on any lot of less than 1 acre.
- b) Minimum Lot Width: The width of the lot shall not be less than one hundred twenty (120) feet at the front street building line.
- c) Minimum Lot Depth: The average depth of the lot shall be not less than one hundred twenty (120) feet.
- d) Minimum Frontage for Acreage Adjoining a FEMA: A lot adjoining a FEMA (100-year floodplain), will not be permitted.

11.4.3 Lot Coverage: No more than forty percent (40%) of the lot area shall be covered by buildings.

11.4.4 Parking Regulations: Off-street parking and loading shall be provided as set forth in Section 18.

11.5 Additional Restrictions Applicable to All Structures: Refer to Section 19.5.1. No manufactured/mobile homes will be allowed in B-1 District.

SECTION 12

"B-2" BUSINESS DISTRICT - 2

General Purpose and Description: The "B-2" Business district is intended to provide a zoning category similar to the "B-1" District, except that additional retail business uses are permitted which are not generally carried on completely within a building or structure, and an expanded range of service and repair uses is permitted.

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

- 12.1.1 Any use permitted in the "B-1" Business District;
- 12.1.2 Building materials sales;
- 12.1.3 Building materials yard;
- 12.1.4 Lumberyard;
- 12.1.5 Automotive repair facility;
- 12.1.6 Clinic, medical or dental containing over five thousand (5,000) square feet;
- 12.1.7 Lithographic or print shop, retail only;
- 12.1.8 Newspaper or commercial printing;
- 12.1.9 Nursery with outside sales;
- 12.1.10 Outdoor furniture sales;

- 12.1.11 Auto car dealer shop;
- 12.1.12 Automotive car wash;
- 12.1.13 Repair of household and office machinery;
- 12.1.14 Trailer sales and rental, for use with private passenger motor vehicles; and
- 12.1.15 Accessory uses, including but not limited to temporary buildings for construction purpose for a period not to exceed the duration of such construction.
- 12.1.16 Other uses as listed in Section 17 of this ordinance.
- 12.1.17 The following specific uses shall be permitted in a B-2 District, when granted in accordance with Section 18:
- 12.1.18 Uses as listed in Section 17 of this ordinance.
- 12.2 Height Regulations: No building shall exceed thirty-five (35) feet in height.
- 12.3 Area Regulations:
- 12.3.1 Size of Yard:
- a) Front Yard: Minimum required setback shall be twenty (20) feet. Accessory uses must be set back a minimum of sixty (60) feet.
 - b) Side Yard: Adjacent to a street-twenty-five (25); minimum required-ten (10) feet.
 - c) Rear Yard: The minimum rear yard setback shall be twenty (20) feet for any building or structure. When an alley is not required, a solid masonry or wood wall of a minimum height of six (6) feet shall be constructed adjacent to the rear property line to provide a barrier between the adjoining use, except in cases where the adjoining property owners request that no fence be erected.
 - d) Special Side or Rear Yard Requirement: When a non-residentially zoned lot or tract abuts upon a zoning district boundary line dividing the lot or tract from a residentially zoned lot or tract, a minimum side yard of twenty (20) feet shall be provided for on the nonresidential property. For new construction, a solid masonry or wood wall having a minimum height of six (6) feet above the average grade of the residential property shall be constructed adjacent to the common side (or rear) property line, except in cases where the adjoining property owners request that no fence be erected.
- 12.3.2 Size of Lot:
- a) Minimum Lot Area: No building shall be constructed on any lot of less than 2 acres.

- b) Minimum Lot Width: The width of the lot shall not be less than one hundred twenty (120) feet at the front street building line.
- c) Minimum Lot Depth: The average depth of the lot shall be not less than one hundred twenty (120) feet.
- d) Minimum Frontage for Acreage Adjoining a FEMA: A lot adjoining a FEMA (100-year floodplain), will not be permitted.
- e) Lot Coverage: In no case shall more than fifty percent (50%) of the lot area be covered by buildings.

12.4 Parking Requirements: Off street parking requirements shall be provided in accordance with Section 18.

12.5 Additional Restrictions Applicable to All Structures: Refer to Section

SECTION 13

"I-1" INDUSTRIAL DISTRICT

General Purpose and Description: The I-1 District is established to accommodate those uses which are of a non-nuisance type located in relative proximity to residential areas, and to preserve and protect lands designated on the comprehensive plan for industrial development and use from the intrusion of certain incompatible uses which might impede the development and use of lands for industrial purpose. Development in the I-1 District is limited primarily to certain wholesale and jobbing commercial uses and certain industrial uses, such as the fabrication of materials, and specialized manufacturing and research institutions, all of a non-nuisance type.

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

13.1.1 All business, servicing, or processing, except for off-street parking, off-street loading, display of merchandise for sale to the public, and establishments of the "drive-in" type, shall be conducted within completely enclosed areas.

13.1.2 All storage within one hundred feet (100') of a residential district, except for motor vehicles in operable condition, shall be within completely enclosed buildings or effectively screened within screening not less than six feet (6") nor more than eight feet (8") feet in height, provided no storage located within fifty feet (50') of such screening shall exceed the maximum height of such screening, except in cases where adjacent property owners request that no fence be erected.

13.1.3 Permitted uses in the I-1 District shall not disseminate dust, fumes, gas, noxious odor, smoke, glare, or other atmospheric influence.

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

13.1.5 Permitted uses in the I-1 District include the following:

- 13.1.6 Advertising products, such as signs and billboards (manufacturing of);
- 13.1.7 Ambulance, bus, train, and taxi stations, truck yards;
- 13.1.8 Awnings, venetian blinds, and window shades (manufacturing of);
- 13.1.9 Wholesale bakery, candy, dairy and other food products sales, but not including fish and meat products, sauerkraut, vinegar and yeast;
- 13.1.10 Contractor's yard;
- 13.1.11 Cameras and other photographic equipment (manufacturing of); Ceramic products, such as pottery, figurines, and small glazed tiles (manufacturing of);
- 13.1.12 Ice plants, cold storage plants;
- 13.1.13 Jewelry store over three thousand (3,000) square feet;
- 13.1.14 Machine shops and fabrication of metal;
- 13.1.15 Metal stamping and extrusion of small products, such as costume jewelry, pins and needles, razor blades, bottle caps, buttons, and kitchen utensils;
- 13.1.16 Milk and ice cream processing;
- 13.1.17 Mobile home sales;
- 13.1.18 Orthopedic and medical appliances, such as artificial limbs, braces, supports and stretchers (manufacturing of);
- 13.1.19 Repair of farm equipment;
- 13.1.20 Scientific and precision instruments (manufacturing of);
- 13.1.21 Sheet metal shops;
- 13.1.22 Public utility and public service uses as follows:
Bus stations, bus terminals, bus turnaround (off-street), bus garages, and bus lots;
- 13.1.23 Electric substations;
- 13.1.24 Radio and television towers;
- 13.1.25 Railroad passenger stations;
- 13.1.26 Telephone exchanges, microwave relay towers, telephone transmission equipment buildings and service yards;
- 13.1.27 Privately owned water pumping stations and water reservoirs.
- 13.1.28 Radar installation and towers;
- 13.1.29 Radio and television studios and stations;
- 13.1.30 Schools, trade;

- 13.1.31 Storage and warehousing establishments;
- 13.1.32 Storage yards, but not including junkyards;
- 13.1.33 Swimming pool (manufacturing of);
- 13.1.34 Commercial trailer sales and rental;
- 13.1.35 Weighing stations;
- 13.1.36 Wholesaling establishments;
- 13.1.37 Accessory uses, including but not limited to temporary buildings for construction purpose for a period not to exceed the duration of such construction;
- 13.1.38 Other wholesale, light manufacturing, construction or service uses which are similar in character to those enumerated in this subsection, and which will not be dangerous or otherwise detrimental to persons residing or working in the vicinity thereof, or to the public welfare, and will not impair the use, or value of any property;
- 13.1.39 Factory outlet retail or wholesale store for the sales and servicing of goods or materials on the same premises as the manufacturing company to which they are related, including sales and service in a separate building or buildings;
- 13.1.40 Commercial truck wash.
- 13.1.41 Other uses as listed in Section 17 of this ordinance.
Accessory uses, including but not limited to temporary buildings for construction purpose for a period not to exceed the duration of such construction.
- 13.1.42 The following specific uses shall be permitted in the I-1 District when granted in accordance with Section 18:
- a) Railroad freight terminals, railroad switching and classification yards, repair shops, and roundhouses.
 - b) Stadiums, auditoriums, and arenas.
 - c) Other uses as listed in Section 17 of this ordinance.
- 13.2 Height Regulations: Maximum height thirty-five (35) feet.
- 13.3 Area Regulations:
- 13.3.1 Size of Yards:
- a) Front Yard: Minimum required, twenty (20) feet.
 - b) Side Yard: Minimum side yard of ten (10) feet except a corner lot adjacent to a street shall be twenty (20) feet. When the industrial district is adjacent to any residential district, a minimum side yard of twenty (20) feet shall be observed and a six (6) foot solid masonry or wood wall shall be constructed adjacent to the residential district's property line. Said fence must be maintained.

- c) Rear Yards: There shall be a rear yard of depth of twenty (20) feet, unless adjacent to a residential district, in which case a fifty (50) foot rear setback shall be observed. When the industrial district is adjacent to any residential district, a minimum side yard of twenty (20) feet shall be observed and a six (6) foot solid masonry or wood wall shall be constructed adjacent to the residential district's property line. Said fence must be maintained.

13.3.2 Size of Lot:

- a) Minimum Lot Area: No building shall be constructed on any lot of less than 2 acres.
- b) Minimum Lot Width: The width of the lot shall not be less than one hundred twenty (120) feet at the front street building line.
- c) Minimum Lot Depth: The average depth of the lot shall not be less than one hundred twenty (120) feet.
- d) Minimum Frontage for Acreage Adjoining a FEMA: A lot adjoining a FEMA (100-year floodplain), will not be permitted.
- e) Lot Coverage: In no case shall more than fifty (50%) percent of the lot area be covered by the aggregate area of all buildings constructed on the lot, including impervious cover.

13.4 Parking Regulations: Required off-street parking shall be provided in accordance with the specific uses set forth in Section 18.

13.5 Additional Restrictions Applicable to All Structures:
No manufactured/mobile homes will be allowed in the I-1 District.

SECTION 14

"PD" PLANNED DEVELOPMENT DISTRICT

General Purpose and Description: The Planned Development District "PD" prefix is intended to provide for combining and mixing of uses allowed in various districts with appropriate regulations and to permit flexibility in the use and design of land and buildings in situations where modification of specific provisions of this ordinance is not contrary to its intent and purpose or significantly inconsistent with the planning on which it is based and will not be harmful to the community. A "PD" District may be used to permit new and innovative concepts in land utilization.

While great flexibility is given to provide special restrictions, which will allow development not otherwise permitted, procedures are established herein to insure against misuse of the increased flexibility.

14.1 Permitted Uses: Any use specified in the ordinance granting a Planned Development district -shall be permitted in that district. The size, location, appearance and method of operation may be specified to the extent necessary to insure compliance with the purpose of this ordinance.

Development Standards:

Development standards for each separate PD District shall be set forth in the ordinance granting the PD District and may include but shall not be limited to: uses, density, lot area, lot width, lot depth, yard depths and widths, building height, building elevations, coverage, floor area ratio, parking, access, screening, landscaping, accessory buildings, signs, lighting, management associations, and other requirements as the City Council and Planning and Zoning Committee may deem appropriate.

In the PD District, the particular district(s) to which uses specified in the PD are most similar shall be stated in the granting ordinance. All PD applications shall list all requested variances from the standard requirements set forth throughout this ordinance (applications without this list will be considered incomplete).

The ordinance granting a PD District shall include a statement as to the purpose and intent of the PD granted wherein. A specific list is required of variances in each district or districts and a general statement for citing the reason for the PD request.

The Planned Development district shall conform to all other sections of the ordinance unless specifically exempted in the granting ordinance.

The minimum acreage for a planned development district shall be three (3) acres.

14.2 In establishing a Planned Development district in accordance with this section, the City Council shall approve and file as part of the amending ordinance appropriate plans and standards for each Planned Development District. During the review and public hearing process, the Planning and Zoning Committee and City Council shall require a conceptual plan and a development plan (or detail site plan).

Conceptual Plan: This plan shall be submitted by the applicant. The plan shall show the applicant's intent for the use of the land within the proposed planned development district in a graphic manner and shall be supported by written documentation of proposals and standards for development:

A conceptual plan for residential land use shall show general use, thoroughfares and preliminary lot arrangements. For residential development which does not propose platted lots, the conceptual plan shall set for the size, type and location of buildings and building sites, access, density, building height, fire lanes, screening, parking areas, landscaped areas and other pertinent development data.

A conceptual plan for uses other than residential uses shall set forth the land use proposals in a manner to adequately illustrate the type and nature of the proposed development. Data which may be submitted by the applicant, or required by the Planning and Zoning Committee or City Council, may include but is not limited to the types of use(s), topography and boundary of PD area, physical features of the site, existing streets, alleys and easements, location of future public facilities, building height and location, parking ratios and other information-to adequately describe the proposed development and to provide data for approval which is to be used in drafting the final development plan.

Changes of detail which do not alter the basic relationship of the proposed development to adjacent property and which do not alter the uses permitted or increase the density, building height or coverage of the site and which do not decrease the off-street parking ratio, reduce the yards provided at

the boundary of the site, or significantly alter the landscape plans as indicated on the approved conceptual plan may be authorized by the building official or his designated representative. If an agreement cannot be reached regarding whether or not a detail site plan conforms to the original concept plan the Planning and Zoning Committee shall review the request and render judgment as to the conformity.

Development Plan or Detail Site Plan: This plan shall set forth the final plans for development of the Planned Development district and shall conform to the data presented and approved on the conceptual plan. Approval of the development plan shall be the basis for issuance of a building permit. For any district SF-1 through SF-5, a final plat shall qualify as the development plan. The development plan may be submitted for the total area of the PD or for any section or part as approved on the conceptual plan. The development plan must be approved by the Planning and Zoning Committee and City Council. A public hearing on approval of the development plan shall be required at the Council and Commission level, unless such a hearing is waived pursuant to subsection 3 below at the time of conceptual plan approval in the original amending ordinance. The development plan shall include:

A site inventory analysis including a scale drawing showing existing vegetation, natural water courses, creeks or bodies of water and an analysis of planned changes in such natural features as a result of the development. This should include a delineation of any flood prone areas.

A scale drawing showing any proposed public or private streets and alleys; building sites or lots; and areas reserved as parks, parkways, playgrounds, utility easements, school sites, street widening and street changes; the points of ingress and egress from existing streets; general location and description of existing and proposed utility services, including size of water and sewer mains; the location and width for all curb cuts and the land area of all abutting sites and the zoning classification thereof on an accurate survey of the tract with the topographical contour interval of not more than five (5) feet.

A site plan for proposed building complexes showing the location of separate buildings, and between buildings and property lines, street lines and alley lines. Also, to be included on the site plan showing the arrangement and provision of off-street parking.

A landscape plan showing screening walls, ornamental planting, wooded areas and trees to be planted.

An architectural plan showing elevations and signage style to be used throughout the development in all districts except single-family may be required by the Planning and Zoning Committee or City Council if deemed appropriate. Any or all of the required information may be incorporated on a single drawing if such drawing is clear and can be evaluated by the building official or his designated representative.

All development plans may have supplemental data describing standards, schedules or other data pertinent to the development of the Planned Development District which is to be included in the text of the amending ordinance. The procedure for establishing a Planned Development District shall follow the procedure for zoning amendments as set forth in Section 28. This procedure is expanded as follows for approval of conceptual and development plans.

Separate public hearings shall be held by the Planning and Zoning Committee and the City Council for the approval of the conceptual plan and the development plan or any section of the development plan, unless such requirement is waived by the City Council upon a determination that a single public hearing is adequate. A single public hearing is adequate when:

The applicant submits adequate data with the request for the Planned Development district to fulfill the requirements for both plans; or Information on the concept plan is sufficient to determine the appropriate use of the land and the detail site plan will not deviate substantially from it; and

The requirement is waived at the time the amending ordinance is approved. If the requirement is waived the conditions shall be specifically stated in the amending ordinance.

The ordinance establishing the Planned Development district shall not be approved until the conceptual plan is approved.

The development plan may be approved in sections. Separate approvals by the Planning and Zoning Committee and City Council for the initial and subsequent sections will be required.

An initial development plan shall be submitted for approval within six (6) months from the approval of the conceptual plan or some portion of the concept plan. If the development plan is not submitted within six (6) months, the conceptual plan is subject to re-approval by the Planning and Zoning Committee and City Council. If the entire project is not completed within two (2) years, the Planning and Zoning Committee and the City Council may review the original concept plan to ensure its continued validity.

Regardless of whether the public hearing is waived for the development plan, approval by the Planning and Zoning Committee and City Council is still required.

14.3 When a PD is being considered, a written report may be requested of the applicant discussing the impact on planning, engineering, water utilities, electric, sanitation, building inspection, tax policy, fire and traffic. Written comments from the applicable public-school district, and from private utilities may be submitted to the Planning and Zoning Committee prior to the commission making any recommendation to the Council.

14.4 All Planned Development districts approved in accordance with the provisions of this ordinance in its original form, or by subsequent amendment thereto, shall be referenced on the Zoning District Map, and a list of such Planned Development Districts, together with the category of uses permitted therein, shall be maintained in the appendix of this ordinance.

14.5 Planned Development Ordinance Continued: Prior to adoption of this ordinance, if the City Council has established various Planned Development Districts, they are to be continued in full force and effect. The establishing ordinances or parts of ordinances approved prior to this ordinance shall be carried forth in full force and effect and are the conditions, restrictions, regulations and requirements which apply to the respective Planned Development Districts shown on the Zoning Map at the date of adoption of this ordinance.

14.6 Additional Restrictions Applicable to All Structures: Refer to Section 19.5.

SECTION 15

"FP" FLOOD PLAIN DISTRICT

FLOOD PLAIN PREFIX TO DISTRICT DESIGNATION

General Purpose and Description: To provide for the appropriate use of land which has a history of inundation or is determined to be subject to flood hazard, and to promote the general welfare and provide protection from flooding portions of certain districts are designated with a Flood Plan Prefix, FP. Areas designated on the Zoning District Map by an FP Prefix shall be subject to the following provisions:

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

15.1.1 Agricultural activities including the ordinary cultivation or grazing of land and legal types of animal husbandry but excluding construction of barns or other outbuildings.

15.1.2 Off-street parking incidental to any adjacent main use permitted in the district.

15.1.3 Electrical substation.

15.1.4 All types of local utilities including those requiring specific use permits.

15.1.5 Parks, community centers, playgrounds, public golf courses (no structures), and other recreational areas.

15.1.6 Private open space as part of a Planned Residential Development.

15.1.7 Heliport when approved by specific use permit as provided in Section 17.

15.1.8 Structures, installations and facilities installed, operated and maintained by public agencies for flood control purposes.

15.1.9 Bridle trail, bicycle or nature trail.

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

15.3 Additional Restrictions Applicable to All Structures: Refer to Section 18.5.

SECTION 16

USE OF LAND AND BUILDINGS

16.1 Land and buildings in each of the following classified districts may be used for any of the following listed uses but no land shall hereafter be developed after the effective date of this ordinance that is not in conformance with the zoning regulations prescribed for the zoning district in which such land or building is located.

16.2 LEGEND FOR INTERPRETING SCHEDULE OF USES

Designates use permitted in district indicated.

Designates use prohibited in district indicated.

Designated use may be approved as Specific Use Permit. (Attached graphics will be inserted here)

16.3 Any dump, excavation, storage, filling or mining operation within that portion of a district having a flood plain, FP, prefix shall be approved in writing by the City Council before such operation is begun.

16.4 The fact that the land is not within a district having a Flood Plain, FP, prefix shall not be interpreted as assurance that such land or area is not subject to periodic local flooding and the designation of the prefix in this ordinance shall not be so interpreted.

SECTION 17

"SUP" - SPECIFIC USE PERMIT

17.1 General Provisions: After proper notice and a public hearing, and after recommendation from the Planning and Zoning Committee that a specific land use is in general conformance with the comprehensive plan of the city, the City Council may grant a permit for a specific use of property as authorized by the zoning district in which the property is situated. An application for Specific Use Permit (SUP) shall be accompanied by a site plan drawn to scale and showing the general arrangements of the project, together with essential requirements such as off-street parking facilities; size, height, construction materials and locations of buildings and the uses to be permitted; location and construction of signs; means of ingress and egress to public streets; visual screening such as walls, landscaping and fences; and the relationship of the intended use to all existing properties and land uses in all directions to a minimum distance of two hundred (200) feet. The Planning Commission or City Council may require information, operating data and expert evaluation concerning the location and function and characteristics of any building or use proposed.

17.2 Specific Use Permit Regulations:

17.2.1 In recommending that a specific use permit for the premises under consideration be granted, the Planning and Zoning Committee shall determine that such uses are harmonious and adaptable to building structures and uses of adjacent property and other property in the vicinity of the premises under consideration, and shall make recommendations as to requirements for the paving of streets, alleys and sidewalks, means of access to public streets, provisions for drainage, adequate off-street

parking, protective screening and open space, heights of structures and compatibility of buildings.

17.2.2 In granting a Specific Use Permit, the City Council may impose conditions which shall be complied with by the owner or grantee before a certificate of occupancy may be issued by the building inspector for use of the building on such property pursuant to such Specific Use Permit; and such conditions precedent to the granting of the certificate of occupancy.

17.2.3 No Specific Use Permit shall be granted unless the applicant, owner, and grantee of the Specific Use Permit shall be willing to accept and agree to be bound by and comply with the written requirements of the Specific Use Permit, as attached to the site plan drawing (or drawings) and approved by the Planning and Zoning Committee and City Council. No public hearing is necessary for site plan approval.

17.2.4 The Board of Adjustment shall not have jurisdiction to hear, review, reverse or modify any decision, determination or ruling with respect to the granting, extension, revocation, modification or any other action relating to such Specific Use Permit.

17.2.5 Whenever regulations or restrictions imposed by this ordinance are either more or less restrictive than regulations imposed by any governmental authority through legislation, rule or regulation, the regulations, rules or restrictions which are more restrictive or impose higher standards or requirements shall govern. Regardless of any other provision of this ordinance, no land shall be used and no structure erected or maintained in violation of any state or federal pollution control or environmental protection law or regulation.

17.2.6 When the City Council authorizes granting of a Specific Use Permit, the Zoning Map shall be amended according to its legend to indicate that the affected area has conditional and limited uses, and said amendment is to indicate the appropriate zoning district for the approved use and suffixed by the designation "SUP."

SECTION 18

OFF-STREET PARKING AND LOADING REQUIREMENTS

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

18.1 Special Off-Street Parking Provisions-All Districts

18.1.1 All required parking spaces as prescribed in each district.

18.1.2 Required off-street parking shall be provided on the same tract as the use it is to serve.

18.1.3 No parking shall be allowed except on a hard surface parking space. Hard surface is defined as a minimum of road base.

18.2 Off-Street Loading Space - All Districts:

18.2.1 All retail, commercial and industrial structures having three thousand (3,000) square feet or more-of gross floor area, shall provide and maintain off-street parking facilities for the loading and unloading of merchandise and goods at a ratio of at least one (1) space for each twenty thousand (20,000) square feet of gross floor area. A loading space shall consist of an area of a minimum of ten (10) by twenty-five (25) feet. All drives and approaches shall provide adequate space and clearances to allow for the maneuvering of trucks off-street.

18.2.2 Kindergartens, day schools and similar child training and care establishments shall provide paved off-street loading and unloading space on a private drive to accommodate one (1) motor vehicle for each ten (10) students or children cared for by the establishment.

18.2.3 Uses not listed in Section 18.3 shall provide required off-street parking according to the most similar use listed in Section 18.3 as determined by the City Council.

18.2.4 Loading docks and areas shall be located within the building or on the lot adjacent to a public alley or private service drive.

18.3 Schedule of Parking Requirements Based on Use:

In all districts there shall be provided at the time any building or structure is erected or structurally altered (by more than sixty percent (60%) for residential districts, forty percent (40%) for business districts and twenty percent (20%) for industrial district) off-street parking spaces in accordance with the following requirements:

18.3.1 Bowling alley: Six (6) parking spaces for each alley or lane.

18.3.2 Business or professional office, (general): one (1) space per three hundred (300) square feet of gross floor area.

18.3.3 Church or other place of worship: One (1) parking space for each four (4) seats in the main auditorium.

18.3.4 High school, college or university: One (1) space for each three (3) students accommodated in the institution.

18.3.5 Library, museum or art-gallery: One (1) parking space for each three hundred (300) square feet of floor area.

18.3.6 Commercial amusements: Thirty (30) spaces plus one (1) space for each one hundred (100) square feet of floor area over two thousand (2000) square feet.

18.3.7 Day nursery: One and one-half (1.5) space per teacher.

18.3.8 Bank, savings and loan: One (1) space for each three hundred (300) square feet of floor area.

18.3.9 Dwelling, single family: Two (2) spaces per dwelling.

18.3.10 Dwelling, single family attached (Duplex, etc.): Two (2) spaces per dwelling.

18.3.11 Furniture or appliance store, hardware store, wholesale establishments, machinery or equipment sales and service, clothing or shoe repair or service: One (1) parking space for each four hundred (400) square feet of floor area.

- 18.3.12 Gasoline station: Minimum of four (4) spaces.
- 18.3.13 Hospital: One and one-half (1.5) spaces per each bed.
- 18.3.14 Hotel: One (1) parking space for each (1) sleeping room or suite plus one (1) space for each two hundred (200) square feet of commercial floor area contained therein.
- 18.3.15 Lodge, or fraternal organization: One and one-fourth (1.25) spaces per two hundred (200) square feet.
- 18.3.16 Manufacturing or industrial establishment, processing or repairing: One (1) parking space for each two employees or one (1) space for each one thousand (1,000) square feet of floor area, whichever is greater.
- 18.3.17 Medical or dental office: One (1) space per three hundred (300) square feet of floor area.
- 18.3.18 Mini-warehouse: Four (4) per complex plus one (1) per five thousand (5000) square feet of storage area.
18. Mortuary or funeral home: One (1) parking space for each two (2) persons normally accommodated in service.
- 18.3.20 Motel: One (1) parking space for each sleeping room or suite plus one (1) space for each two hundred (200) square feet of commercial floor area contained therein.
- 18.3.21 Motor-vehicle salesrooms and used car lots: space for each five hundred (500) square feet of sales floor for indoor uses, or one (1) parking space for each one thousand (1000) square feet of lot area for outdoor uses.
- 18.3.22 Nursing homes: One (1) space per four (4) beds.
- 18.3.23 Private club, country club or golf club: for each one hundred-fifty (150) square feet of floor area or for every (5) members, whichever is greater.
- 18.3.24 Retail store or personal service establishment, except as otherwise specified herein: two hundred (200) square feet of gross floor area.
- 18.3.25 Restaurant, cafe or similar recreation or amusement establishment: One (1) parking space for every four (4) seats under maximum seating arrangement.
- 18.3.26 Rooming or boarding house: One (1) parking space for each sleeping room.
- 18.3.27 Sanitarium, convalescent home, home for the aged or similar institution.
- 18.3.28 School, elementary or junior: One (1) parking space for each four (4) seats in the auditorium or main assembly room and one (1) space for each classroom.

18.3.29 Theater, auditorium (except school), sports arena, stadium or gymnasium: One (1) parking space for each three (3) seats or bench seating spaces.

18.3.30 Warehouse, wholesale, manufacturing and other industrial type uses: One (1) space for one thousand (1000) square feet of gross floor area or one (1) space per two (2) employees.

18.3.31 Golf course: Minimum of thirty (30) parking spaces.

18.4 Rules for Computing Number of Parking Spaces: In computing the number of parking spaces required for each of the above uses the following rules shall govern:

18.4.1 "Floor Area" shall mean the gross floor area of the specific use.

18.4.2 Where fractional spaces result, the parking spaces required shall be constructed to be the nearest whole number.

18.4.3 The parking space requirement for a use not specifically mentioned herein shall be the same as required for a use of similar nature.

18.4.4 In the case of mixed uses, the parking spaces required shall equal the sum of the requirements of the various uses computed separately.

18.5 Location of Parking Spaces: All parking spaces required herein shall be located on the same tract with the building or use served, except as follows:

18.5.1 Where an increase in the number of spaces is required by a change or enlargement of use or where such spaces are provided collectively or used jointly by two (2) or more buildings or establishments, the required spaces may be located not more than three hundred (300) feet from an institutional building served and not more than three hundred (300) feet from any other non-residential building served.

18.5.2 Not more than fifty (50) percent of the parking spaces required for theaters, bowling alleys, cafes, or similar uses and not more than eighty (80) percent of the parking spaces required for a church or school auditorium or similar uses may be provided and used jointly by similar uses not normally open, used or operated during the same hours as those listed; provided, however, that written agreement thereto is properly executed and filed as specified below.

In any case where the required parking spaces are not located on the same lot with the building or use served, or where such spaces are collectively or jointly provided and used, a written agreement thereby assuring their retention for such purposes, shall be properly drawn and executed by the parties concerned, approved as to form by the city and executed by the parties concerned, approved as to form by the City Attorney and shall be filed with the application for a building permit.

18.6 Use of Parking Spaces – Business Districts: Required off-street parking and loading spaces shall be used only for these respective purposes and shall not be used for storage or display of boats, trailers, campers, motor vehicles or other goods, materials which are products for sale.

SECTION 19

SPECIAL AND ADDITIONAL REGULATIONS

19.1 Lot Regulations:

19.1.1 Lot Area: The minimum residential lot area for the various districts shall be in accordance with the regulations for each district, except that a lot having less area than herein required which was an official "lot of record" prior to the adoption of this ordinance may be used for a one family dwelling and no lot existing at the time of passage of this ordinance shall be reduced in area below the minimum requirements set forth in the respective district.

19.1.2 Location of Dwellings and Buildings: Only one (1) main building for one-family residential dwelling with permitted accessory buildings may be located upon a lot or unplatted tract. Every means of access shall have a minimum width of twelve (12) feet. Whenever two or more main buildings, or portions thereof, are placed upon a single lot or tract and such buildings do not face upon a public street, the same may be permitted when the site for such development is approved by the Planning and Zoning Committee so as to comply with the normal requirements for platting. No parking area, storage area, or required open space for one building shall be computed as being the open space, yard, or area requirements for any other dwelling or other use.

19.2 Front Yards:

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

19.2.2 Where a building line has been established by a plat approved by the City Council or by ordinance and such line requires a greater or lesser front yard setback than is prescribed by this ordinance for the district in which the building line is located, the required front yard shall comply with the building line so established by such ordinance or plat provided no such building line shall be less than twenty (20) feet (except as approved by "Planned Development District").

19.2.3 The front yard shall be measured from the property line to the front face of the building, covered porch, covered terrace or attached accessory buildings. Eaves and roof extensions or a porch without posts or columns may project into the required front yard for a distance not to exceed four (4) feet and subsurface structures.

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

19.2.5 Visual clearance shall be provided in all zoning districts so that no fence, wall, architectural screen, earth mounding or landscaping obstructs the vision of a motor vehicle driver approaching any street, alley or driveway intersection.

On any corner lot for which front and side yards are required herein, no wall, fence, structure, sign, or other platting or slope terrace or embankment may be maintained higher than three (3) feet above the street grade so as to cause danger or hazard to traffic by obstructing the view of the intersection from a point thirty (30) feet back from the right-of-way corner. Trees must be trimmed 9 feet above the street.

19.2.6 Gasoline service station pump islands may not be located nearer than eighteen (18) feet to the front property line. An unenclosed canopy for a gasoline filling station may extend beyond the front building line but shall never be closer than ten (10) feet to the property line.

19.3 Rear Yards:

Eaves, covered porches, and roof extensions without structural support in the rear yard may extend into the rear yard a distance not to exceed four (4) feet. Balconies shall not project into the required rear yard.

19.4 Swimming Pools:

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

19.4.1 Permits and Approvals: No swimming pool shall be constructed or used until a swimming pool building permit and a certificate of occupancy have been issued therefor. No building permit and no final certificate of occupancy shall be issued unless the proposed sanitary facilities and water supply comply with applicable local and state health department regulations.

19.4.2 Requirements: A swimming pool may be constructed and operated when:

- a) the pool is not located in any required front or side yard abutting a street;
- b) a wall or fence, not less than the height required by state law at the time of installation, with self-latching gates at all entrances, completely encloses either the pool area or the surrounding yard area;
- c) all lighting of the pool is shielded or directed to face away from adjoining residences. If lights are not individually shielded they shall be so placed, or the enclosing wall or fence shall be so designed, that direct rays from the lights shall not be visible from adjacent properties;
- d) no broadcasting system is used for the purpose of advertising the operation of the pool or for the attraction of persons to the premises. This shall not prevent a public-address system necessary or useful to the supervision of the pool and the safety of swimmers; and
- e) the swimming pool is no closer than eight (8) feet from any property line.

19.5 Additional Restrictions Applicable to All Types of Structures:

19.5.1 Mason or manufactured factory specified underpinning and skirting will be required on all structures and will be installed prior to occupancy. This will apply to pier and beam foundations, manufactured homes, modular homes and all other types of housing as well.

19.5.2 Manufactured housing design and construction will comply with construction and-safety standards published by the Department of Housing and Urban Development pursuant to the requirements of the National Mobile Home and Safety Standards Act of 1976 and all ~~mobile~~ manufactured homes will be subject to inspection by the Building Official or designee.

19.5.3 See Ordinance NO. 2018-2-8-01 for provisions and compliance requirements for manufactured housing.

19.5.4 All manufactured homes and modular homes shall comply with all regulations of the State of Texas and such regulations are hereby incorporated into this section.

SECTION 20

ACCESSORY BUILDING REGULATIONS

20.1 In other districts, an accessory building is a subordinate building, the use of which is to be used only in conjunction with the main building.

20.2 No accessory building shall exceed thirty-five (35) feet in height.

20.3 Area Regulations for Accessory Buildings in Residential Districts:

20.3.1 Size of Yards:

- a) Front Yard: Attached front accessory buildings shall have a front yard not less than the main building or as specified in the particular district. Detached accessory buildings shall be located in the area defined as the rear yard.
- b) Side Yard: There shall be a side yard not less than eight (8) feet from any side lot line, alley line, or easement line; except that adjacent to a side street, the side yard shall never be less than twenty (20) feet.
- c) Rear Yard: There shall be a rear yard not less than ten (10) feet from any lot line, alley line, or easement line. Carports, garages, or other accessory buildings located within the rear portion of a lot as heretofore described shall not be located closer than fifteen (15) feet to the main building nor nearer than eight (8) feet to any side lot line.
- d) Any garage constructed in a residential district must comply with the setbacks for the district in which it is located.

SECTION 21

[This section reserved for future use].

SECTION 22

PLATTING PROPERTY NOT PERMANENTLY ZONED

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

22.2 The Planning and Zoning Committee shall not approve any plat or any subdivision within any area where a petition or ordinance for annexation or a recommendation for annexation to the City is pending before the City Council unless and until such annexation shall have been approved by resolution by the City Council.

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

SECTION 23

CLASSIFICATION OF NEW AND UNLISTED USES

23.1 It is recognized that new types of land use will develop and forms of land use not anticipated may seek to locate in the City. In order to provide for such changes and contingencies, a determination as to the appropriate classification of any new or unlisted form of land use shall be made as follows:

23.1.1 The building inspector or designee shall refer the question concerning any new or unlisted use to the Planning and Zoning Committee requesting an interpretation as to the zoning classification into which such use should be placed. The referral of the use interpretation question shall be accompanied by a statement of facts listing the nature of the use and whether it involves dwelling activity, sales, processing, type of product, storage and amount, and nature thereof, enclosed or open storage, anticipated employment, transportation requirements, the amount of noise, odor, fumes, dust, toxic material and vibration like to be generated and the general requirements for public utilities such as water and sanitary sewer.

23.1.2 The Planning and Zoning Committee shall consider the nature and described performance of the proposed use and its compatibility with the uses permitted in the various districts, and determine the zoning district or districts within which such use should be permitted.

23.1.3 The Planning and Zoning Committee shall transmit its findings and recommendations to the City Council as to the classification proposed for any new or unlisted use. The City Council shall by resolution approve the recommendation of the Planning and Zoning Committee or make such determination concerning the classification of such use as is determined appropriate based upon its findings.

23.1.4 Standards for new and unlisted uses may be interpreted as those of a similar use. When determination of the minimum requirements cannot be readily ascertained, the same process outlines in paragraphs 1, 2 and 3) above shall be followed.

SECTION 24

CREATION OF BUILDING SITE

24.1 When applicable no permit for the construction of a building or buildings upon any tract or plot shall be issued until a building site, building tract, or building lot has been created by compliance with one of the following conditions:

24.1.1 The lot or tract is part of a plat of record, properly approved by the Planning and Zoning Committee, and filed in the Plat Records of Williamson County, Texas.

24.1.2 The plot, tract or lot faces upon a dedicated street and was separately owned prior to the effective date of this ordinance or prior to annexation to the City, whichever is applicable, in which event a building permit for only one main building conforming to all the requirements of this ordinance may be issued on each such original separately owned parcel without first complying with Paragraph 1 preceding.

24.1.3 The plot or tract is all or part of a site plan officially approved by the Planning and Zoning Committee and compliance has been made with provisions and improvements approved on such site plan for all utility and drainage easements, dedication of streets, alleys and other public improvements required to meet the standards established for the platting of land established in the subdivision ordinance referring to easements. Any and all plots, tracts or lots must be provided access via a public street or drive.

SECTION 25

NON-CONFORMING USES AND STRUCTURES

25.1 A non-conforming status shall exist when:

25.1.1 A use or structure which does not conform to the regulations prescribed in the district in which such use or structure is located was in existence and lawfully operating prior to the adoption of this Zoning Ordinance and has been operating since without discontinuance; or

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

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

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

25.5 Where a conforming use is located in a non-conforming structure, the use may be changed to another conforming use by securing a Certificate of Occupancy from the Building Official or designee.

25.6 Whenever a non-conforming use is abandoned, all non-conforming rights shall cease and the use of the premises shall thenceforth be in conformity with this ordinance. Abandonment shall involve the intent of the user or owner to discontinue a non-conforming operation and the actual act of discontinuance. Discontinuance of a business or the vacancy of a building or premises occupied by a non-conforming use for a period of six (6) months shall be construed as conclusive proof of intent to abandon the nonconforming use. Any non-conforming use not involving a permanent type of structure which is moved from the premises shall be considered to have been abandoned.

25.7 If a non-conforming structure or a structure occupied by a non-conforming use is destroyed by fire, act of God or other cause, it may be rebuilt, but the size and function of the non-conforming use shall not be expanded.

SECTION 26

RULES OF CONSTRUCTION AND SPECIAL DEFINITIONS

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

- 26.1.1 words used in the present tense include the future tense;
- 26.1.2 words used in the singular number include the plural number;
- 26.1.3 words in the plural number include the singular number;
- 26.1.4 the words "building" and "structure" are synonymous;
- 26.1.5 the words "lot", "plot" and "tract" are synonymous; and
- 26.1.6 the word "shall" is mandatory and not discretionary.

26.2 Special Definitions: Except to the extent a particular provision specified otherwise, the following definitions shall apply throughout this ordinance:

26.2.1 Accessory Use or Building – A use or building subordinate to and detached from the main building.

26.2.2. Airport or Landing Field – An area improved for the landing or take-off of aircraft approved by the City of Coupland for operation as an aircraft landing facility.

26.2.3. Alley – A public space or thoroughfare which affords only secondary means of access to property abutting thereon.

26.2.4. Antique Shop – An establishment offering for sale, within a building, articles such as glass, china, furniture or similar furnishings and decorations which have value and significance as a result of age, design or sentiment.

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

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

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

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

26.2.9 Building - Any structure built for the support, shelter and enclosure of persons, animals, chattels or movable property of any kind.

26.2.10 Building Ends - Those sides of a building having the least dimension as compared to the front or rear of a building.

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

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

26.2.13 Building Material Sales - The sale of new building materials and supplies. Wholesale only building materials is located in the Industrial District.

26.2.14 Building Official - The Building Inspector.

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

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

26.2.17 Church or Rectory - A place of assembly and worship by a recognized religion including without limitation synagogues, temples, churches, instruction rooms and the place of residence for ministers, priests, rabbis, teachers and directors on the premises.

26.2.18 City Administrator - Chief administrative officer or designee of the City of Coupland, Texas.

26.2.19 City Council - The governing body of the City of Coupland, Texas.

26.2.20 Clinic, Medical or Dental – Facilities for examining, consulting and treating patients including offices, laboratories and outpatient facilities, but not including hospital beds and rooms for acute or chronic care.

26.2.21 Club Private – A club room or suite of rooms or a building available to restricted membership for meetings, dining and entertainment. Such facilities may include a private tennis court, swimming pool or similar recreation facilities, none of which are available to the general public.

26.2.22 College or University – An academic institution of higher learning, accredited or recognized by the State and covering a program or series of programs of academic study.

26.2.23 Commercial Amusement (Indoor) – An amusement enterprise wholly enclosed and operated within an acoustically treated building such as a bowling alley or pool hall.

26.2.24 Commercial Amusement (Outdoor) – An amusement enterprise offering entertainment to general public such as golf driving range, pitch and putt course, archery, miniature golf and similar outdoor activities but not including go-cart racing, drag strips, auto racing or motorcycle racing.

26.2.25 Community Center (Private) – A building or group of rooms designed and used as an integral part of a residential project by the tenants of such a project for a place of meeting, recreation or social activity and under the management and unified control of the operators of the project. A private community center shall not be operated as a place of public meetings or as a business nor shall the operation of such facility create noise, odor or similar conditions perceptible beyond the bounding property line of the project site.

26.2.26 Community Center (Public) – A building and grounds owned and operated by a governmental body for the social, recreational, health or welfare of the community served.

26.2.27 Convalescent Home- Any structure used for or customarily occupied by persons recovering from illness or suffering from infirmities of age.

26.2.28 Country Club (Private) – An area of twenty (20) acres or more containing a golf course and a clubhouse and available only to private specific membership; such a club may contain adjunct facilities such as private club, dining room, swimming pool, tennis courts and similar recreational or service facilities.

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

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

26.2.31 Day Nursery, Day Camp or Kindergarten School – An establishment where four (4) or more children are left for care or training during the day of portion thereof including a recreation area with or without a building where children engage in supervised training or recreation during daylight hours.

- 26.2.32 Depth of Lot - The mean horizontal distance between the front and rear lot lines.
- 26.2.33 District - A section of the City for which the regulations governing the area, height or use of the land and buildings are uniform.
- 26.2.34 Dwelling, One-Family - A dwelling unit having accommodations for and occupied by one family, or by one family and not more than four (4) boarders and lodgers.
- 26.2.35 Dwelling Unit - A building or portion of a building which is arranged, occupied, or intended to be occupied as living quarters and includes facilities for food preparation and sleeping.
- 26.2.36 Eating Place Without Drive-In or Curb Service - Any eating establishment, cafeteria, restaurant or inn where food service is offered to customers not in automobiles.
- 26.2.37 Family - Any number of individuals living together as a single housekeeping unit.
- 26.2.38 Farm Accessory Building - An accessory structure on a tract as a farm as herein defined for storing or housing the usual projects and animals raised or maintained on a farm, such as a barn, poultry house, stable, machinery shed or granary. No structure housing animals or poultry shall be located nearer than one hundred (100) feet to the bounding property lines of the farm tract.
- 26.2.39 Farm, Ranch Garden or Orchard - An area of five (5) acres or more which is used for the growing of usual farm products, vegetables, fruits, trees and grain and for the raising thereon of the usual farm poultry and farm animals such as horses, cattle and sheep including the necessary accessory uses for raising, treating and storing products raised on the premises, not including the commercial feeding of offal or garbage to swine or other animals and not including any type of agricultural or husbandry specifically prohibited by ordinance or law. Animals for FFA or 4H etc. projects are permitted.
- 26.2.40 Fire, Police or Municipal Building - Any public service building of the municipal government including a library or City Hall, but excluding storage yards, utility shops and equipment centers.
- 26.2.41 Floor Area - The total square feet of floor space within the outside dimensions of a building including each floor level, but excluding cellars, carports, garages or porches.
- 26.2.42 Floor Area Ratio - The ratio of total building floor area to lot area.
- 26.2.43 Golf Course (Commercial) - A golf course, privately owned but open to the public for a fee and operated as a commercial venture.
- 26.2.44 Guest House (detached) - A secondary structure on a lot or tract containing dwelling accommodations excluding kitchen facilities and separate utility-services or meters and intended for the temporary occupancy by guests and not for rent or permanent occupancy.
- 26.2.45 Height - The vertical distance of a building measured from the average established grade at the street line on from the average natural front yard ground level, whichever is higher, to (1) the highest point of

the roof's surface if a flat surface, (2) to the deck line of mansard roofs or (3) to the mean height level between eaves and edge for hip and gable roofs and, in any event, excluding chimneys, cooling towers, elevator bulkheads, penthouses, tanks, water towers, radio towers, ornamental cupolas, domes or spires, and parapet walls not exceeding ten (10) feet. If the street grade has not been officially established, the average front yard grade shall be used for a base level.

26.2.46 Heliport or Helistop - A landing facility for rotary wing aircraft which may include fueling or servicing facilities for such craft and subject to approval by the City of Coupland.

26.2.47 Home for Aged, Residence - A home where elderly people are provided with lodging and meals without nursing care being a primary function.

26.2.48 Home Occupation - A home occupation is an occupation customarily carried on in an existing structure of the property by not more than four (4) employees, one of whom must be the owner of the business being conducted at the location. A person who engages in a home occupation shall not use an advertising sign larger than two and one-half (2.5) square feet in size, said sign to be non-illuminated and attached to the structure in which the business is conducted. A person who engages in a home occupation shall not display or store materials and/or equipment for sale or use outside of the structure in which the business is conducted. A person who engages in a home occupation may conduct outdoor activities other than storage of materials and/or equipment provided the activities are screened from adjacent properties and public easements and rights-of-way by a solid fence of at least six (6) feet in height, shall not involve the use of motorized equipment, and shall not generate loud and raucous noise that renders the enjoyment of life and property uncomfortable or interferes with public peace and comfort. The storage of firewood for public sale and the temporary outdoor display or holiday-related merchandise, such as Christmas trees, are specifically exempted from the outdoor storage, display, and fencing regulations of this ordinance. Temporary outdoor display of holiday-related merchandise shall be limited to a total thirty (30) day display period for any particular merchandise item(s).

26.2.49 Hospital (general acute care) - An institution where sick or injured patients are given medical or surgical treatment intended to restore them to health and an active life, and which is licensed by the State of Texas.

26.2.50 Hospital (chronic care) - An institution where those persons suffering from generally permanent types of illness, injury, deformity, deficiency or age are given care and treatment on a prolonged or permanent basis, and which is licensed by the State of Texas.

26.2.51 Institution for Alcoholic, Narcotic or Psychiatric Patients - An institution offering resident or out-patient treatment to alcoholic, narcotic or psychiatric patients.

26.2.52 Kindergarten or Nursery School - An establishment where more than six (6) children are housed for care or training during the day or portion thereof.

26.2.53 Library, Art Gallery or Museum (public) - Any institution for the loan or display of books, objects of art or science which is sponsored by a public or responsible quasi-public agency and which institution is open and available to the general public.

26.2.54 Light Fabrication and Assembly Processes - The fabrication, assembly or manufacture of products, including but not limited to jewelry, trimming decorations, signs, and similar items, which does not involve generation of odor, vibration, dust or hazard.

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

26.2.56 Local Utility Line - The electric power, telephone, gas, water, sewer, and drainage lines designed and constructed by a utility company to serve a community with urban type services.

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

26.2.58 Lot Depth - The mean distance between the front and rear lot lines.

26.2.59 Lot Lines - The lines bounding a lot as defined herein.

26.2.60 Lot of Record - A lot which is part of a subdivision, a plat of which has been recorded in the office of the county clerk of Williamson County, or a parcel of land, the deed for which is recorded in the office of the county clerk of Williamson County prior to the adoption of this ordinance.

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

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

26.2.63 Main Building - The building or buildings on a lot which are occupied by the primary use.

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

26.2.65 Manufacturing Processes - Uses restricted from other zoning districts but permitted in the "I-1" district under this definition are manufacturing and industrial uses which do not emit dust, smoke, odor, gas, fumes or present a possible hazard beyond the bounding property lines of the lot or tract upon which the use or uses are located.

26.2.66 Manufactured Home – Means a structure constructed on or after June 15, 1976, according to the rules of the United States Department of Housing and Urban Development.

26.2.67 Motel or Hotel – A building or group of buildings designed for and occupied as a temporary abiding place of individuals and providing six (6) or more units with customary hotel services such as linen, maid service, telephone and upkeep of furniture.

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

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

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

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

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

26.2.73 Park or Playground (Public) – An open recreation facility or park owned space operated by a public agency such as the City of Coupland or the School Board and available to the general public for neighborhood use but not involving lighted athletic fields for nighttime play.

26.2.74 Parking Lot or Structure, Commercial (Auto) – An area or structure devoted to the parking or storage of automobiles for a fee, may include, in the case of a parking structure only, a facility for servicing of automobiles provided such facility is primarily an integral function for use only by automobiles occupying the structure and creates no special problems in ingress or egress.

26.2.75 Planning and Zoning Committee – The agency appointed by the City Council as an advisory board authorized to provide recommendations to the council on matters relating to planning and zoning decisions to be considered by the council.

26.2.76 Plant Nursery or Greenhouse – Retail or wholesale sales of plant materials and supplies either enclosed in building, lath house, or in the open and with related storage of equipment for landscape contracting.

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

26.2.78 Private Club: See Club, Private.

26.2.79 Private Garage: An accessory building housing vehicle owned and used by occupants of the main building if occupied by vehicles of others, it is a storage space.

26.2.80 Private School: An academic institution other than a public or parochial elementary or secondary school, including private elementary and secondary schools and institutions of higher learning.

26.2.81 Private Utility: A utility such as one distributing heat, water, sewer operating in the City of Coupland.

26.2.82 Public Building, - Shop or Yard of Local, State and Federal Agency - Facilities such as office buildings, other than City Hall, Library, Policy or Fire Station, maintenance yards and shops required by branches of Local, State or Federal Agencies for service to an area such as Highway Department yard, City Service Center or Experiment Station.

26.2.83 Quick- Service Food and Beverage Shop - An establishment offering food or beverage to customers either through an automobile pick-up or a walk-up window, and with eating space provided within the building.

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

26.2.85 Radio, T.V. and Appliance Repair - A shop for the repair of household and home equipment, such as electrical appliances, lawn mowers, tools and similar items where all such items are stored within a building.

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

26.2.87 Restaurant or Cafeteria (Not of Drive-In Type) An establishment serving food to the general public in specific, designated dining areas and shall not include drive-in establishments where food is eaten in automobiles.

26.2.88 Restaurant or Eating Establishment (Drive-In Service) - An establishment designed and constructed to serve food for consumption on the premises in an automobile and which establishment may or may not have on-premises dining room or counter.

26.2.89 Retail Shop, Apparel, Gift, Accessory and Similar Items - Small retail shops such as dress shops or gift shops serving specific neighborhood areas as differentiated from department stores or discount stores having community wide service importance.

26.2.90 School, Business - A business organized to operate for a profit and offering instruction and training in a service or art such as secretarial school, barber college, beauty school or commercial art school, but not including manual trade schools.

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26.2.91 School, Commercial, Trade or Craft - A business operating for profit and offering instruction and training in a trade such as welding, brick laying, machinery operation and other similar manual trades.

- 26.2.92 School, Public or Denominational - A school and customary accessory uses under the sponsorship of a public or religious agency having a curriculum generally equivalent to public, elementary or secondary schools, but not including private, trade or commercial schools.
- 26.2.93 Second Hand Store, Furniture or Clothing - An establishment offering for sale used merchandise, with the storage and display of such items wholly contained inside a building.
- 26.2.94 Sign - An outdoor advertising device that is a structure or that is attached to or painted on a building or that is leaned against a structure for display on premises.
- 26.2.95 Single Family Dwelling (detached) - A detached building located on a platted lot or separate building site which is designed for and occupied by not more than one (1) family single family dwelling).
- 26.2.96 Stable, Commercial - A structure housing horses which are boarded or rented to the public or any stable other than a private stable; but not including a sale barn, auction or similar trading activity.
- 26.2.97 Stable, (private) - An accessory building set back from adjacent property lines a minimum distance of one hundred (100) feet.
- 26.2.98 Street - Any thoroughfare or public driveway, other than an alley, more than thirty (30) feet in width, which has been dedicated or deeded to the public for public use.
- 26.2.99 Street Line - A dividing line between a lot, tract or parcel of land and a contiguous street, the right-of-way.
- 26.2.100 Story - The height between the successive floors of a building from the top floor to the roof. The standard height for a story is eleven (11) feet, six (6) inches.
- 26.2.101 Structural Alterations - Change in the supporting members of a building, such as a bearing wall, columns, beams or girders.
- 26.2.102 Structure - (Same as building.)
- 26.2.103 Studio: Art, Music, Ceramics, Drama, Speech, Dance and Similar Skills - A building or rooms in a building used for instructing, coaching or counseling in drama, speech, dance or similar personal skills or arts.
- 26.2.104 Swimming Instruction as a Home Occupation - A swimming pool with accessory facilities, not part of the municipal or public recreational system and not a private swim club, but where the facilities are available to the general public for a fee.
- 26.2.105 Swimming Pool (private): A swimming pool constructed for the use of the residents, located within the required side or rear yards; however, a pool shall not be located closer than eight (8) feet to any property line.
- 26.2.106 Telephone Exchange, Switching and Transmitting Equipment Only - A switching or transmitting station owned by a public utility but not including business office facilities, storage or repair shops or yards.
- 26.2.107 Temporary Field or Construction Office - Temporary office buildings and temporary building material storage areas to be used solely for construction purposes in connection with the property on which they are

erected may be permitted for a specified period of time in accordance with a permit issued by the Building Official.

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

26.2.109 Thoroughfare - (Same as street).

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

26.2.111 Wrecking or Auto Salvage Yard - A yard or building where automobiles or parts of automobiles or machinery are stored, dismantled and/or offered for sale in the open as whole units, as salvaged parts or as processed metal.

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

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

26.2.114 Yard, rear - An open, unoccupied space, except for accessory buildings as herein permitted, extending across the rear of a lot from one side lot line to the other side lot line and having a depth between the building and the rear lot line as specified in the district in which the lot is situated.

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

26.2.116 Zoning District Map - the official certified map upon which the boundaries of the various zoning districts are drawn and which is an integral part of this ordinance.

26.2.117 Zoo (private) - A facility housing and displaying live animals, reptiles or birds, privately owned and operated for a fee or for the promotion of some other enterprise.

26.2.119 Zoo (public) - A publicly owned zoo or similar facility owned and operated by the City or a nonprofit zoological society where live animals, birds and reptiles are domiciled and displayed.

SECTION 27

BUILDING PERMITS AND CERTIFICATES OF OCCUPANCY

27.1 General Requirements: When applicable, no permanent structure may be constructed or otherwise located within the city limits prior to issuance of a building permit by the City Council. No permanent structure constructed or otherwise located within the city limits may be occupied prior to issuance of a certificate of occupancy by the building inspector or designee. No change in the existing conforming use of a permanent structure or of land to a use of a different classification under this ordinance, and no change in the legally conforming use of a permanent structure or of land may take place prior to issuance of a certificate of occupancy by the building inspector or designee.

27.2 Procedure for New or Altered Buildings: Plans for a permanent structure to be constructed or otherwise located within the city limits must be approved by the City Council, who, upon approval, shall issue a building permit. A complete application for a building permit shall contain details of foundation and structure sufficient to determine compliance with applicable provisions of the Southern Building Code. Upon submission of a complete application, the building inspector shall issue a building permit. After issuance of a building permit and prior to issuance of a certificate of occupancy, the building inspector shall conduct a foundation, plumbing, electrical and framing inspection. After such inspection, the building inspector shall issue a certificate of occupancy if the plans and the results of the inspection comply with the provisions of all applicable ordinances and regulations.

27.3 Procedure for Vacant Land or a Change in Use: Written application for a Certificate of Occupancy for the use of vacant land, or for a change in the use of land or a building, or for a change in a non-conforming use, as herein provided, shall be made to said Building Inspector. If the proposed use is in conformity with the provisions of this ordinance, the Certificate of Occupancy therefor shall be issued within ten (10) days after application for same has been made.

27.4 Contents of Certificate of Occupancy: Occupancy shall state that the building or the proposed use of a building or land complies with all provisions of the building and fire codes. A record of all Certificates of Occupancy shall be kept on file in the office of the city and copies shall be furnished on request to any person having proprietary or tenancy interest in the building or land affected.

SECTION 28

CHANGES AND AMENDMENTS TO ALL ZONING ORDINANCES AND DISTRICTS AND ADMINISTRATIVE PROCEDURES

28.1 Authority to Amend Ordinance: The City Council may from time to time, after receiving a final report thereon by the Planning and Zoning Committee and after public hearings required by law, amend, supplement, or change the regulations herein provided or the classification or boundaries of the zoning districts. Any amendment, supplement, or change to the text of the Zoning Ordinance and any change in the classification or boundaries of the zoning districts may be ordered for consideration by the City Council, may be initiated by the Planning and Zoning Committee, or may be requested by

the owner of affected real property or the authorized representative of an owner of affected real property.

28.2 Public Hearing and Notice: Prior to making a report to the City Council, the Planning and Zoning Committee shall hold at least one public hearing on each application. Written notice of all public hearings on proposed changes in district classification or boundaries shall be sent to all owners of property, or to the person rendering the same for city taxes, located within the area of application and within two hundred (200) feet of any property affected thereby, within not less than ten (10) days before such hearing is held. Such notice may be served by using the last known address as listed on the city tax roll and depositing the notice, postage paid, in the United States mail. Notices of hearings on proposed changes in the text of the Zoning Ordinance and on proposed changes in district classification or boundaries shall be published at least once not less than fifteen (15) days prior thereto in the official newspaper of the City.

28.3 Commission Consideration and Report: The Planning and Zoning Committee, after the public hearing is closed, shall prepare its report and recommendations on the proposed change stating its findings, its evaluation of the request and of the relationship of the request to the Comprehensive Plan. The Planning and Zoning Committee may defer its report for not more than forty-five (45) days until it has had opportunity to consider other proposed changes which may have a direct bearing thereon. In making its determination, the Planning and Zoning Committee shall consider the following factors:

28.3.1 Whether the uses permitted by the proposed change will be appropriate in the immediate area concerned and their relationship to the general area and the City as a whole.

28.3.2 Whether the proposed change is in accord with any existing or proposed plans for providing public schools, streets, water supply, sanitary sewers and other utilities to the area and shall note the findings.

28.3.3 The amount of vacant land currently classified for similar development in the vicinity and elsewhere in the City, and any special circumstances which may make a substantial part of such vacant land unsuitable for development.

28.3.4 The recent rate at which land is being developed in the same zoning classification as the request, particularly in the vicinity of the proposed change.

28.3.5 The manner in which other areas designated for similar development will be, or are likely to be, affected if the proposed amendment is approved, and whether such designation for other areas should be modified.

28.3.6 Any other factors which will substantially affect the public health, safety, morals or general welfare.

28.4 Council Consideration:

28.4.1 Proposal Recommended for Approval: Every proposal which is recommended favorably by the Planning and Zoning Committee shall be forwarded to the Council for a public hearing thereon. No ordinance change shall become effective until after the adoption of the ordinance and its publication as required by law.

28.4.2 Proposal Recommended for Denial: When the Planning and Zoning Committee determines that a proposal should be denied, it shall so report and recommend to the Council and notify the applicant. A request which has been denied by the Planning and Zoning Committee and/or City Council may be resubmitted at any time for reconsideration by the City (a new filing fee must accompany the request). The Planning and Zoning Committee and/or City Council may specifically deny any request with prejudice. If a request has been specifically denied with prejudice, the request may not be resubmitted to the City for one hundred eighty (180) days from the original date of denial.

28.4.3 Council Hearing and Notice: Required notice of City Council hearing shall be given by publication in the official newspaper of the city, stating the time and place of such hearing, which shall be at least fifteen (15) days after the date of publication.

28.4.4 A Majority Vote: A favorable vote of the majority of all members of the City Council shall be required to approve any change in zoning when written objections are received. If a protest against such proposed amendment, supplement or change has been filed with the City Secretary, duly signed and acknowledged by the owners of twenty (20) percent or more of (a) the area of the lots or land included in such a proposed change or (b) the lots or land immediately adjoining the same and extending two hundred (200) feet therefrom (measured without regard to city streets or other public right of way), such amendments shall not become effective except by a three-fourths (3/4) vote of the City Council.

28.5 Final Approval and Ordinance Adoption: Upon approval of the zoning request by the City Council, the applicant shall submit a metes and bounds description to the City within thirty (30) days for the preparation of the amending ordinance. The amending ordinance shall be approved within six (6) months of submission of the zoning request. At the option of the City Council the request may be recalled for a new public hearing if not approved within six (6) months.

SECTION 29

PRESERVING RIGHTS IN PENDING LITIGATION

By the passage of this ordinance, no presently illegal use shall be deemed to have been legalized unless such use specifically falls within a use district where the actual use is a conforming use. Otherwise, such uses shall remain non-conforming uses where recognized, or an illegal use, as the case may be. It is further the intent and declared purpose of this ordinance that no offense committed and no liability, penalty or forfeiture, either civil or criminal, incurred prior to the time the existing zoning ordinance was amended in its entirety by this Ordinance, shall be discharged or affected by such repeal; but prosecution and suits for such offenses, liability, penalties or forfeitures may be instituted or causes presently pending may be proceeded with in all respects as if such prior ordinance had not been amended.

SECTION 30

PENALTY FOR VIOLATIONS

Any person or corporation violating any of the provisions of this ordinance shall upon conviction be fined the sum of five hundred dollars (\$500) per

day; and each and every day that the provisions of this ordinance are violated shall constitute a separate and distinct offense. In addition to the said penalty provided for, the right is hereby conferred and extended upon any property owner owning a property in any district where such property owner may be affected or invaded by a violation of the terms of the ordinance to bring suit in such court or courts having jurisdiction thereof and obtain such remedies as may be available at law and equity in the protection of the rights of such property owners.

SECTION 31

SAVINGS CLAUSE

If any provision, section, subsection, paragraph, sentence, clause or phrase of this ordinance or the application of same to any person or set of circumstances, shall for any reason be held unconstitutional, void and invalid, such invalidity shall not affect the validity of the remaining provisions of this ordinance of their application to other persons or set of circumstances and to this end, all provisions of this ordinance are to be severable.

SECTION 32

EFFECTIVE DATE

This ordinance shall take effect immediately from and after the date of its adoption, and it is so ordained.

PASSED, APPROVED AND ADOPTED this the _____ day of _____, 2019.

CITY OF COUPLAND, TEXAS

Jack R. Piper, Mayor

ATTEST:

LaVerne Rohlack, City Secretary