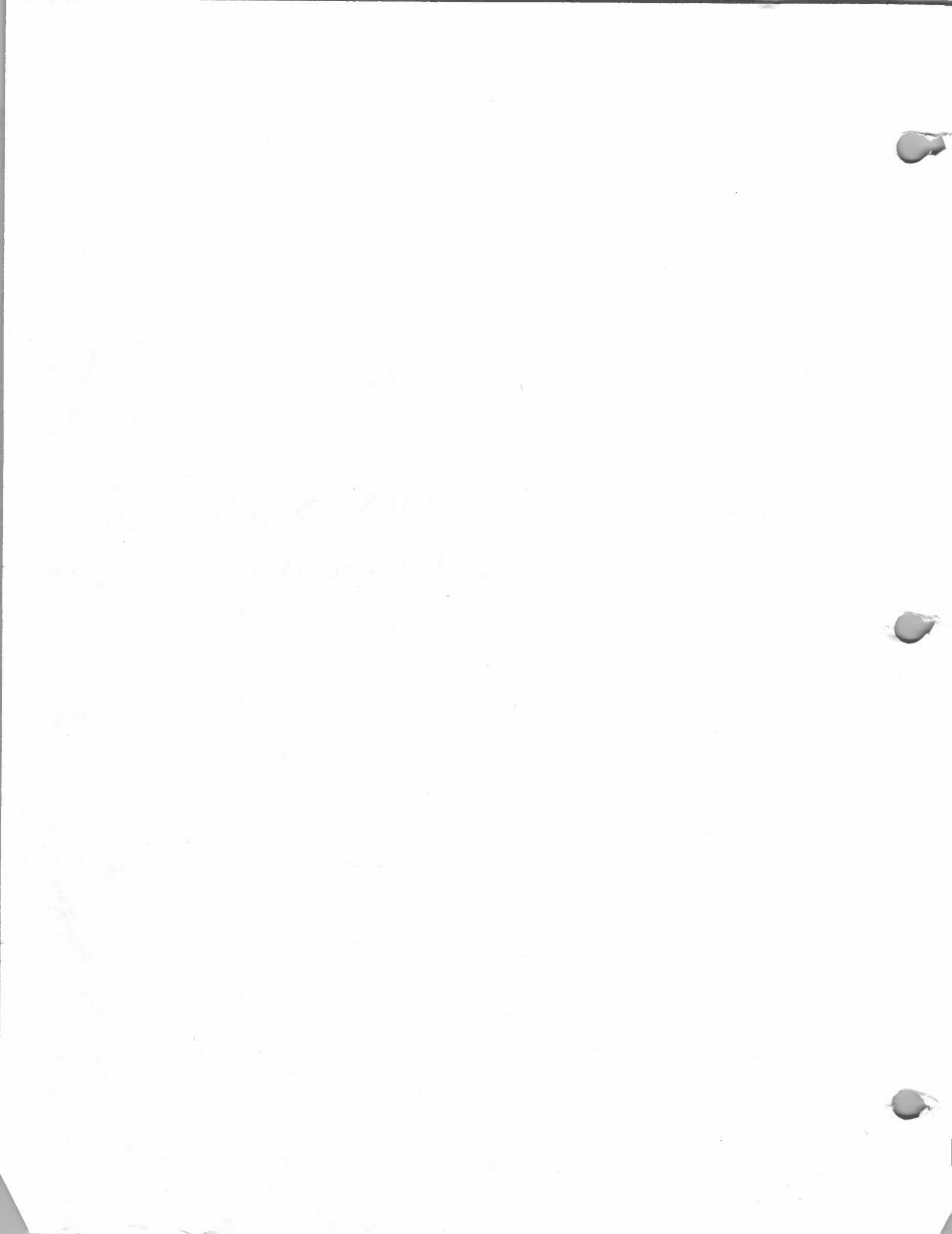


CITY OF SEVEN POINTS, TEXAS  
ZONING ORDINANCE  
NO. 272



Ordinance 272

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11.16.99*

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**ORDINANCE NO. 272 AMENDMENT**  
**Office, Retail, Commercial and Services Uses**  
**Appendix Table 6C**  
**Re-Zoning of Tattoo Establishments**

**AN AMENDMENT TO ORDINANCE NO. 272 RELATING TO OFFICE, RETAIL, COMMERCIAL AND SERVICES USES ZONING. REMOVING TATTOO ESTABLISHMENTS FROM L-1 AND PLACING THEM IN THE B-2 ZONING DISTRICT. PROVIDE FOR A PENALTY AS PROVIDED FOR IN CHAPTER 1, SECTION 5 AS AMENDED, OF THE CODE OF ORDINANCE FOR VIOLATION; PROVIDE FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDE FOR A SEVERABILITY CLAUSE; AND PROVIDE FOR AN EFFECTIVE DATE.**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SEVEN POINTS, TEXAS THAT:**

**1. ZONING OF TATTOO ESTABLISHMENTS WILL READ AS FOLLOWS:**

Any and all Tattoo Establishments shall now be zoned in the B-2 zoning.

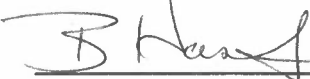
**2. PENALTY:** The penalty for violation of this ordinance amendment shall be as provide in Article 1, Section 5 of the Code of Ordinances, as may be amended from time to time.

**3. SEVERABILITY CLAUSE/SAVING CLAUSE:** It is declared to be the intention of the City Council of the City of Seven Points, Texas, that the sections, paragraphs, sentences, clauses and phrases of this amendment are severable, and, if any phrase, sentence, paragraph of this amendment shall be declared unconstitutional or invalid shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this amendment since the same would have been enacted by the City Council without the incorporation in the amendment of any such unconstitutional or invalid phrase, clause, sentence, paragraph or section.

**4. EFFECTIVE DATE:** This Amendment to Ordinance No. 272 shall become effective on the date of its signing.

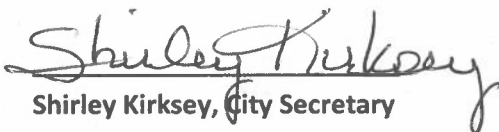
**PASSED AND APPROVED THIS 10<sup>TH</sup> DAY OF AUGUST 2017.**

**APPROVED:**



**Bill Hash, Mayor**

**ATTEST:**

  
**Shirley Kirksey, City Secretary**





BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SEVEN POINTS, TEXAS, AS FOLLOWS:

ARTICLE 1

SHORT TITLE

Sec. 1-1. TITLE - MAP ADOPTED

This Ordinance shall be known, cited, and referred as the "Zoning Ordinance for the City of Seven Points, Texas". The map herein referred to is identified by the title, "Zoning Map of the City of Seven Points, Texas", and all explanatory matter thereon is hereby adopted and made a part of this Ordinance.



## ARTICLE 2

### PURPOSE

#### Sec. 2-1. STATED GOAL AND OBJECTIVES

##### 1. Basic Goal

It is the intent of this Ordinance to encourage and promote, in accordance with present and future needs, the safety, morals, health, order, convenience, prosperity, and general welfare of the citizens of the City of Seven Points.

##### 2. Objectives

To achieve this end, these regulations are prepared in accordance with and for the promotion of the goals and objectives of the Comprehensive Community Plan, and are designed to (1) conserve the value of land, buildings, and resources; (2) protect the character and maintain the stability of residential, commercial, and industrial areas; and (3) provide for efficiency and economy in the process of development through the:

- a. Appropriate use of land;
- b. Regulation of the use and occupancy of buildings and land;
- c. Healthful and convenient distribution of population;
- d. Convenience of traffic and circulation of people and goods;
- e. Adequacy of public utilities and facilities;
- f. Promotion of the civic amenities of beauty and visual interests;
- g. Protection, enhancement, and perpetuation of specific community areas with special character, interest, or value which represent and reflect elements of the City's cultural, social, economic, and political heritage.

- h. Establishment of zoning districts which will regulate the location and use of buildings and other structures, land for trade, industry, residence and other purposes by regulating and limiting or determining the height, bulk, and access to light and air of buildings and structures, the area of yards and other spaces, and the density of use.

3. Accomplishment of Objectives

To accomplish these objectives, the regulations and districts and accompanying map have been designed with reasonable consideration, among other things, to the character of the districts and their peculiar suitability for particular uses.

## ARTICLE 3

### DEFINITION OF WORDS

#### Sec. 3-1. RULES OF CONSTRUCTION

For the purpose of the administration and enforcement of this Ordinance, and unless otherwise stated in this Ordinance, the following rules of construction shall apply:

1. The word "shall" is always mandatory and not discretionary; the word "may" is permissive.
2. Words used in the present tense shall include the future; and words used in the singular number shall include the plural, and the plural the singular, unless the context clearly indicates the contrary.
3. The phrase "used for" includes "arranged for", "designed for", "maintained for", "provided for", or "occupied for".
4. The word "person" includes an individual, a corporation, a partnership, or any other similar entity.
5. Unless the context clearly indicates the contrary, where a regulation involves two (2) or more items, conditions, provisions or events, connected by the conjunction "and", "or", "either...or", the conjunction shall be interpreted as follows:
  - a. "And" indicates that all the connected items, conditions, provisions, or events shall apply;
  - b. "Or" indicates that the connected items, conditions, provisions, or events shall apply singly but not in combination.
6. The word "includes" shall not limit a term to the specified examples, but is intended to extend its meaning to all instances or circumstances of like kind or character.

#### Sec. 3-2. DEFINITIONS

For purposes of this Ordinance, the following terms or words shall be used in interpretation of the purpose and intent:

1. Access - The primary means of ingress and egress to abutting property from a dedicated right-of-way.
2. Apartment - See "Dwelling, Multiple Family".
3. Automotive Repair Facilities - See Appendix 2, Section 5.
4. Boarding House - See Appendix 2, Section 2.
5. Buildable Area - That portion of a lot remaining after the required yard setbacks have been provided.
6. Building - Any structure, either temporary or permanent, having a roof, and used or built for the enclosure or shelter of persons, animals, vehicles, goods, merchandise, equipment, materials, or property of any kind. This definition shall include tents, dining cars, trailers, manufactured homes, sheds, garages, carports, animal kennels, storerooms, or vehicles serving in any way the function of a building as described herein.
  - a. Building, Accessory - A subordinate building, the use of which is incidental to that of the principal building on the same lot.
  - b. Building, Principal - A building in which is conducted the principal use of the lot on which it is situated. In a residential district any dwelling shall be deemed to be the principal building on the lot on which the same is situated. An attached carport, shed, garage, or any other structure with one (1) or more walls or a part of the principal building and structurally dependent, totally, or in part, on the principal building, shall comprise a part of the principal building and be subject to all regulations applicable to the principal building. A detached and structurally independent carport, garage, or other structure shall conform to the requirements of an accessory building.
7. Building Height - The vertical distance measured from the average elevation of the proposed finished grade at the front of the building except that the distance shall be measured to

the average height between the eaves and ridge for gable, hip, or gambrel roofs and to the deck line of a mansard roof.

8. Building Line - The line established by yard or setback requirements outside of which no principal building may be erected.
9. Business Service Establishments - See Appendix 2, Section 6.
10. Centerline - The line midway between the street right-of-way lines or the surveyed and prescribed centerline established by the City which may not be the line midway between the existing or proposed street right-of-way lines.
11. Child Care Center - See Appendix 2, Section 3.
12. Clinics - See Appendix 2, Section 6.
13. Contractor Shops and Yards - See Appendix 2, Section 7.
14. Court, General - An open space, other than a yard, on the same lot with a building or structure, which is bounded on two (2) or more sides by the walls of such building or structure.
  - a. Outer Court - A court enclosed on three (3) sides by exterior walls of a building or structure, or by exterior walls and lot lines on which walls are allowable, with one (1) side or end open to a street, driveway, alley, or yard.
  - b. Inner Court - A court that is completely surrounded by a building or buildings.
15. Density - The relationship between the allowable lot area per dwelling unit for a district and the land area zoned in each zoning district. The number of dwelling units is found by dividing the total land area zoned in each zoning district by the allowable lot area for that district.
16. *Reserved for future use.*
17. Dwelling Unit - A "dwelling unit" consists of one (1) or more rooms arranged, designed, or used as living quarters,

including permanently installed individual bathrooms and kitchen facilities.

- a. Dwelling, Single-Family Attached - A dwelling that is part of a structure containing three (3) or more dwellings, each designed and constructed for occupancy by one family, with each dwelling unit attached by a common wall to another with a minimum length of attachment of twenty (20) feet, in which each dwelling is located on a separate platted lot.
  - b. Dwelling, Single-Family Detached - A detached building designed exclusively for occupancy by one (1) family, excluding manufactured housing and modular homes.
  - c. Dwelling, Multi-family - Any building or portion thereof, which is designed, built, rented, leased or let to be occupied as three or more dwelling units or apartments or which is occupied as a home or place of residence by three or more families living in independent dwelling units.
18. Eating Establishment: Restaurant - See "Restaurant" in Appendix 2, Section 6..
19. Family - One (1) or more persons occupying a single dwelling unit provided that unless all members are related by law, blood or marriage, no such family shall contain over three (3) persons, but further provided that domestic servants employed on the premises may be housed on the premises without being counted as a separate or additional family or families.
20. *Reserved for future use.*
21. Flood Hazard Areas - An area subject to inundation by flood waters of the one hundred (100) year frequency as delineated by the most recent Flood Hazard Boundary Map or Flood Insurance Rate Map, as the case may be, issued by or on behalf of the Federal Insurance Administration, and approved by the Planning and Zoning Commission and City Council.
22. Food Stores - See Appendix 2, Section 6.

23. Frontage - Distance measured along an abutting public street right-of-way.
24. Furniture and Appliance Stores - See Appendix 2, Section 6.
25. *Reserved for future use.*
26. Home Occupation - See Customary Home Occupation in Appendix 2, Section 1.
27. Living Unit - See "Dwelling Unit".
28. Lot - A piece, parcel, tract, or plot of land.
  - a. Lot Area - The total horizontal area included within lot lines.
  - b. Lot Coverage - The ratio of enclosed ground floor area of all buildings on a lot to the horizontally projected area of the lot, expressed as a percentage.
  - c. Lot Depth - The mean horizontal distance between the front and rear lot lines.
  - d. Lot Line - The boundary line of a lot.
    - (1) Front - That property line which abuts on a public street, or in the event the property abuts on two (2) or more streets it shall mean that property line abutting on a street which has been designated as the front by the owner at the time of his application for a building permit.
    - (2) Side - Any property line not a front or rear lot line. A side lot line separating a lot from a street is an exterior side lot line. A side lot line separating a lot from another lot or lots is an interior side lot line.
    - (3) Rear - That boundary of a lot which is most distant from and is, or is most nearly, parallel to the front lot line.
  - e. Lot of Record - A lot whose existence, location, and dimensions have been legally recorded or registered in a

deed or on a plat prior to the effective date of this Ordinance.

- f. Lot, Corner - Lot bounded by more than one (1) intersecting street.
  - g. Lot Width - The mean horizontal distance between the side lot lines measured at the required front property line.
- 29. Manufactured Home - See Appendix 2, Section 2.
  - 30. Manufactured Home Park - See Appendix 2, Section 2.
  - 31. Manufactured Home Subdivision - See Appendix 2, Section 2.
  - 32. Mobile Home - See Appendix 2, Section 2.
  - 33. Nonconforming Building or Structure - A building or structure existing at the time of passage or amendment of this Ordinance which does not conform to the property development and regulations of area, height, lot coverage, yard setbacks, or other like requirements of the district in which it is located.
  - 34. Nonconforming Lot - Any single lot, tract, or parcel of land in existence at time of passage or amendment of this Ordinance which does not meet the minimum dimensions, area, or other regulations of the district in which it is located.
  - 35. Nonconforming Use - Any land use existing at the time of passage or amendment of this Ordinance which does not conform to the provisions, requirements, and regulations of the district in which it is located.
  - 36. On-Site Construction - Buildings which are primarily constructed upon the premises where they are to stand permanently (i.e., the foundation, walls, siding, roof, and floor covering must be constructed on the said premises).
  - 37. Parking Space, Off-Street - An area of not less than one hundred sixty-two (162) square feet, surfaced with a suitable, dust-free surface, enclosed or unenclosed, exclusive of driveways and alleys, and adjacent to a driveway or alley, with the minimum dimensions of nine feet (9') by



eighteen feet (18'), designed so as to be used for parking of a motor vehicle.

38. Portable Building - A movable structure constructed on skids or wheels that is capable of being transported. A portable building shall be an accessory structure as defined by this Ordinance.
39. Prefabricated Structure - A structure made or built in standard-sized sections for shipment and quick assembly. A prefabricated structure may be preassembled or assembled on the site.
40. Professional Services - Services offered by doctors, lawyers, accountants, real estate brokers, insurance agents, land developers, engineers, architects, planners, computer systems analysts, and any other individuals or groups offering professional services of a similar nature.
41. Property Line - See "Lot Line".
42. Public Body - Any government or governmental agency, board, commission, or authority of the City of Seven Points, Henderson County, Kaufman County, State of Texas, or the U. S. Government, or any legally constituted special district.
43. Public Use - The use of any land, water, or building by a public body for a public service or purpose.
44. Recreational Vehicle - Any vehicle designed and intended for recreational purposes, and shall include trailers, travel trailers, camp-cars, pick-up campers, buses, tent trailers, or any other similar vehicles with or without motive power, designed and constructed to travel on public thoroughfares.
45. Residence - See "Dwelling Unit".
46. Right-Of-Way - A strip of land dedicated or deeded to the perpetual use of the public.
47. Semi-Public Body - Churches and organizations operating as a nonprofit activity serving a public purpose of service and includes such organizations as noncommercial clubs and lodges, theater groups, recreational and neighborhood associations, and cultural activities.

48. Semi-Public Use - The use of any land or building by a semi-public body.
49. Specific Use Permit - A permit allowing a use that would not be appropriate generally or without restriction throughout a zoning district but which, if controlled as to number, area, location, condition of operation, construction, or arrangement, would be beneficial in a specific instance to the general welfare of the community. Such permit may be issued after public hearing of the Planning and Zoning Commission and approval by the City Council in districts in which a specific use permit for a use is permitted in Appendix 1 - Schedule of Uses.
50. Storage Building - See "Structure, Accessory".
51. Story - That portion of a building, other than the basement, included between the surface of any floor and the surface of the floor next above it; or if there be no floor above it then the space between the floor and the ceiling next above it.
52. Story, Half - A partial story under a gable, hip or gambrel roof, the wall plates of which on at least two (2) opposite exterior walls are not more than four feet (4') above the floor of such story, except that any partial story used for residence purposes, other than by a family occupying the floor immediately below it, shall be deemed a full story.
53. Street - A public or private right-of-way which affords a primary means of vehicular access to abutting properties, whether designated as a street, avenue, highway, road, boulevard, lane, place or however otherwise designated, but does not include driveways to buildings.
54. Street; Alley - A public right-of-way, not more than thirty feet (30') in width, which affords a secondary means of public or private access to property abutting thereon.
55. Street Right-Of-Way - The property line that bounds the right-of-way set aside for use as a street. Where sidewalks exist and the exact location of the right-of-way is unknown, the side of the sidewalk farthest from the centerline of the traveled street shall be considered as the right-of-way line.

56. Structural Alteration - Any change except for repair or replacement in the supporting members of a structure such as bearing walls or partitions, columns, beams, or girders, or any substantial change in the roof or in the exterior of a structure.
57. Structure - Anything constructed or erected with a fixed location on the ground or attached to something having a fixed location on the ground, and having a height of four inches (4") or more except for patios, parking and loading facilities, walls, or fences.
58. Structure, Accessory - A structure incidental and subordinate to the principal use of the property and located on the same lot as the principal use.
59. Usable Open Space - That part of the ground area (improved or unimproved), roof, balcony, or porch which is designed or intended for outdoor living, recreation, or utility space and may include recreational buildings or structures, but shall not include streets, driveways, parking and loading areas, or any other paved vehicular ways and facilities, as well as all required minimum front yard areas.
60. Trailer or Motor Home - See "Recreational Vehicle".
61. Use - Any activity, functions, or purpose to which a parcel of land or building is put and shall include the words used, arranged, or occupied for any purpose, including all residential, commercial, business, industrial, public, or any other use.
- a. Use, Accessory - A use which is wholly incidental to and supportive of the principal use on the same lot.
- b. Use, Principal - The primary purpose for which land or building is used as permitted by the applicable zoning district.
62. Variance - A relaxation of the terms of this Ordinance where such variance will not be contrary to the public interest and where a literal enforcement of the Ordinance would result in unnecessary and undue hardship.

63. Vehicle - Any self-propelled conveyance designed and used for the purpose of transporting or moving persons, animals, freight, merchandise, or any substance, and shall include passenger cars, trucks, buses, motorcycles, scooters, but shall not include tractors, construction equipment, or machinery.
64. Yard - The open space existing on the same lot with a principal building, unoccupied and unobstructed by buildings from the ground upward, between the lot line and the building line.
- a. Yard, Front - A yard extending across the front of a lot between the side lot lines and being the minimum horizontal distance between the front lot line and the principal building.
  - b. Yard, Rear - A yard extending across the rear of a lot between the side lot lines and being the minimum horizontal distance between the rear lot line and the principal building. On both corner and interior lots the rear yard shall in all cases be at the opposite end of the front yard.
  - c. Yard, Side - A yard extending from the front yard to the rear yard and being the minimum horizontal distance from the side lot line to the principal building.
  - d. Yard, Side Street - A yard adjacent to a street between the front and the rear lot line and being the minimum horizontal distance from the side lot line to the principal building.
65. Zoning District - A portion of the territory of the City of Seven Points, Texas, including the zoning map and all amendments to such zoning ordinance and zoning map, as established in Section 1-1 of this Ordinance.

ARTICLE 4

ZONING DISTRICTS

Sec. 4-1. ESTABLISHMENTS OF DISTRICTS

In order to classify, regulate, and restrict the height and bulk of buildings; to regulate the area of yards and other open spaces about buildings; to regulate the intensity of land use; and to promote orderly growth within the City of Seven Points, Texas, the following zoning districts are established:

Single-Family Detached Residential District	(R-1)
Single-Family Detached Residential District	(R-2)
Single-Family and Duplex Residential District	(R-3)
Single-Family and Manufactured Housing Residential Dist.	(R-4)
Multiple-Family Residential District-1	(MF-1)
Multiple-Family Residential District-2	(MF-2)
Manufactured Home Subdivision District	(RM-1)
Manufactured Home Park District	(RM-2)
Local Business District	(B-1)
General Business District	(B-2)
Office/ Special Services District	(B-3)
Light Industrial District	(I-1)
Heavy Industrial District	(I-2)
Flood Hazard District (overlay)	(FH)

Sec. 4-2. DESIGNATION OF DISTRICT BOUNDARIES

The boundaries of each district are designated and established as shown on the Zoning Map of Seven Points, Texas. The regulations

of this Ordinance governing the use of land and buildings, the height of buildings, lot areas, setbacks, lot coverage, and parking and loading requirements are hereby included within the boundaries of each and every district shown upon the zoning map or included in this Ordinance.

Sec. 4-3. RULES FOR INTERPRETATION OF DISTRICT BOUNDARIES

When uncertainty exists as to the boundaries of the various districts on the zoning map, the following rules shall apply:

1. Location of District Boundary Lines

- a. Centerlines - Boundaries indicated as approximately following the centerlines of streets, highways, avenues, and alleys shall be construed to follow such lines.
- b. Lot Lines - Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
- c. Corporate Boundaries - Boundaries indicated as approximately following corporate boundaries shall be construed as following such corporate boundaries.
- d. Railroad Lines - Boundaries indicated as following railroad lines shall be construed to be the centerline of the railroad right-of-way.
- e. Water Lines - Boundaries indicated as approximately following the centerlines of streams, canals, or other bodies of water shall be construed to follow such centerlines.
- f. Parallel Lines - Boundaries that are approximately parallel to the centerlines or street lines of streets or the centerlines or alley lines of alleys shall be construed as being parallel thereto and at such distance therefrom as indicated by the scale shown on the zoning map.

2. Uncertainties

Where physical or cultural features existing on the ground are at variance with those shown on the zoning map, or in

case any other uncertainty exists, the City Council shall interpret the intent of the zoning map as to the location of district boundaries.

3. Street Abandonments

Where a public road, street, avenue, or alley is officially vacated or abandoned, the regulations applicable to the property to which it reverted shall apply to such vacated or abandoned road, street, avenue, or alley.

4. Annexed Areas

All territory hereafter annexed to the City of Seven Points shall be given a permanent zoning designation at the time annexation is completed. A building permit shall not be granted on a tract that has not been given permanent zoning.

5. Special Provisions for Lots Divided by District Boundaries

Where any lot existing at the effective date of this Ordinance is located in two or more districts in which different uses are permitted, or in which different use, area, bulk, accessory, off-street parking and loading, or other regulations apply, the provisions of this subsection shall apply.

a. Use Regulations

- (1) If more than fifty percent (50%) of the lot area of the lot is located in one of two or more districts, the use regulations applicable to the district containing the majority lot area shall apply to the entire lot.
- (2) If the lot is divided so that fifty percent (50%) of the lot area lies within each of two or more districts, the applicable use regulations of the more restrictive district shall apply to the entire lot.

b. Dimensional Requirement Regulations

- (1) If more than fifty percent (50%) of the lot area of the lot is located in one of two or more districts, the dimensional requirement regulations applicable to

the district containing the majority lot area shall apply to the entire lot.

- (2) In cases where the lot is divided so that fifty percent (50%) of the lot area lies within two or more districts the lot area, yard setback, height, lot coverage, and off-street parking and loading regulations for the district with the more restrictive regulations shall apply to the entire lot.

#### Sec. 4-4. APPLICATION OF DISTRICTS

##### 1. Existing Uses

In all districts after the effective date of this Ordinance:

- a. The use of any existing building or other structure may be continued.
- b. The use of any existing tract of land may be continued.
- c. The enlargement, alteration, conversion, reconstruction, rehabilitation, or relocation of any existing building or other structure shall be in accordance with the dimensional requirement regulations and use regulations of the district within which the property is located and other applicable requirements of this Ordinance.
- d. Every existing building hereafter enlarged, altered, reconstructed, or relocated shall be on a lot herein defined.

##### 2. New Uses

- a. In all districts after the effective date of this Ordinance any new building or parcel of land shall be used, constructed, or developed only in accordance with the use and dimensional requirement regulations of the district within which the property is located and other applicable requirements of this Ordinance.
- b. Every building hereafter constructed or erected shall be on a lot as herein defined, and in no case shall there be



more than one (1) principal building on one lot, unless otherwise provided in this Ordinance.

- c. There shall not be more than one principal building on a single residential lot, unless otherwise provided in this Ordinance.
- d. A building may be constructed across lot lines if approval for such action is granted by the Board of Adjustment.

3. Uses Not Expressly Provided For

In a district where an application is made for a use not expressly permitted or prohibited, the enforcing official shall determine that use which is expressly prohibited or permitted most closely similar or allied to the use requested. If an applicant objects to a determination made by the enforcing official, such person(s) may appeal to the City Council.

## ARTICLE 5

### SINGLE-FAMILY DETACHED RESIDENTIAL DISTRICT (R-1)

#### Sec. 5-1. PURPOSE

The intent of this district is to provide for very low density, single-family residential development of a relatively spacious character together with such public and semi-public buildings and facilities and accessory structures as may be necessary and are compatible with residential development of this nature. The provisions of this district are intended to protect and stabilize the essential characteristics of such existing development; to encourage such future development to occur on vacant land where the natural characteristics of such land are suitable for this type of development to occur where public facilities and services and other factors are available which are conducive to residential development of such densities; and to discourage any activities not compatible with such residential development.

#### Sec. 5-2. PERMITTED USES

##### 1. Uses Permitted by Right

See Appendix 1 - Schedule of Uses.

##### 2. Accessory Structures Permitted

See Appendix 1 - Schedule of Uses.

##### 3. Uses Permitted by Specific Use Permit

See Appendix 1 - Schedule of Uses.

#### Sec. 5-3. DIMENSIONAL REQUIREMENTS

All principal and accessory structures shall be located and constructed in accordance with Section 5-4 where it applies, as well as to the following requirements:

##### 1. Residential Uses

See Appendix 3 - Area, Setback, Height, and Coverage Regulations

2. Accessory Structures

See Appendix 4 - Area, Setback, Height, and Coverage Regulations for Accessory Buildings

Sec. 5-4. SPECIAL REGULATIONS

In addition to Section 5-3, Dimensional Requirements, the following requirements shall apply where required:

1. Access

See Section 20-2.

2. Nonconforming Uses

See Section 20-9.

3. Off-street Parking and Loading Facilities

See Section 20-10.

4. Home Occupations

See Section 20-7.

## ARTICLE 6

### SINGLE-FAMILY DETACHED RESIDENTIAL DISTRICT (R-2)

#### Sec. 6-1 PURPOSE

The intent of this district is to provide for low density, single family residential development of a relatively spacious character together with such public and semi-public buildings and facilities and accessory structures as may be necessary and are compatible with residential development of this nature. The provisions of this district are intended to protect and stabilize the essential characteristics of such existing development; to permit population densities which are low enough to be compatible with neighboring single-family development; to encourage such future development to occur on vacant land where the natural characteristics of such land are suitable for this type of development; to provide policies which will encourage such low density residential development to occur where public facilities and services and other factors are available which are conducive to development of such densities; and to discourage any activities not compatible with such residential development.

#### Sec. 6-2. PERMITTED USES

1. Uses Permitted by Right

See Appendix 1 - Schedule of Uses.

2. Accessory Structures Permitted

See Appendix 1 - Schedule of Uses.

3. Uses Permitted by Specific Use Permit

See Appendix 1 - Schedule of Uses.

#### Sec. 6-3. DIMENSIONAL REQUIREMENTS

All principal and accessory structures shall be located and constructed in accordance with Section 6-4 where it applies, as well as to the following requirements:

1. Residential Uses

See Appendix 3 - Area, Setback, Height, and Coverage Regulations

2. Accessory Structures

See Appendix 4 - Area, Setback, Height, and Coverage Regulations for Accessory Buildings

Sec. 6-4. SPECIAL REGULATIONS

In addition to Section 6-3, Dimensional Requirements, the following requirements shall apply where required:

1. Access

See Section 20-2.

2. Nonconforming Uses

See Section 20-9.

3. Off-street Parking and Loading Facilities

See Section 20-10.

4. Home Occupations

See Section 20-7.

## ARTICLE 7

### SINGLE-FAMILY DETACHED AND DUPLEX RESIDENTIAL DISTRICT (R-3)

#### Sec. 7-1. PURPOSE

The intent of this district is to provide for medium density, single-family, residential development of a moderately spacious character together with such public and semi-public buildings and facilities and accessory structures as may be necessary and are compatible with residential development of this nature. The provisions of this district are intended to protect and stabilize the essential characteristics of such existing development; to encourage such future development to occur on vacant land where the natural characteristics of such land are suitable for this type of development to occur where public facilities and services and other factors are available which are conducive to residential development of such densities; and to discourage any activities not compatible with such residential development.

#### Sec. 7-2. PERMITTED USES

##### 1. Uses Permitted by Right

See Appendix 1 - Schedule of Uses.

##### 2. Accessory Structures Permitted

See Appendix 1 - Schedule of Uses.

##### 3. Uses Permitted by Specific Use Permit

See Appendix 1 - Schedule of Uses.

#### Sec. 7-3. DIMENSIONAL REQUIREMENTS

All principal and accessory structures shall be located and constructed in accordance with Section 7-4 where it applies, as well as to the following requirements:

##### 1. Residential Uses

See Appendix 3 - Area, Setback, Height, and Coverage Regulations.

2. Accessory Structures

See Appendix 4 - Area, Setback, Height, and Coverage Regulations for Accessory Buildings

Sec. 7-4. SPECIAL REGULATIONS

In addition to Section 7-3, Dimensional Requirements, the following requirements shall apply where required:

1. Access

See Section 20-2.

2. Nonconforming Uses

See Section 20-9.

3. Off-street Parking and Loading Facilities

See Section 20-10.

4. Home Occupations

See Section 20-7.

## ARTICLE 8

### SINGLE FAMILY DETACHED AND MANUFACTURED HOME RESIDENTIAL DISTRICT (R-4)

#### Sec. 8-1. PURPOSE

The intent of this district is to provide for higher density single-family residential development, including manufactured housing, on smaller lots together with such public and semi-public buildings and facilities and accessory structures as may be necessary and are compatible with residential development of this nature. The provisions of this district are intended to protect and stabilize the essential characteristics of such existing development; to encourage such future development to occur on vacant land where the natural characteristics of such land are suitable for this type of development; to provide policies which will encourage very high density development to occur where public facilities and services and other factors are available which are conducive to residential development of such densities; and to discourage any activities not compatible with such residential development.

#### Sec 8-2. PERMITTED USES

1. Uses permitted by Right

See Appendix 1 - Schedule of Uses.

2. Accessory Structures Permitted

See Appendix 1 - Schedule of Uses.

3. Uses Permitted by Special Exception

See Appendix 1 - Schedule of Uses.

#### Sec 8-3. DIMENSIONAL REQUIREMENTS

All principal and accessory structures shall be located and constructed in accordance with Section 8-4 where it applies, as well as to the following requirements:



1. Residential Uses

See Appendix 3 - Area, Setback, Height, and Coverage Regulations.

2. Accessory Structures

See Appendix 4 - Area, Setback, Height, and Coverage Regulations.

Sec 8-4. SPECIAL REGULATIONS

In addition to Section 8-3, Dimensional Requirements, the following requirements shall apply where required:

1. Access

See Section 20-2.

2. Non-conforming Uses.

See Section 20-9.

3. Off-street parking and loading facilities.

See Section 20-10.

4. Home occupations.

See Section 20-7.

## ARTICLE 9

### MULTIPLE FAMILY RESIDENTIAL DISTRICT-1 (MF-1)

#### Sec. 9-1. PURPOSE

The intent of this district is to provide for an efficient and economic use of land through a mixture of medium density, multiple family housing types together with such public and semi-public buildings and facilities and accessory structures as may be necessary and are compatible with such residential developments. The provisions of this district are intended to provide for the development of such projects with population densities and building heights that are compatible with developments in areas of similar intensity or in transitional areas on land where the clustering of units would permit the most effective utilization of such land while preserving open space and other natural features; to encourage such residential developments to locate near concentrations of nonresidential activities and facilities such as employment centers; to avoid undue traffic congestion on minor streets by directing such development to abut upon or have relatively close access to major transportation arteries; to encourage privacy, internal stability, attractiveness, order and efficiency in these areas by providing for adequate light, air, and usable open space for dwellings and related facilities through the careful design and consideration of the proper functional relationship among uses permitted; and to provide policies which will encourage such residential development to occur where public facilities and services are existing or within plans for improvement.

#### Sec. 9-2. PERMITTED USES

##### 1. Uses Permitted by Right

See Appendix 1 - Schedule of Uses.

##### 2. Accessory Structures Permitted

See Appendix 1 - Schedule of Uses.

##### 3. Uses Permitted by Specific Use Permit

See Appendix 1 - Schedule of Uses.

Sec. 9-3. DIMENSIONAL REQUIREMENTS

All principal and accessory structures shall be located and constructed in accordance with Section 9-4 where it applies, as well as to the following requirements:

1. Multiple Family and Single Family Attached Dwellings

See Appendix 3 - Area, Setback, Height, and Coverage Regulations.

2. Accessory Structures

See Appendix 4 - Area, Setback, Height, and Coverage Regulations for Accessory Buildings.

Sec. 9-4. SPECIAL REGULATIONS

In addition to Section 9-3, Dimensional Requirements, the following requirements shall apply where required:

1. Access

See Section 20-2.

2. Non-Conforming Uses

See Section 20-9.

3. Off-Street Parking and Loading Facilities

See Section 20-10.

4. Home Occupations

See Section 20-7.

5. Site Plan Approval Process

See Article 21.

## ARTICLE 10

### MULTIPLE FAMILY RESIDENTIAL DISTRICT-2 (MF-2)

#### Sec. 10-1. PURPOSE

The intent of this district is to provide for an efficient and economic use of land through a mixture of high density, multiple family housing types together with such public and semi-public buildings and facilities and accessory structures as may be necessary and are compatible with such residential developments. The provisions of this district are intended to provide for the development of such projects with population densities and building heights that are compatible with developments in areas of similar intensity or in transitional areas on land where the clustering of units would permit the most effective utilization of such land while preserving open space and other natural features; to encourage such residential developments to locate near concentrations of nonresidential activities and facilities such as employment centers; to avoid undue traffic congestion on minor streets by directing such development to abut upon or have relatively close access to major transportation arteries; to encourage privacy, internal stability, attractiveness, order and efficiency in these areas by providing for adequate light, air, and usable open space for dwellings and related facilities through the careful design and consideration of the proper functional relationship among uses permitted; and to provide policies which will encourage such residential development to occur where public facilities and services are existing or within plans for improvement.

#### Sec. 10-2. PERMITTED USES

##### 1. Uses Permitted by Right

See Appendix 1 - Schedule of Uses.

##### 2. Accessory Structures Permitted

See Appendix 1 - Schedule of Uses.

##### 3. Uses Permitted by Specific Use Permit

See Appendix 1 - Schedule of Uses.

Sec. 10-3. DIMENSIONAL REQUIREMENTS

All principal and accessory structures shall be located and constructed in accordance with Section 10-4 where it applies, as well as to the following requirements:

1. Multiple Family and Single Family Attached Dwellings

See Appendix 3 - Area, Setback, Height, and Coverage Regulations.

2. Accessory Structures

See Appendix 4 - Area, Setback, Height, and Coverage Regulations for Accessory Buildings.

Sec. 10-4. SPECIAL REGULATIONS

In addition to Section 10-3, Dimensional Requirements, the following requirements shall apply where required:

1. Access

See Section 20-2.

2. Nonconforming Uses

See Section 20-9.

3. Off-Street Parking and Loading Facilities

See Section 20-10.

4. Home Occupations

See Section 20-7.

5. Site Plan Approval Process

See Article 21.

## ARTICLE 11

### MANUFACTURED HOME SUBDIVISION DISTRICT (RM-1)

#### Sec. 11-1. PURPOSE

The intent of this district is to provide for manufactured home subdivision development on small lots together with such public and semi-public buildings and facilities and accessory structures or uses as may be necessary and are compatible with residential development of this nature. The district is specifically designed to permit the platting and selling of subdivided lots upon which manufactured homes may be placed; to encourage such future development to occur on vacant land where the natural characteristics of such land are suitable for this type of development; to permit population densities which are low enough to be compatible with neighboring single family development; to provide policies which will encourage such residential development to occur where public facilities and services are existing or within plans for improvement; and to discourage any activities not compatible with residential development.

#### Sec. 11-2. PERMITTED USES

1. Uses Permitted by Right

See Appendix 1 - Schedule of Uses.

2. Accessory Structures Permitted

See Appendix 1 - Schedule of Uses.

3. Uses Permitted by Specific Use Permit

See Appendix 1 - Schedule of Uses.

#### Sec. 11-3. DIMENSIONAL REQUIREMENTS

All principal and accessory structures shall be located and constructed in accordance with Section 11-4 where it applies, as well as to the following requirements:



1. Residential Uses

See Appendix 3 - Area, Setback, Height, and Coverage Regulations.

2. Accessory Structures

See Appendix 4 - Area, Setback, Height, and Coverage Regulations for Accessory Buildings.

Sec. 11-4. SPECIAL REGULATIONS

In addition to Section 11-3, Dimensional Requirements, the following requirements shall apply where required:

1. Access

See Section 20-2.

2. Nonconforming Uses

See Section 20-9.

3. Off-Street Parking and Loading Facilities

See Section 20-10.

4. Home Occupations

See Section 20-7.

5. Age Limits

See Section 19-8.

6. Use as Temporary Office

See Section 19-8.

7. Skirting

See Section 19-8.

## ARTICLE 12

### MANUFACTURED HOME PARK DISTRICT (RM-2)

#### Sec. 12-1. PURPOSE

The intent of this district is to provide for manufactured home park developments together with such public and semi-public buildings and facilities and accessory structures as may be necessary and are compatible with residential surroundings of this nature. The district is specifically designed to accommodate in such developments manufactured homes on rented parcels at acceptable densities; to accommodate the housing needs of those residents who prefer manufactured home living and of those who desire an economic alternative to conventional dwellings; to encourage such future development to occur on vacant land where the natural characteristics of such land are suitable for this type of development; to avoid undue traffic congestion on minor streets by directing such developments to abut upon or have relatively close access to major transportation arteries; to provide policies which will encourage such residential development to occur where public facilities and services are existing or within plans for improvement; and to protect manufactured home parks from encroachment by incompatible uses.

#### Sec. 12-2. PERMITTED USES

1. Uses Permitted by Right

See Appendix 1 - Schedule of Uses.

2. Accessory Structures Permitted

See Appendix 1 - Schedule of Uses.

3. Uses Permitted by Specific Use Permit

See Appendix 1 - Schedule of Uses.

#### Sec. 12-3. DIMENSIONAL REQUIREMENTS

All principal and accessory structures shall be located and constructed in accordance with Section 12-4 where it applies, as well as to the following requirements:

1. Residential Uses

See Appendix 3 - Area, Setback, Height, and Coverage Regulations.

2. Accessory Structures

See Appendix 4 - Area, Setback, Height, and Coverage Regulations for Accessory Buildings.

Sec. 12-4. SPECIAL REGULATIONS

In addition to Section 12-3, Dimensional Requirements, the following requirements shall apply:

1. Access

See Section 20-2.

2. Nonconforming Uses

See Section 20-9.

3. Off-Street Parking and Loading Facilities

See Section 20-10.

4. Home Occupations

See Section 20-7.

5. Additional Requirements

a. Manufactured Home Space

- (1) Each manufactured home shall be located on a space that will permit each unit to be sufficiently supported and anchored in accordance with the Texas Department of Labor and Standards' Texas Manufactured Home Tie-Down Standards.

(2) Each approved manufactured home space shall be clearly defined by stakes or such other type markers that physically delineate the location of each space within a park development.

b. Street or Driveway Improvements

All streets or driveways shall be hard-surfaced with an all weather road and constructed in accordance with City standards.

c. Street Lighting

All streets or driveways within the park shall be lighted at night with electric lights providing a minimum illumination of 0.2 footcandles.

d. Usable Open Space

A minimum of twenty percent (20%) of the gross usable land area within the manufactured home park boundaries shall be designed for use as an active and/or passive recreational area(s).

e. Parking

No parking shall be allowed on any manufactured home park access or circulation street or driveway.

6. Site Plan Approval Process

See Article 21.

7. Age Limit

See Section 19-8.

8. Use as Temporary Office

See Section 19-8.

9. Skirting

See Section 19-8.

## ARTICLE 13

### LOCAL BUSINESS DISTRICT (B-1)

#### Sec. 13-1. PURPOSE

The intent of this district is to provide for a limited number of existing or potential low intensity office, business, and commercial facilities. The provisions of this district are intended to permit the continuance of existing and compatible business and commercial developments which benefit from being in close proximity to each other; to avoid the development of any large general strip commercial or business developments; to encourage such future low intensity development to occur on vacant land where the natural characteristics of such land are suitable for this type of development; to avoid undue traffic congestion on minor streets by directing such developments to abut upon or have relative close access to major transportation arteries; and to discourage any encroachment by industrial, residential, or other uses considered capable of adversely affecting the localized commercial and business characteristics of the district.

#### Sec. 13-2. PERMITTED USES

##### 1. Uses Permitted by Right

See Appendix 1 - Schedule of Uses.

##### 2. Accessory Structures Permitted

See Appendix 1 - Schedule of Uses.

##### 3. Uses Permitted by Special Exceptions

See Appendix 1 - Schedule of Uses.

#### Sec. 13-3. DIMENSIONAL REQUIREMENTS

All principal and accessory structures shall be located and constructed in accordance with Section 13-4 where it applies, as well as to the following requirements:

1. Principal Structures

See Appendix 3 - Area, Setback, Height, and Coverage Regulations.

2. Accessory Structures

See Appendix 4 - Area, Setback, Height, and Coverage Regulations for Accessory Buildings.

Sec. 13-4. SPECIAL REGULATIONS

In addition to Section 13-3, Dimensional Requirements, the following requirements shall apply where required:

1. Access

See Section 20-2.

2. Nonconforming Uses

See Section 20-9.

3. Off-Street Parking and Loading Facilities

See Section 20-10.

4. Site Plan Approval Process

See Article 21.

5. Prefabricated Structures

See Section 20-12.

6. Additional Requirements

- a. No parking, storage, or similar use shall be permitted in the required front yards of this district, except that automobile parking is permitted in such yards if separated by at least one hundred feet (100') from any single-family residential district.

- b. No parking, storage, or similar use shall be permitted in any required side yard of this district adjoining a single-family residential district.



ARTICLE 14

GENERAL BUSINESS DISTRICT (B-2)

Sec. 14-1. PURPOSE

The intent of this district is to provide for areas that are designed for the commercial needs that appeal to a wider community interest than those found in the local business district. The provisions of this district are intended to encourage general commercial development to locate along major arteries where sites are adequate for an integrated design of commercial and business establishments particularly adjacent to major intersections where such development could most adequately serve the needs of the community's residents and those of the traveling public without resorting to excessive quantities of strip development; and to discourage any encroachment by industrial, residential, or other uses considered capable of adversely affecting the general business characteristics of this district.

Sec. 14-2. PERMITTED USES

1. Uses Permitted by Right

See Appendix 1 - Schedule of Uses.

2. Accessory Structures Permitted

See Appendix 1 - Schedule of Uses.

3. Uses Permitted by Special Exception

See Appendix 1 - Schedule of Uses.

**AMENDED**

**Date** 4-19-2013

Removal of Flea Markets  
in B-2 Zone

Sec. 14-3. DIMENSIONAL REQUIREMENTS

All principal and accessory structures shall be located and constructed in accordance with Section 14-4 where it applies, as well as to the following requirements:

1. Principal Structures

See Appendix 3 - Area, Setback, Height, Coverage, and Building Size Regulations.

2. Accessory Structures

See Appendix 4 - Area, Setback, Height, Coverage, and Building Size Regulations for Accessory Buildings.

Sec. 14-4. SPECIAL REGULATIONS

In addition to Section 14-3, Dimensional Requirements, the following regulations shall apply where required:

1. Access

See Section 20-2.

2. Nonconforming Uses

See Section 20-9.

3. Off-Street Parking and Loading Facilities

See Section 20-10.

4. Site Plan Approval Process

See Article 21.

5. Prefabricated Structures

See Section 20-12.

**REPEALED**  
**Date**

ARTICLE 15

OFFICE/SPECIAL SERVICES DISTRICT (B-3)

Sec. 15-1. PURPOSE

The intent of this district is to provide for the location of office buildings and businesses specializing in providing services to the public, with no outdoor sales or storage. The provisions of this district are intended to encourage such development to locate in a particular area of the community where sites are adequate for an integrated design of commercial and business establishments and to protect existing development of this type already located in this area. This district is also designed to discourage any encroachment by industrial, residential, or other business/commercial uses considered capable of adversely affecting the character of this district.

Sec. 15-2. PERMITTED USES

1. Uses Permitted by Right

See Appendix 1 - Schedule of Uses.

2. Accessory Structures Permitted

See Appendix 1 - Schedule of Uses.

3. Uses Permitted by Special Exception

See Appendix 1 - Schedule of Uses.

Sec. 15-3. DIMENSIONAL REQUIREMENTS

All principal and accessory structures shall be located and constructed in accordance with Section 15-4 where it applies, as well as to the following requirements:

1. Principal Structures

See Appendix 3 - Area, Setback, Height, Coverage, and Building Size Regulations.

REPEATED  
Date

3. Accessory Structures

See Appendix 4 - Area, Setback, Height, Coverage, and Building Size Regulations for Accessory Buildings.

Sec. 15-4. SPECIAL REGULATIONS

In addition to Section 15-3, Dimensional Requirements, the following regulations shall apply where required:

1. Access

See Section 20-2.

2. Nonconforming Uses

See Section 20-9.

3. Off-Street Parking and Loading Facilities

See Section 20-10.

4. Site Plan Approval Process

See Article 21.

5. Prefabricated Structures

See Section 20-12.

## ARTICLE 16

### LIGHT INDUSTRIAL DISTRICT (I-1)

#### Sec. 16-1. PURPOSE

The intent of this district is to provide for areas that are appropriate for the light industrial needs in the City. The provisions hereof are to encourage light industrial development to locate at a reasonable distance from residential areas. Development in this district is to be restricted to "clean" industry, i.e., uses that do not produce substantial air or water pollution and excessive noise or odor. The provisions hereof are further meant to discourage residential development in this district or any other development that would hinder or adversely affect industry.

#### Sec. 16-2. PERMITTED USES

##### 1. Uses Permitted by Right

See Appendix 1 - Schedule of Uses.

##### 2. Uses Permitted by Special Exception

- a. Industrial and manufacturing plants including the processing and assembling of parts for production of finished equipment where the process of manufacturing or treatment of materials is such that only a nominal amount of dust, odor, gas, smoke, or noise is emitted; and with no open storage of products, materials, or equipment.
- b. See Appendix 1 - Schedule of Uses.

#### Sec. 16-3. DIMENSIONAL REQUIREMENTS

##### 1. Principal Structures

All principal and accessory structures shall be located and constructed in accordance with Section 16-4 where it applies, as well as to the following requirements:

See Appendix 3 - Area, Setback, Height, and Coverage Regulations.

2. Accessory Structures

See Appendix 4 - Area, Setback, Height, Coverage, and Building Size Regulations for Accessory Buildings.

Sec. 16-4. SPECIAL REGULATIONS

In addition to Section 16-3, Dimensional Requirements, the following regulations shall apply where required:

1. Access

See Section 20-2.

2. Nonconforming Uses

See Section 20-9.

3. Off-Street Parking and Loading Facilities

See Section 20-10.

4. Site Plan Approval Process

See Article 21.

5. Prefabricated Structures

See Section 20-12.

ARTICLE 17

HEAVY INDUSTRIAL DISTRICT (I-2)

Sec. 17-1. PURPOSE

The intent of this district is to provide for areas that are appropriate for the industrial needs in the City. The provisions hereof are to encourage industrial development to locate at a reasonable distance from residential and commercial areas. The provisions hereof are further meant to discourage residential development in this district or any other development that would hinder or adversely affect industry.

Sec. 17-2. PERMITTED USES

1. Uses Permitted by Right

See Appendix 1 - Schedule of Uses

2. Uses Permitted by Specific Use Permit

See Appendix 1 - Schedule of Uses

Sec. 17-3. DIMENSIONAL REQUIREMENTS

1. Principal Structures

All principal and accessory structures shall be located and constructed in accordance with Section 17-4 where it applies, as well as to the following requirements:

See Appendix 3 - Area, Setback, Height, Coverage, and Building Size Regulations.

2. Accessory Structures

See Appendix 4 - Area, Setback, Height, Coverage, and Building Size Regulations for Accessory Buildings.

Sec. 17-4. SPECIAL REGULATIONS

In addition to Section 17-3, Dimensional Requirements, the following regulations shall apply where required:

1. Access

See Section 20-2.

2. Nonconforming Uses

See Section 20-9.

3. Off-Street Parking and Loading Facilities

See Section 20-10.

4. Site Plan Approval Process

See Article 21.

5. Prefabricated Structures

See Section 20-12.



ARTICLE 18

FLOOD HAZARD DISTRICT (FH)

Sec. 18-1. General Purpose and Description

The Flood Hazard District is designed to provide for the appropriate use of land that 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. Such areas are designated with a Flood Hazard Prefix, FH.

Sec. 18-2. Permitted Uses

See Appendix 1 - Schedule of Uses.

Sec. 18-3. City Council Approval Required

No structure shall be erected in that portion of any district designated with a Flood Hazard, FH, prefix until and unless such 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 public health and welfare.

## ARTICLE 19

### SPECIAL PROVISIONS

#### Sec. 19-1. PURPOSE

The purpose of this Article is to establish standards and considerations in order to achieve the maximum compatibility of the following listed uses with their immediate and general settings.

#### Sec. 19-2. CEMETERIES AND MAUSOLEUMS

In addition to the requirements applicable to cemeteries and other such similar uses within the districts where such are permitted, the following requirements and regulations shall be complied with:

##### 1. Dimensional Requirements

- a. Minimum parcel size - The minimum parcel size for cemeteries and/or mausoleums shall be ten (10) acres.
- b. Minimum yard setbacks - No part of any crypt, mausoleum, or other building, other than a subterranean grave, shall be less than fifty feet (50') from the nearest lot line.
- c. Parcel coverage - Crypts, mausoleums, or other structures, other than monuments, shall together not occupy more than ten percent (10%) of the total area.

##### 2. Buffering and Screening

A continuous screening device shall be provided and maintained along all boundary lines separating cemeteries from any contiguous land.

#### Sec. 19-3. CHILD DAY CARE CENTERS

In addition to the requirements applicable to day care centers within districts where such are permitted, the following requirements and regulations shall be complied with:

1. Dimensional Requirements

The following requirements shall pertain except where the requirements of the zoning district in which the use is located are more stringent, in which case the more stringent regulations shall prevail.

a. Minimum lot area

The minimum lot area shall not be less than ten thousand (10,000) square feet, and in compliance with state law.

b. Minimum lot width

The minimum lot width at the property line shall not be less than one hundred feet (100').

c. Minimum yard setbacks

(1) Front	25 feet
(2) Side, exterior	15 feet
(3) Side, interior	10 feet
(4) Rear	20 feet

d. Maximum building height of principal structure 35 feet

e. Maximum lot coverage 30%

f. Minimum outdoor play area

There shall be provided a minimum of not less than two hundred (200) square feet of outdoor play area per child. Said play area shall be provided on the same lot as the principal use, and shall not be located in the required front yard.

2. Buffering and Screening

a. There shall be a fence six feet (6') in height surrounding all play areas. Such fencing shall be continuous with latching gates at exit and entrance points. The fencing may be of masonry construction, chain link, or wood.

- b. In the case of special exceptions, the Planning and Zoning Commission may require that plantings be placed on the outside of the above required fencing and may also require that such fencing be set back from any property line.

Sec. 19-4. CHURCHES AND OTHER PLACES OF WORSHIP

In addition to the requirements applicable to churches and other houses of worship within the districts where such are permitted, the following requirements and regulations shall be complied with:

1. Dimensional Requirements

The following requirements shall pertain except where the requirements of the zoning district in which the use is located are more stringent, in which case the more stringent regulations shall prevail.

- |   |          |
|---|----------|
| a. Minimum lot area   | 1 acre   |
| b. Minimum lot width  | 100 feet |
| c. Minimum yard setbacks  | 35 feet  |
| d. Maximum building height of principal structure, excluding church spire | 60 feet  |
| e. Maximum lot coverage   | 25%      |

2. Access

All ingress and egress points shall be to or from arterial streets.

Sec. 19-5. FUNERAL HOMES AND MORTUARIES

In addition to the requirements applicable to funeral homes and mortuaries within the districts where such are permitted, the following requirements and regulations shall be complied with:

1. Dimensional Requirements

The following requirements shall pertain except where the requirements of the zoning district in which the use is located are more stringent, in which case the more stringent regulations shall prevail.

- a. Minimum lot area 1 acre
- b. Minimum lot width 100 feet
- c. Minimum yard setback 35 feet
- d. Maximum building height or principal structure 35 feet
- e. Maximum lot coverage 30%

2. Access

All ingress and egress points shall be to or from arterial streets.

3. Buffering and Screening

All such operations including the loading and unloading facilities shall be screened from abutting properties.

Sec. 19-6. GASOLINE SERVICE STATIONS AND CAR WASHES

In addition to the requirements applicable to gasoline service stations and car washes within the districts where such are permitted, the following requirements and regulations shall be complied with:

1. Gasoline Service Stations

a. Minimum lot coverage

The minimum lot area to be occupied by a gasoline service station shall not be less than twelve thousand (12,000) square feet with a lot frontage of not less than one hundred feet (100').

b. Minimum pump setback

All fuel pumps and pump islands shall be set back a minimum distance of at least fifteen feet (15') from any street right-of-way line, property line, or buffer strip.

c. Permitted uses

- (1) Automobiles, trucks, luggage carriers, boats, and trailers may be parked on the premises. Wrecked/damaged vehicles or trailers may be parked on the premises only within a totally enclosed building or screened area.
- (2) Minor adjustments or repairs to automobiles, trucks, trailers, or other vehicles which do not require body work, painting, or removal of engines from frames or dismantling of differentials shall be permitted. Major adjustments or repairs at service stations shall only be permitted within zoning districts where such is so specified.
- (3) Retail sale of:
  - (a) Minor automobile parts and accessories, gasoline, diesel fuel, kerosene, lubricating oils, and greases;
  - (b) Articles dispensed by vending machines providing such vending machines are located under the roof of the principal structure.

d. Outdoor storage

No permanent outdoor storage of materials or products shall be permitted.

e. Repair facilities

No lift or repair facilities shall be located outside of the principal structure.

2. Car Washes

a. Minimum lot area

The minimum lot area to be occupied by a car wash containing either one (1) conveyor belt washing stall or four (4) or less self-service and/or automatic washing



- |                                |                    |
|--------------------------------|--------------------|
| (1) Minimum lot area           | 10,000 square feet |
| (2) Minimum lot width          | 100 feet           |
| (3) Minimum yard setback       |                    |
| (a) Front                      | 25 feet            |
| (b) Side, street               | 15 feet            |
| (c) Side, interior             | 10 feet            |
| Except where the side yard     |                    |
| abuts a residential district   | 25 feet            |
| (d) Rear                       | 25 feet            |
| (4) Maximum building height of |                    |
| principal structure            | 35 feet            |
| (5) Maximum lot coverage       | 20%                |

b. Access

All ingress and egress points shall be to or from arterial streets.

c. Parking

In addition to the required off-street parking requirements for such uses, automobile parking will be permitted in front yard setbacks if separated by at least one hundred feet (100') from any residential dwelling.

Sec. 19-8. MANUFACTURED HOMES

In addition to the requirements within the districts where such uses are permitted, the following requirements shall be complied with:

1. Age Limit

Section 1. Effective with this ordinance, no Mobil Homes as defined by Tex. Rev. Civ. Stat. Art. 5221f, Section 3, shall be allowed to be brought into or moved from site to site in the corporate limits of the City. A mobile home is defined as a transportable structure built before June 15, 1976, is eight or more feet in width and forty or more feet in length, is built on a permanent chassis, is used as a dwelling with or without a permanent foundation, and includes plumbing, heating, air conditioning and electrical system. Manufactured Homes may be permitted in the R-4, RM-1, and RM-2 districts under the following conditions.

**REPEALED**  
**Date** 6-14-12  
**AMENDED**  
**Date**



Section 2. Mobil homes as defined herein shall become legal non-conforming uses and be subject to those provisions that apply to non-conforming uses. No Mobil Home location, size, age, dimensional, area, setback, special exception or other requirement.

- a. The manufactured home has a minimum building floor space of one thousand (1,000) square feet;
- b. The manufactured home meets or exceeds the minimum requirements of the City's Electrical Code and Plumbing Code;
- c. The age of a manufactured home shall be determined from the completion/inspection date indicated on the identification plate on the manufactured home.

2. Use as Temporary Office

A manufactured home may be used as a temporary office or shelter incidental to construction or development of premises on which the manufactured home is located only during the time construction or development is actively underway. Such use may not continue more than one (1) year unless the City Council, after review and recommendation by the Planning and Zoning Commission, shall grant an extension of six (6) months. Additional six month extensions may be granted at the discretion of the City Council. A permit is required for the location of a manufactured home to be used as a temporary office. The fee for said permit and for extensions of said permit shall be established by the City Council.

2. Skirting

All manufactured homes shall have foundation skirting around the entire unit and shall cover the entire area between the bottom of the unit and the ground. The skirting shall be of material and color consistent with the exterior of the manufactured home. The skirting shall be properly maintained.

4. Additional Requirements

All manufactured homes, including existing structures, shall be required to meet all federal, state, and local government requirements relating to manufactured homes.

*30 days  
from inspection*

Sec. 19-9. NURSING AND CONVALESCENT HOMES

In addition to the requirements within the zoning districts where such uses are permitted, the following requirements and regulations shall be complied with:

1. Dimensional Requirements

The following requirements shall pertain except where the requirements of the zoning district in which the use is located are more stringent, in which case the more stringent regulations shall prevail.

- |   |                    |
|---|--------------------|
| a. Minimum lot area                               | 10,000 square feet |
| b. Minimum lot width                              | 100 feet           |
| c. Minimum yard setback                           | 25 feet            |
| d. Maximum building height of principal structure | 35 feet            |
| e. Maximum lot coverage                           | 20%                |

2. Access

All ingress and egress points shall be to or from arterial streets.

3. State and Federal Regulations

Such uses shall meet the minimum requirements as set forth by the state and federal agencies regulating such activities, and shall upon application for either building permit or occupancy certificate submit certificates indicating approval by such state or federal agencies.

Sec. 19-10. PUBLIC AND PRIVATE UTILITIES

In addition to the requirements applicable to such uses within the districts where such are permitted, the following requirements and regulations shall be complied with:

1. Dimensional Requirements

All requirements for such facilities shall be in accordance with the dimensional requirements of the district in which such facilities are permitted.

2. Buffering and Screening

- a. Equipment storage - Any equipment located outside an enclosed building shall be enclosed by a chain link fence of not less than six feet (6') in height without openings, except for entrances and exits, which shall be equipped with unpierced gates or other screening as approved by the Planning and Zoning Commission. When the equipment is totally enclosed within a building, no fence or other screening device shall be required.

In residential districts, such facilities shall not include the storage of vehicles or equipment used in the maintenance of any utility or create hazardous effects; however, such other equipment may be stored in residential districts provided it is enclosed within a building or properly screened.

Sec. 19-11. VETERINARY HOSPITALS AND CLINICS

In addition to the requirements applicable to such uses within the districts where such are permitted, the following requirements and regulations shall be complied with:

1. Dimensional Requirements

The following requirements shall pertain except where the requirements of the zoning district in which the use is located are more stringent, in which case the more stringent regulations shall prevail.

- a. Minimum lot area

The minimum lot area shall not be less than ten thousand (10,000) square feet.

b. Minimum lot width

The minimum lot width at the building line shall be one hundred feet (100').

c. Minimum yard setback

All buildings and structures excluding fences or walls shall be set back a minimum distance of twenty-five feet (25') from any residential district boundary. All other setbacks shall conform to the requirements of the district in which such uses are located.

d. Additional requirements

Veterinary hospitals or clinics shall not be required to meet any minimum lot coverage or building height except for the maximum building height regulations of the district in which such facilities are permitted.

2. Additional Regulations

- a. No such facilities shall be permitted to have outside cages or runs except those permitted in industrial districts.
- b. All such facilities shall be sound proof so as to prevent any noise from being heard outside any building or structure. Outside cage structures permitted in industrial districts shall not be required to be sound proof.

Sec. 19.12 TEMPORARY SALES OFFICES, FIELD OFFICES, AND CONSTRUCTION YARDS

Temporary permits for construction yards and field offices and special use permits or variances regulating temporary buildings shall be issued for a period of time not to exceed one (1) year. Extensions may be granted by the City Council. Upon due notice and hearing before the City Council, any such permit may be revoked if the City Council finds the use of the building or

structure is contrary to the intent of this ordinance or results in increased noise, traffic, or other conditions considered to be a nuisance or hazard.

Sec. 19.13 SWIMMING POOLS

It is the purpose of the following provisions to recognize an outdoor swimming pool as a potentially 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.

1. Permit Required

No swimming pool shall be constructed or used until a swimming pool building permit has been issued therefor. No building permit shall be issued unless the proposed sanitary facilities and water supply comply with applicable local and State health department regulations.

2. General Regulations

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 six (6) feet in height, with self-enclosing and 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; and

- 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.

## Sec. 19.14 GARDEN (PATIO) HOMES

### 1. General Provisions; Location on Lot

Garden (patio) home developments shall be developed as zero lot line homes. One side yard shall be coincident with the property line (the designated zero lot line); or one exterior wall not more than three feet from the property line.

There shall be a minimum separation of ten (10) feet between main structures on adjacent lots.

Side yards and maintenance easements shall be placed on the subdivision plat.

In no instance shall a structure or any part thereof, including eaves, encroach upon an adjacent lot or cross a platted lot line.

There shall be no openings in the exterior wall having a setback of three feet or less. Opening shall mean window, door, or glass block.

There shall be no obstructions in the side yard coincident with the designated zero lot line. Obstructions shall include mechanical equipment, satellite television dishes, or other accessory structures. There shall also be no fence coincident with the designated zero lot line for the entire length of the main structure.

### 2. Front Yard Setback

The minimum front yard shall be twenty-five (25) feet. The front yard setback may be reduced to a minimum setback of ten (10) feet for lots facing cul-de-sac or loop streets not exceeding four hundred (400) feet in length, with the approval of a site plan or subdivision plat. A minimum lot

depth of sixty-five (65) feet, as measured from front building line to rear lot line, shall be maintained.

3. Rear Yard Setback

The minimum rear yard shall be five (5) feet for a single story structure and fifteen (15) feet for any two story structure. If access is from an alley, the minimum setback will be twenty (20) feet for garages or carports.

4. Side Yard Setback

The minimum side yard shall be zero (0) feet except that there shall be at least ten (10) feet of separation between structures. There shall be a minimum setback of twenty (20) feet from any property line adjacent to a street.

5. Lot Frontage

The minimum frontage of any garden (patio) home shall be twenty-five (25) feet.

6. Lot Area

The minimum lot area for any development lot for garden (patio) homes shall be two thousand eight hundred (2,800) square feet.

7. Lot Coverage

The combined area of all structures shall not exceed sixty-five (65) percent of the lot area.

8. Maximum Height of Structures

No structure shall exceed two (2) stories or thirty-five (35) feet in height.

9. Parking

Two (2) off-street spaces per dwelling unit plus one-half (1/2) space per dwelling unit for visitor parking within six hundred (600) feet of each dwelling unit shall be provided. The visitor parking requirements may be eliminated or reduced

at the time of site plan or subdivision plat approval with a finding that there is adequate on-street parking for visitors.

10. Common Area Maintenance

To insure the long term maintenance of common land and facilities in patio home developments, the following shall be required:

- a. Plats and site plans shall be approved subject to the submission of a legal instrument setting forth a plan or manner of permanent care and maintenance of open spaces, recreational areas and other communally owned facilities. No such instrument shall be acceptable until approved by the City Attorney as to legal form and effect. A Homeowners Association (HOA) is the most widely accepted technique for managing commonly owned property. Such association shall provide proof of incorporation prior to issuance of a construction permit.
- b. The HOA or other similar management entity shall be organized as a non-profit corporation with automatic membership in the management entity when property is purchased. This shall be specified in the covenants which run with the land and which bind all subsequent owners. Covenants for maintenance assessments shall also run with the land. Included in the maintenance covenants shall be procedures for changing them at stated intervals. Deeds shall also reference the rights and responsibilities of property owners to the management entity. The management entity shall also be responsible for liability insurance, local taxes, and the maintenance of all commonly held facilities through the use of a pro-rata formula for all property owners.

11. Usable Open Space Requirements

Each parcel of land developed under patio home standards shall provide usable open space totaling fifteen percent (15%) of the area of a patio home development. Such open space shall have a maximum slope of ten percent (10%) and shall be exclusive of street and alley rights-of-way and/or easements, individually platted lots without open space easements, private yards and patios. The fifteen percent (15%) shall be computed on the percentage of total platted



area in a patio home subdivision, excluding right-of-way for major and secondary thoroughfares (as described in the current Comprehensive Plan). At the time of site plan and/or subdivision plat approval, the City Council may give full or partial credit for open areas that exceed the maximum slope or which are otherwise unusable if it is determined that such areas are environmentally or aesthetically significant and that their existence enhances the development.

12. Additional Landscaping

In addition to any required landscaping for common areas, the front yard and parkway areas shall be landscaped and permanently maintained.

Sec 19.15 RADIO, TELEVISION, AND MICROWAVE TOWERS/ANTENNAS

1. Distance Requirement from Residential Zones for All Towers/Antennas

No radio, television, or microwave tower/antenna shall be located within a distance equal to at least the height of such tower/antenna from any residential structure or from any area zoned residential, or shown as residential on the current Comprehensive Plan. Such distance shall be measured as the shortest possible distance in a straight line from the closest point of the tower/antenna to the closest point of such area or residence.

2. Distance Requirement from Residential Zones for Commercial Towers/Antennas

No commercial radio, television, or microwave reflector tower or antenna support structure shall be closer to any residential district boundary line or any area shown as residential on the current Comprehensive Plan than a distance equal to the sum of the required yard specified for the zoning district in which such building or structure is located, plus 25 feet, plus twice the height of the support structure. Such distance shall be measured as the shortest possible distance in a straight line from the structure to the closest point of such area or residence.

3. Towers Prohibited in Front and Side Yards

The location of radio, television, or microwave reflectors, antennas, or support structures and associated foundations and any support wires shall be prohibited within any required front or side yard.

4. Commercial Attachments Prohibited

All commercial signs, flags, lights and attachments, other than those required for communications operations, structural stability, or as required for flight visibility by the Federal Aviation Administration (FAA) and Federal Communications Commission (FCC) shall be prohibited.

Sec. 19.16 FENCES

1. Opaque screening fences shall not be allowed in the required front yard in any district.
2. No fence or hedge shall exceed thirty inches (<sup>48" 2504</sup>~~30"~~) in height in the required front yard in any district.
3. No fence shall exceed eight feet (8') in height.
4. Fences shall be constructed of customary urban fencing materials and shall be aesthetically consistent with buildings and fences in the area.
5. Except as otherwise specified in this Ordinance, where a tract or lot in a "B-1", "B-2", "I-1", or "I-2" district abuts upon residentially zoned property, a permanent, opaque screening fence of wood or other suitable material not less than six (6) feet in height and not more than eight (8) feet in height, as directed by the Building Official, shall be erected before any use is made of said tract or lot, unless the use is permitted in residential districts.

Such screening fence shall be erected along the entire length of the common line between the non-residential property and the abutting residentially zoned property, except where the Building Official certifies in writing that the location of such fence is impractical and unnecessary to protect the residentially zoned property.

## ARTICLE 20

### GENERAL PROVISIONS

#### Sec. 20-1. SCOPE

Provisions set forth in this Article apply to the entire corporate area of the City of Seven Points, Texas, and all zoning districts therein.

#### Sec. 20-2. ACCESS

##### 1. Use of Residentially Zoned Property for Access

No residentially zoned land shall be used for driveway, walkway, or access purposes to any land which is non-residentially zoned or used for any purpose not permitted in a residential district.

##### 2. Access to Commercial Uses

Where a parcel of property zoned for commercial use abuts more than one (1) street, access from either street to such property will be permitted only if no residentially zoned property lies immediately across such street from the commercial zoned property, except that access may be permitted from any collector or thoroughfare and except that one (1) point of access shall be permitted in any case, notwithstanding other provisions of this Ordinance.

##### 3. Facing of Commercial Uses

Commercial uses shall face other commercial or industrial districts across a street if within a commercial or industrial zone, and shall not face residential zones which may front on an intersecting or rear street adjacent to such commercial or industrial zone, except where property has been previously zoned commercial or industrial.

#### Sec. 20-3. AUTHORITY TO ENTER UPON PRIVATE PROPERTY

The enforcing official of the City may in the performance of his functions and duties under the provisions of this Ordinance enter upon any land and make examinations and surveys as deemed

necessary in the administration and enforcement of this Ordinance.

Sec. 20-4. BOUNDARIES WHEN PUBLIC PROPERTY ABANDONED

1. For any public street or alley that is hereafter officially vacated or abandoned, the regulations applicable to each parcel of abutting property shall apply to the centerline of the property which is abandoned.
2. For any public property other than streets or alleys, the regulations applicable to the zoning classifications that abut the abandoned property for the greatest number of lineal feet shall apply to the entire property. For purposes of this subsection, property separated by an intersecting street shall be deemed to abut said abandoned property along the centerline of such street right-of-way.

Sec. 20-5. EXCEPTION TO HEIGHT LIMITS

Church spires, chimneys, water, fire, radio and television towers, smoke stacks, flag poles, monuments, and similar structures and their necessary mechanical appurtenances may be erected above the height limits herein established; however, the heights of these structures or appurtenances thereto shall not exceed the height limitations within any airport flight approach zone.

Sec. 20-6. FLOOD HAZARD AREAS

1. Flood hazard areas shall include all areas subject to inundation by flood waters of the one hundred (100) year frequency as delineated by the most recent Flood Hazard Boundary Map or Flood Insurance Rate Map, as the case may be, issued by or on behalf of the Federal Insurance Administration, and approved by the Planning and Zoning Commission and City Council.
2. Development and/or use of any areas subject to inundation according to paragraph 1 of this Section shall comply with

the regulations and requirements of the zoning district where such is located and the Flood Hazard Prevention Ordinance of the City of Seven Points.

Sec. 20-7a. HOME OCCUPATIONS

1. Defined

See Appendix 2, Section 1.d.

3. Permit Required

Persons desiring to conduct a home occupation shall make application to the Building Inspector for a permit for such activity. The Building Inspector shall determine whether the home occupation is clearly incidental and subordinate to the dwelling unit and meets other standards cited herein. If such is the case, a permit for same shall be issued by the Building Inspector. Once said home occupation permit is issued to an applicant, it cannot be transferred to a second applicant through the sale, leasing, or rental of the premises on which said home occupation is located or in any other manner. Such application for a permit shall contain such information as the Building Inspector may require, but, in any event, shall include the following:

- a. Name of applicant;
  - b. Location of residence where the home occupation will be conducted;
  - c. Total floor area of the residence;
  - d. Area of room or rooms to be utilized in the conduct of the home occupation;
  - e. A sketch with dimension showing the floor plan and the area to be utilized for the conduct of the home occupation; and
  - f. The exact nature of the home occupation.
3. Any person may seek revocation of a home occupation permit by making application therefor to the Building Inspector, who

shall cause an investigation to be made to determine whether the permit holder is conducting said home occupation in a lawful manner as prescribed by this section. In the event that the Building Inspector determines that the permit holder is in violation of the provisions of this section, said permit shall be immediately revoked by the Building Inspector. The decision of the Building Inspector shall be subject to appeal to the Board of Adjustment.

4. All home occupations shall comply with the following standards and criteria before permits can be issued:
  - a. The home occupation shall be conducted only within the principal building;
  - b. No more than one (1) additional person other than members of the family residing at the permitted location shall be employed or engaged in said home occupation;
  - c. There shall be no alteration or change to the outside appearance, character, or use of the building or premises, or other visible evidence of the conduct of such home occupation, other than one (1) sign not exceeding one (1) square foot in area, non-illuminated, mounted flat against the wall of the principal building;
  - d. No home occupation shall occupy more space than twenty percent (20%) of the total floor area of a residence, exclusive of any open porch, attached garage, or similar space not suited for or intended to be occupied as living quarters, provided, however, that in no event shall such home occupation occupy more than five hundred (500) square feet;
  - e. No equipment or process shall be used in such home occupation which creates noise, vibrations, glare, fumes, odors, or electrical interference detectable to the normal senses outside the dwelling unit, nor shall there be any combustible materials located anywhere on the premises which are in violation of the City's Fire Prevention Code. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises or causes fluctuations in live voltage off the premises;

- f. No articles or materials used in connection with such home occupation shall be stored on the premises other than in the principal building so used;
- g. No offensive noise, vibration, smoke, dust, odors, heat, or glare generated by or associated with the home occupation shall extend beyond the property line of the lot or tract on which the home occupation is being conducted;
- g. The home occupation shall not generate such additional traffic as to create a traffic hazard or disturbance to nearby residents;
- h. The occupation, profession, craft, or enterprise shall be conducted wholly within the residential dwelling and no accessory building shall be used in conjunction therewith; and
- i. No more than one (1) automobile or truck, whose size shall not be larger than a stock one ton panel or pick-up truck and used in conjunction with such home occupation, shall be permitted to park on the premises or off the premises and within view from surrounding properties.

Sec. 20-7b. LIVING UNITS IN ZONE OTHER THAN RESIDENTIAL

Dwelling units shall not be permitted in any commercial or industrial districts except as otherwise provided for in this Ordinance.

Sec. 20-8. MINIMUM PROPERTY FRONTAGE

1. In all districts, no building or structure except as hereinafter provided shall be erected on a lot or parcel of land which does not abut a public street for the required minimum lot width of the district where such is located. However, a residential dwelling may be erected on a lot or parcel of land which abuts at least one (1) public or private street for at least fifty feet (50'), except that a minimum street abutment distance of at least twenty-five feet (25'), may apply to properties of an irregular shape bordering

curving streets or cul-de-sacs provided that a minimum building line width of fifty feet (50') is met at the required front yard setback line.

2. Any building or structure existing on a lot or parcel of land in violation of the preceding paragraph prior to the effective date of this section may be modified, enlarged, or extended, provided said modification, enlargement, or extension shall not be closer to any property line than the required side yard area applicable to the district within which such building or structure is located.

Sec. 20-9. NONCONFORMING USES

1. General

a. Any lawful use of land or a building existing at the date of passage of this Ordinance and located in a district in which it is not permitted under this Ordinance, is hereby declared a nonconforming use and not in violation of these regulations. However, such nonconforming use shall be subject to the regulations in this Article.

b. A non-conforming use shall not be expanded and a building in which a non-conforming use is being conducted shall not be structurally altered, except under terms prescribed in Section 20-9.4.

2. Certificate of Occupancy

a. The owner of a nonconforming building or use shall certify by affidavit to the Building Inspector that his building or use was made nonconforming by the passage of this Ordinance.

b. On acceptance of the affidavit, the Building Inspector shall issue a Certificate of Occupancy for the nonconforming use or building. Such certificate shall designate the location, nature, and extent of such nonconforming use and any additional data necessary for issuance of said certificate.

c. If, upon review of the affidavit, any illegally established violation of previous or existing ordinances or codes is found, the Building Inspector shall not issue

**AMENDED** Adding  
Date 6-13-13 ~~letter~~



said Certificate of Occupancy and shall declare such use to be in violation of this Ordinance and shall act accordingly.

- d. Any use not in conformance with this Ordinance and on which no Certificate of Occupancy has been issued shall be presumed to be in violation of these zoning regulations and shall be treated accordingly.

3. Continuation of Nonconforming Use of Land

Any use of land in legal existence prior to passage of this Ordinance may continue as to its specific use at the time of passage. This shall not, however, limit any other authority of the City in controlling or abating nuisances, hazards, or infringement on public welfare.

4. Change of Nonconforming Use

- a. A nonconforming use may be changed to another similar nonconforming use where in the opinion of the Board of Adjustment such new use:

- (1) Will not extend the life of a nonconforming use,
- (2) Will reduce traffic, sound, odor, smoke, or number of employees,
- (3) Will not include structural alteration or expansion,
- (4) Will improve the character and value of surrounding property.

Such change in use may be permitted only following formal application for change with the Board of Adjustment. Where proper findings are made, the Board of Adjustment may direct the Building Inspector to issue the necessary permits.

- b. Whenever a nonconforming use has been changed to a conforming use, it shall not revert to a nonconforming use.

5. Restoration of Nonconforming Buildings

- a. Nonconforming buildings may be restored only if destruction caused by fire, explosion, or act of God is fifty percent (50%) or less of its structural valuation prior to such destruction. The determination of such reduced structural valuation shall be made by an appraiser appointed by the City but whose fee shall be paid by the property owner.
- b. Any building whose destruction exceeds ten percent (10%) but less than fifty percent (50%) of its prior structural valuation, must apply for a building permit for reconstruction within six (6) months and commence reconstruction within six (6) months of the date of the described destruction.
- c. In lieu of such reconstruction, the nonconforming use shall be considered abandoned, and such building shall be permitted to be reconstructed as a permitted use only.

6. Discontinuance or Abandonment of Nonconforming Use

Any nonconforming use of land or building which has ceased by discontinuance or abandonment for a period of sixty (60) days shall thereafter conform to the provisions of this Ordinance unless otherwise disposed of by the Board of Adjustment.

Sec. 20.10. OFF-STREET PARKING AND LOADING REQUIREMENTS

1. Rules for Computing Number of Parking Spaces

In computing the number of parking spaces required for each of the uses herein described, the following rules shall govern:

- a. "Floor Area" shall mean the gross floor area of the specific use.
- b. Where fractional spaces result, the parking spaces required shall be construed to be the nearest whole number.
- c. The parking space requirement for a use not specifically mentioned herein shall be the same as required for a use of similar nature.

- d. Whenever a building or use constructed or established after the effective date of this Ordinance is changed or enlarged in floor area, number of employees, number of dwelling units, seating capacity or otherwise, to create a need for an increase of ten percent (10%) or more in the number of existing parking spaces, such spaces shall be provided on the basis of the enlargement or change. Whenever a building or use existing prior to the effective date of this Ordinance is enlarged to the extent of fifty percent (50%) or more in floor area or in the area used, said building or use shall then and thereafter comply with the parking requirements set forth herein.
- e. In the case of mixed uses, the parking spaces required shall equal the sum of the requirements of the various uses computed separately.

2. Parking Requirements Based on Use

In all districts there shall be provided at the time any building or structure is erected or structurally altered (except as provided in Subsection 1) off-street parking spaces in accordance with the following requirements:

a. Residential Use Requirements

- (1) Single-family dwellings:  
Two (2) parking spaces per dwelling unit.
- (2) Multiple family dwellings:  
Two (2) parking spaces per dwelling unit.
- (3) Manufactured homes:  
Two (2) parking spaces per dwelling unit.

b. Nonresidential Use Requirements

- (1) Barber and beauty shops:  
Two (2) parking spaces per barber or beauty chair.
- (2) Bowling alley:  
Five (5) parking spaces for each alley.
- (3) Business or professional office, studio, or bank:

Three (3) parking spaces plus one (1) additional parking space for each two hundred (200) square feet of floor area over five hundred (500).

(4) Child day care center:

One (1) storage space for loading and unloading children per every three (3) children based on the center's child capacity plus one (1) parking space for every employee.

(5) Church or other place of worship:

One (1) parking space for each four (4) seats in the main auditorium.

(6) Community center, library, museum or art gallery:

Ten (10) parking spaces plus one (1) additional space for each three (3) hundred (300) square feet of floor area in excess of two thousand (2,000) square feet. If an auditorium is included as a part of the building, its floor area shall be deducted from the total, and additional parking provided on the basis of one (1) space for each four (4) seats that it contains.

(7) Dance hall, assembly, or exhibition hall without fixed seats:

One (1) parking space for each one hundred (100) square feet of floor area used therefor.

(8) Drive-in banks:

Eight (8) storage spaces per every teller window designed to serve drive-in patrons to be provided in the approach lane to each drive-in window or in a common reservoir storage area; provided it does not interfere with other required off-street parking, plus one (1) parking space per every three (3) employees.

(9) Drive-in cleaners and other similar drive-in facilities not herein specified:

Three (3) storage spaces for every drive-in window designed to serve drive-in patrons to be provided in the approach lane to each service window or in a common reservoir storage area; provided it does not interfere with other off-street parking, plus one (1) parking space per every three (3) employees.

- (10) Furniture or appliance store, hardware store, wholesale establishments, machinery or equipment sales and service, clothing or shoe repair or service shop:  
Three (3) parking spaces plus one (1) additional parking space for each three hundred (300) square feet of floor area.
- (11) Gasoline service station:  
Two (2) parking spaces per each service stall, (a service stall being an area for vehicles maintenance not including washing stalls or areas for pumping gasoline) plus two (2) spaces for employees.
- (12) Hospital:  
Four (4) parking spaces plus one (1) additional parking space for each four (4) beds.
- (13) Hotel:  
One (1) parking space for each two (2) sleeping rooms or suites plus one (1) space for each two hundred (200) square feet of commercial floor area contained therein.
- (14) Laundromats and self-service dry cleaning establishments:  
One (1) parking space per every two (2) washing and/or dry cleaning machines.
- (15) Manufacturing or industrial establishment, research or testing laboratory, creamery, bottling plant, warehouse, printing, or plumbing shop, or similar establishment:  
One (1) parking space for each two (2) employees on the maximum working shift, plus space to accommodate all trucks and other vehicles used in connection therewith, but not less than one (1) parking space for each six hundred (600) square feet of floor area.
- (16) Medical professional services (medical or dental clinics and offices):  
One (1) parking space per every two hundred (200) square feet of gross floor area.

- (17) Mortuary or funeral home:  
One (1) parking space for each fifty (50) square feet of floor space in slumber rooms, parlors, or individual funeral service rooms.
- (18) Motor-vehicle salesrooms and used car lots:  
One (1) parking space for each eight hundred (800) square feet of sales floor or lot area.
- (19) Offices of non-medical professional services and financial institutions (financial and business offices, banks, offices of lawyers, architects, engineers, etc.):  
One (1) parking space per every three hundred (300) square feet of gross floor area.
- (20) Private club, lodge, country club or golf club:  
One (1) parking space for each one hundred-fifty (150) square feet of floor area or for every five (5) members, whichever is greater.
- (21) Restaurant, night club, cafe or similar recreation or amusement establishment:  
One (1) parking space for each one hundred (100) square feet of floor area.
- (22) Retail store or personal service establishment, except as otherwise specified herein:  
One (1) parking space for each two hundred (200) square feet of floor area.
- (23) Rooming or boarding house:  
One (1) parking space for each two (2) sleeping rooms.
- (24) Sanitarium, convalescent home, home for the aged, or similar institution:  
One (1) parking space for each six (6) beds.
- (25) School, elementary:  
One (1) parking space for each ten (10) seats in the auditorium or main assembly room or one (1) space for each classroom, whichever is greater.
- (26) School, secondary:

One (1) parking space for each eight (8) seats in the main auditorium or three (3) spaces for each classroom, whichever is greater.

(27) Supermarkets, convenience grocery stores, or self-service food stores containing over two thousand-five hundred (2,500) square feet of gross floor area:  
One (1) parking space per every one hundred-fifty (150) square feet of gross floor area.

(28) Theater, auditorium (except school), sports arena, stadium, or gymnasium:  
One (1) parking space for each four (4) seats or bench seating spaces.

(29) Tourist home, cabin, or motel:  
One (1) parking space for each sleeping room or suite.

(30) Vehicular washing facilities:  
Three (3) storage spaces per every washing stall to be provided in the approach lane to each washing stall.

(31) Warehousing, manufacturing and industrial concerns with retail business on premises:  
One (1) parking space per every three hundred (300) square feet of gross floor area.

### 3. Location of Parking Spaces

All parking spaces required herein shall be located on the same lot with the building or use served, except as follows:

- a. 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 to exceed three hundred feet (300') from an institutional building served and not to exceed five hundred feet (500') from any other nonresidential building served.
- b. Not more than fifty percent (50%) of the parking spaces required for (1) theaters, bowling alleys, dance halls,

night clubs, or cafes, and not more than eighty percent (80%) of the parking spaces required for a church or school auditorium may be provided and used by (2) banks, offices, retail stores, repair shops, service establishments and similar uses not normally open, used or operated during the same hours as those listed in (1); 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 Attorney and shall be filed with the application for a building permit.

4. Minimum Dimension for Off-Street Parking

- a. Ninety (90) Degree Angle Parking - Each parking space shall be not less than nine feet (9') wide nor less than nineteen feet (19') in length. Maneuvering space shall be in addition to parking space and shall be not less than twenty-four feet (24') perpendicular to the building or parking line.
- b. Sixty (60) Degree Angle Parking - Each parking space shall be not less than ten feet (10') wide perpendicular to the parking angle nor less than nineteen feet (19') in length when measured at right angles to the building or parking line. Maneuvering space shall be in addition to parking space and shall be not less than twenty-two feet (22') perpendicular to the building or parking line.
- c. Forty-five (45) Degree Angle Parking - Each parking space shall be not less than twelve feet (12') wide perpendicular to the parking angle nor less than nineteen feet (19') in length when measured at right angles to the building or parking line. Maneuvering space shall be in addition to parking space and shall be not less than twenty feet (20') perpendicular to the building or parking line.



- d. Alley Parking - When off-street parking facilities are located adjacent to a public alley, the width of said alley may be assumed to be a portion of the maneuvering space requirement.
- e. Additional Parking Space - Where off-street parking facilities are provided in excess of the minimum amounts herein specified, or when off-street parking facilities are provided but not required, they shall comply with the minimum requirements for parking and maneuvering space herein specified.

5. Off-Street Loading Space

Every building or part thereof erected or occupied for retail business, service, manufacturing, storage, warehousing, hotel, mortuary, or any other use similarly involving the receipt or distribution by vehicles of materials or merchandise, shall provide and maintain on the same premises loading space in accordance with the following requirements:

- a. In Districts "B-2" and "B-3", one (1) loading space for the first five thousand (5,000) to fifteen thousand (15,000) square feet of floor area in the building and one (1) additional loading space for each fifteen thousand (15,000) square feet, or fraction thereof, of floor area in excess of fifteen thousand (15,000) square feet.
- a. Each required loading space shall have a minimum area of at least fifty feet (50') in depth, twelve feet (12') in width and with an overhang clearance of not less than fourteen feet (14'), exclusive of access, platform, or maneuvering area to be used exclusively for loading and unloading or merchandise.

Sec. 20-11. PERMITTED BUILDABLE AREA

The principal structure on any lot or parcel of land shall be erected within the area bounded by the building lines established by setback or yard requirements. Accessory structures may be erected within any building line established for the principal structure and in required rear yards as may be otherwise provided in these regulations.

Sec. 20-12. RESTRICTIONS ON PREFABRICATED STRUCTURES

All portable and prefabricated structures shall be prohibited in "B-1", "B-2", and "B-3" Districts except where incidental to construction of a principal structure. Within thirty (30) days following completion of said principal structure, all portable and prefabricated structures shall be removed.

Sec. 20-13. VALIDITY OF PREVIOUSLY ISSUED PERMITS IN CONFLICT WITH THESE REGULATIONS

Permits for either the construction of buildings or for the use of land or buildings which have been issued prior to the adoption of this Ordinance and which are in violation of this Ordinance shall be declared void unless evidence is shown to establish that substantial expenditures have been made either for the preparation of plans for construction or for preliminary planning. Investment in real property shall not be construed as an expenditure towards construction. Unless actual construction work, including grading and excavation, is under way within six (6) months after the adoption of this Ordinance, such permit shall become void.

## ARTICLE 21

### SITE PLAN APPROVAL PROCESS

#### Sec. 21-1. PURPOSE

The purpose of these provisions is to promote harmonious functional relationships within any development such as the location of activities, vehicular and pedestrian circulation systems, and visual form, to insure physical, social, and economic compatibility with neighboring developments and conditions, as well as the community at large and to prevent detrimental impact to the natural environment on and off the site by providing for review and evaluation by the Planning and Zoning Commission of site plans for all developments of the types listed below. Although certain minimum standards are set forth in this Article, such review will permit maximum flexibility in evaluating each plan on its merits and encourage variety and innovation while insuring privacy and safety on all levels.

#### Sec. 21-2. SITE PLAN REVIEW REQUIRED

Site plans involving any new development or construction may be required to have site plan approval from the Planning and Zoning Commission. Final Planning and Zoning Commission approval of site plans, if required, must be achieved prior to issuance of any building permit.

#### Sec. 21-3. USES REQUIRING SITE PLAN REVIEW

The site plan approval provisions contained herein shall apply to the following uses:

1. All multiple family dwellings in excess of ten (10) units.
2. All manufactured home parks and recreational vehicle parks.
3. All commercial and industrial development of one (1) acre or more.

#### Sec. 21-4. CONSIDERATIONS OF PLANNING AND ZONING COMMISSION IN SITE PLAN REVIEW

The Planning and Zoning Commission shall consider the following when reviewing site plans:

1. General character and compatibility shall be considered. The Planning and Zoning Commission shall determine that the proposed development is compatible or in agreement (internally or with surrounding areas) in terms of housing types, yard depths, ground coverage, tree cover, surface drainage, density (in residential developments) and will result in the least possible detrimental impact to the site and surrounding areas and will be designed so as not to cause substantial depreciation of property values, or reduce the safety, light, or general convenience of neighboring developments.
4. Ingress to and egress from property and internal circulation, including access of service and emergency vehicles and design of off-street parking and loading areas.
3. The location and arrangement of all buildings and structures with regard to setback requirements and special consideration given to aspects such as visual form, sociability, and personal safety with regard to police and fire protection.
4. Environmental aspects with regard to sedimentation, drainage, and flood control and preservation of natural greenery on the site.
5. Utilities, with regard to availability and suitability for the use intended, and consideration of hook-up and service locations, including fire hydrants.
6. Screening, buffering, and landscaping with regard to the type and dimensions, to preserve the character of surrounding areas and to provide privacy for the site in question.
7. Recreation and open space with attention to the location, size, and development of the areas with regard to their usability, adequacy, and their relationship to community-wide open spaces and recreation facilities (for residential developments).

Sec. 21-5. SITE PLAN REVIEW PROCEDURES

The following process shall be utilized to obtain approval of site plans:

1. Pre-site Plan Review Conference

The applicant for site plan review shall meet with the Building Inspector to discuss basic site plan procedures and requirements to consider the elements of the site in question and to the proposed development.

2. Administrative Processing

a. Building Inspector review - Following the pre-site plan review conference, a site plan may be filed with the Building Inspector. The applicant shall submit five (5) copies of the material as indicated in Section 21-6. The material will be distributed to various departments or offices for review and comment relative to their specialty or concern. The comments and recommendations from the various departments and offices will be collected and compiled by the Building Inspector and the site plan with all comments and recommendations will be presented to the Planning and Zoning Commission for their consideration.

b. Planning and Zoning Commission review - The Planning and Zoning Commission shall consider the site plan and determine whether it meets the intent of this Article. The Planning and Zoning Commission shall have forty-five (45) days after receiving the plan in which to review and act thereon. If, at the end of the forty-five (45) days, the Planning and Zoning Commission shall be unable to give approval to the plan, the petitioner may request in writing that the City Council review the site plan for which approval has not been granted. Said written request shall also contain the Commission's reasons for not granting approval. The City Council shall then review the decision of the Planning and Zoning Commission and either approve or disapprove the site plan as submitted to them.

3. Building Permit Procedures

Site plan approval, as granted by the Planning and Zoning Commission, shall be effective for a period of six (6) months unless otherwise specified at the time of approval. A

building permit must be applied for within this period or the site plan may be deemed null and void. At the end of the six (6) months, an extension for additional time not to exceed six (6) months may be granted upon formal request to the Planning and Zoning Commission, at its discretion. A building permit may be issued for construction of the development as exactly shown on the final approved site plan. No changes, alterations, or modifications to the approved site plan shall occur unless a final site plan amendment is approved.

#### Sec. 21-6. SITE PLAN REQUIREMENTS

If a site plan is required, the applicant must submit five (5) copies of the following required materials and information for site plan review:

1. A legal description of the property under review for site plan approval;
2. Site conditions information, including:
  - a. A topographic map of the site at a scale not smaller than 1"= 100', showing two feet (2') contours;
  - b. Soil type and evaluation for entire site, including consistency, texture, percolation capacity, bearing strength, shrink/swell potential, etc.;
  - c. Means or methods of controlling sedimentation.
3. A site conditions map at a scale not smaller than 1"= 100' showing:
  - a. The relationship of the site to such external facilities as streets, residential areas, commercial facilities, and recreation/open space areas;
  - b. The exact location of all existing public streets, rights-of-way, easements, and other reservations of land in the area of the property in question and adjacent properties in the same frontage, indicating the locations of buildings and structures on such adjacent properties, means of ingress and egress to such properties, off-street

parking, loading and service areas, if any, for or on such properties, and any screening or buffering on such properties and the nature and type thereof;

- c. The exact location, size, and capacity of all existing utilities, including existing fire hydrant locations;
  - d. The exact location of all water holding or carrying facilities, natural or man-made, including creeks, ponds, sinkholes, ditches, culverts, and storm sewers.
4. A site development plan at a scale not smaller than 1" = 60', showing:
- a. The name of the planner, architect, or designer who prepared the plans, the name of the developer, the name of the proposed development, and a north arrow and date;
  - b. The exact location of all proposed streets, driveways, or other facilities designed to accommodate vehicular movement in the development, points of ingress and egress, parking areas, including the exact number of spaces, and loading and service areas, including the exact number of spaces, and loading and service areas (location of dumpsters) and a traffic impact analysis of projected trip generation for the development;
  - c. The exact locations of all proposed buildings and structures to be included in the development:
    - (1) For commercial or industrial development, an indication of gross floor area of all buildings.
    - (2) For residential development, an indication of the exact number of dwelling units broken down into sizes by number of bedrooms.
  - d. The drainage pattern of the property, showing the drainage of all impervious surfaces (including roofs of buildings) and all green areas, including all control devices such as storm sewers and retention or detention facilities;
  - e. The percentage of the site that will be covered by structures and the percentage that will be covered by streets, drives, parking, and loading areas.

5. A development timetable if project is to be constructed in phases.

Sec. 21-7. FINAL SITE PLAN AMENDMENTS

Changes, alterations, or modifications to any finally approved site that involves construction, removal, or relocation of a building or structure; redesign, or modification of the vehicular or pedestrian circulation system (including all points of access, drives, parking areas, and walkways); modification of the drainage system, or relocation of any landscape area shall require approval of the Planning and Zoning Commission in accordance with the procedures described above.



## ARTICLE 22

### ADMINISTRATIVE AND ENFORCEMENT REGULATIONS

#### Sec. 22-1. OFFICIAL ZONING MAP

The Official Zoning Map of the City of Seven Points shall be in the office of the City Secretary and one (1) copy shall be maintained in the office of the Building Inspector. It shall be the duty of the City Secretary to keep the official map current and the copies thereof, herein provided for, by entering on such maps any changes which the City Council may from time to time order by amendments to the Zoning Ordinance.

The City Secretary, upon the adoption of this Ordinance, shall affix a certificate identifying the map in his office as the Official Zoning Map of the City of Seven Points. He shall likewise officially identify the copy directed to be kept in the office of the Building Inspector.

#### Sec. 22-2. ENFORCEMENT AND APPLICATION

##### 1. Administrative Official

- a. The provisions of this Ordinance shall be administered and enforced by the Building Inspector of the City of Seven Points.
- b. The Building Inspector, or any duly authorized person, shall have the right to enter upon any premises at any reasonable time for the purpose of making inspections of buildings of premises necessary to carry out his duties in the enforcement of this Ordinance.
- c. Whenever any construction work is being done contrary to the provisions of this ordinance, the Building Inspector may order the work stopped by notice in writing served on the owner or contractor doing or causing such work to be done, and any such person shall immediately stop such work until authorized by the Building Inspector to proceed with the work.

##### 2. Requirements for Building Permit

All applications for building permits shall be accompanied by accurate plot plans, submitted in duplicate, drawn to scale, showing:

- a. The actual shape and dimensions of the lot to be built upon.
- b. The exact sizes and locations on the lot of the building and accessory building then existing.
- c. The lines within which the proposed building and structure shall be erected or altered.
- d. The existing and intended use of each building or part of building.
- e. The number of families or housekeeping units the building is designed to accommodate.
- f. Such other information with regard to the lot and neighboring lots as may be necessary to determine and provide for the enforcement of this Ordinance.

One (1) copy of such plot plans will be returned to the owner when such plans have been approved.

All dimensions shown on these plans relating to the location and size of the lot to be built upon shall be based on an actual survey by a qualified registered surveyor and the lot shall be staked out on the ground before construction is started.

### 3. Existing Permits and Private Agreements

This Ordinance is not intended to abrogate or annul:

- a. Any permits issued before the effective date of this Ordinance.
- b. Any easement, covenant, or any other private agreement.

### 4. Preserving Rights in Pending Litigation and Violations Under Existing Ordinances

By the passage of this Ordinance, no presently illegal use shall be deemed to have been legalized unless specifically such use falls within a use district where the actual use is a conforming use. Otherwise, such uses shall remain nonconforming 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, shall be discharged or affected by the adoption this Ordinance; but prosecutions and suits for such offenses, liabilities, penalties or forfeitures may be instituted or causes presently pending be proceeded within all respects.

5. Completion of Authorized Buildings

Nothing in these regulations nor in any amendments hereto which change district boundaries shall require any change in the plans, construction, or designated use of a building which shall be completed in its entirety within two (2) years from the date of the passage of this Ordinance, and further provided construction shall have been started within ninety (90) days of the passage of this Ordinance. Commitments with reference to construction of public utility buildings necessary for proposed expansion of the City made prior to the passage of this Ordinance shall be observed.

Sec. 22-3. BOARD OF ADJUSTMENT

The word "Board" when used in this Ordinance shall be construed to mean the Board of Adjustment.

1. Organization and Procedure

- a. Establishment - A Board of Adjustment is hereby established in accordance with the provisions of Chapter 211, Local Government Code, regarding the zoning of cities and with the powers and duties as provided in said Code.
- b. Membership - The Board shall consist of five (5) citizens of Seven Points each to be appointed or reappointed by the Mayor and confirmed by the City Council, for staggered terms of two (2) years respectively. Each member of the Board shall be removable for just cause by the City Council upon written charges and after public hearings.

Vacancies shall be filled by the City Council for the unexpired term of any member whose term becomes vacant. The Board shall elect its own Chairman, who shall serve for a period of one (1) year or until his successor is elected.

- c. Meetings - Meetings of the Board shall be held at the call of the Chairman and at such other times as the Board may determine.
- d. Hearings - The hearings of the Board of Adjustment shall be public.
- e. Rules and Regulations - The Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the City Secretary and shall be a public record.

The Board of Adjustment shall act by resolution in which three (3) members must concur. The Board shall adopt from time to time such additional rules and regulations as it may deem necessary to carry into effect the provisions of the Ordinance, and shall furnish a copy of the same to the Building Inspector, all of which rules and regulations shall operate uniformly in all cases. All of its resolutions and orders shall be in accordance therewith.

## 2. Appeals

- a. Procedure - Appeals may be taken to and before the Board of Adjustment by any persons aggrieved, or by any officer, or department of the City. Such appeal shall be made by filing with the Building Inspector a notice of appeal and specifying the grounds thereof. The office or department from which the appeal is taken shall forthwith transmit to the Board of Adjustment all of the papers constituting the record upon which the action appealed from was taken.
- b. Stay of Proceedings - An appeal shall stay all proceedings in furtherance of the action appealed from unless the Building Inspector shall certify to the Board of Adjustment that by reason of facts stated in the

certificate, a stay would, in his opinion, cause imminent peril to life or property, in which case proceeding shall not be stayed other than by a restraining order which may be granted by the Board of Adjustment or by a court of equity, after notice of the officer from whom the appeal is taken and on due cause shown.

- c. Notice of Hearing on Appeal - The Board shall fix a reasonable time for the hearing of the appeal or other matter referred to it, and shall mail notices of such hearing to the petitioner and to the owners of property lying within two hundred feet (200') of any point of the lot or portion thereof on which a variation is desired, and to all other persons deemed by the Board to be affected thereby, such owners and persons being determined according to the current tax rolls of the County Appraisal District. Depositing of such written notice in the mail shall be deemed sufficient compliance therewith.
- d. Decision of Board - The Board shall decide the appeal within a reasonable time. Upon the hearing, any party may appear in person or by agent or attorney. The Board may reverse or affirm, wholly or partly, or may modify the order, requirements, decision, or determination appealed from and shall make such order, requirement, decision, or determination as in its opinion ought to be made in the premises, and to that end, shall have all powers of the officer or department from whom the appeal is taken.

### 3. Powers and Duties of Board

- a. Subpoena Witnesses, etc. - The Board shall have the power to subpoena witnesses, administer oaths, and punish for contempt, and may require the production of documents, under such regulations as it may establish.
- b. Appeal Based on Error - The Board shall have the power to hear and decide appeals-where it is alleged there is error of law in any order, requirements, decision, or determination made by the Building Inspector in the enforcement of this Ordinance.
- c. Special Exceptions - The Board shall have the power to hear and decide special exceptions to the terms of this

Ordinance upon which the Board is required to pass as follows or elsewhere in this Ordinance:

- (1) To permit a public utility or public service use or structure in any district, or a public utility or public service building of a ground area and of a height at variance with those provided for in the district in which such public utility or public service building is permitted to be located, when found reasonably necessary for the public health, convenience, safety, or general welfare.
  - (2) To grant a permit for the extension of a use, height, or area regulations into an adjoining district, where the boundary line of the district divides a lot in a single ownership on the effective date of this Ordinance.
  - (3) Waive or reduce the parking and loading requirements in any of the districts whenever the character or use of the building is such as to make necessary the full provision of parking or loading facilities, or where such regulations would impose an unreasonable hardship upon the use of the lot, as contrasted with merely granting an advantage or a convenience.
  - (4) Permit land within three hundred feet (300') of a multifamily dwelling to be improved for the parking spaces required in connection with a multifamily dwelling, but only when there is positive assurance that such land will be used for such purpose during the existence of the multifamily dwelling.
  - (5) To determine in cases of uncertainty the classification of any use not specifically named in this Ordinance.
- d. Variances - The Board shall have the power to authorize upon appeal in specific cases such variance from the terms of this Ordinance as will not be contrary to the public interest, where owing to special conditions, a literal enforcement of the provisions of this Ordinance will result in unnecessary hardship, and so that the spirit of this Ordinance shall be observed and substantial justice

done, owing to and including the following special conditions:

- (1) Permit a variance in the area, setback, height, and/or coverage requirements of any district where there are unusual and practical difficulties or unnecessary hardships in the implementation of these provisions due to an irregular shape of the lot, topography, or other conditions, provided such variance will not adversely affect any adjoining property or the general welfare.
- (2) Authorize upon appeal, whenever a property owner can show that a strict application of the terms of this Ordinance relating to the construction or alterations of buildings or structures will impose upon him unusual and practical difficulties or particular hardship, such variances from the strict application of the terms of this Ordinance as are in harmony with its general purpose and intent. A variance shall be granted only when the Board is satisfied that a such variation will not merely serve as a convenience to the applicant, but will alleviate some demonstrable and unusual hardship or difficulty so great as to warrant a variance from the Community Development Plan of the City of Seven Points, and at the same time protect the value and integrity of nearby property.

Sec. 22-4. CERTIFICATES OF OCCUPANCY

1. Requirements

Certificates of Occupancy shall be required for any of the following:

- a. Occupancy and use of a building hereafter erected or structurally altered.
- b. Change in use of an existing building to a different classification.
- c. Occupancy and use of vacant land, except agricultural use.
- d. Any change in the use of a nonconforming use.

No such occupancy, use, or change of use shall take place until a Certificate of Occupancy therefore shall have been issued by the Building Inspector.

2 Procedures

- a. Written application for a Certificate of Occupancy for a new building or for an existing building which is to be altered shall be made at the same time as the application for the building permit for such building. Said Certificate shall be issued within three (3) days after a written request for the same has been made to said Building Inspector after the erection or alteration of such building or part thereof has been completed in conformity with the provisions of this Ordinance.
- b. A fee to be determined by the City Council shall be paid to the City Secretary for the issuance of a Certificate of Occupancy on all occupancies within the B-1, B-2, B-3, I-1, I-2, and RM-2 zoned districts. No fee or permit is required for single-family detached, multiple-family residential, and manufactured home subdivisions. All persons owning or operating any structure, building, or business within the city shall have one year from the date of adoption of this ordinance to comply with this provision.
- c. All certificates of occupancy issued to any person or persons owning or operating any structure, building, or business within the corporate limits are non-transferable from the location or owner shown on the face of such permits.

3. Procedures 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 nonconforming 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 therefore shall be issued within three (3) days after the application has been made.



4. Contents and Filing of Certificate of Occupancy

Every Certificate of Occupancy shall state that the building or the proposed use of a building or land complies with all provisions of law. A record of all Certificates of Occupancy shall be kept on file in the office of the Building Inspector and copies shall be furnished on request to any person having proprietary or tenancy interests in the building or land affected.

5. Temporary Certificate

Pending the issuance of a regular certificate, a temporary Certificate of Occupancy may be issued by the Building Inspector for a period not exceeding six (6) months, during the completion of alterations or during partial occupancy of a building pending its completion. Such temporary certificates shall not be construed as in any way altering the respective rights, duties, or obligations of the owners of the City relating to the use of occupancy of the premises or any other matter covered by this Ordinance.

Sec. 22-5. AMENDMENTS

1. Petition

Any person or corporation having a proprietary interest in any property may petition the City Council for a change, supplement, or amendment to the provisions of this Ordinance or the Planning and Zoning Commission may on its own motion or on request from the City Council institute a study and proposal for changes, supplements, and amendments in the public interest.

2. Procedures

- a. The City Council may, from time to time, amend, supplement, or change by ordinance the districts or the regulations herein established.
- b. Before taking action on any proposed amendment, supplement, or change, the City Council shall submit the proposed revisions to the Planning and Zoning Commission for its recommendations and report.

- c. The Planning and Zoning Commission shall hold a public hearing on any request for any amendment, supplement, or change prior to making its recommendation and report to the City Council.
- d. Written notice of all public hearings before the Planning and Zoning Commission on any proposed amendment, supplement, or change shall be sent to all owners of real property lying within two hundred feet (200') of the property on which the change is requested. Such notice shall be given not less than ten (10) days before the date set for hearing by posting such notice, properly addressed and postage paid, to each taxpayer as the ownership appears on the last approved City tax roll.
- e. A public hearing shall be held by the City Council before adopting any proposed amendment, supplement, or change. Notice of such hearing shall be given by publication one (1) time in a paper of general circulation in the City of Seven Points stating the time and place of such hearing, which time shall not be earlier than fifteen (15) days from the first date of publication.
- f. If a proposed amendment, supplement, or change has not been recommended for approval by the Planning and Zoning Commission, such change shall not become effective except by favorable vote of three-fourths (3/4) of all the members of the City Council.
- g. If a protest against a proposed amendment, supplement, or change has been filed with the City Secretary in accordance with this subsection, such change shall not become effective except by favorable vote of three-fourths (3/4) of all the members of the City Council. The protest must be written and signed by the owners of at least twenty percent (20%) of either:
  - (1) the area of the lots or land included in such proposed change, or
  - (2) the area of the lots or land immediately adjoining the area covered by the proposed change and extending two hundred (200) feet from that area.

In computing the percentage of land area under this subsection, the area of streets and alleys shall be included.

- h. Amendments to the Zoning Ordinance not involving a particular property but involving a change in the zoning regulations generally do not require notice to individual property owners. In such cases, notice of the required public hearing shall be given by publication in the official newspaper of the city, stating the time and location of the public hearing, which time shall not be earlier than fifteen (15) days from the date of such publication

3. Limitation of Resubmission of Petition

No amendment, supplement, change, or repeal of any section of this Ordinance which has been legally rejected by both the City Council and the Planning and Zoning Commission on an appeal or petition by an appellant may be reconsidered before the expiration of one (1) year from the date of the original action.

4. Factors in Amendment Considerations

In making its determination regarding an amendment to the Zoning Ordinance, the City Council shall consider the following factors:

- a. Whether the use(s) permitted by the proposed change will be appropriate in the immediate area concerned and the impact of the proposed change on the general area and the city as a whole.
- b. 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.
- c. 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.

- d. The rate at which land is being developed in the same zoning classification as the request, particularly in the vicinity of the proposed change.
- e. 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 also be modified.
- f. Any other factors which will substantially affect the public health, safety, morals, or general welfare.

Sec. 22-6. INTERPRETATION, PURPOSE, AND CONFLICT

In interpreting and applying the provisions of this Ordinance, the provisions shall be held to be the minimum requirements for the promotion of the public safety, health, convenience, comfort, prosperity or general welfare. It is not intended by this Ordinance to interfere with or abrogate or annul any easements, covenants, or other agreements between parties, provided, however, that where this Ordinance imposes a greater restriction upon the building or premises or upon height of building, or requires larger open spaces than are imposed or required by other ordinances, rules, regulations or by easements, covenants or agreements, the provision of this Ordinance shall govern.

Sec. 22-7. VIOLATION AND PENALTY

Any violation of this Ordinance shall be a misdemeanor and each day that said violation occurs shall be a separate misdemeanor and the penalty for violating the provisions of this Ordinance shall be a fine not to exceed two thousand dollars (\$2,000.00).

Any owner or owners of any building or premises or part thereof, who participates in or knowingly and willingly permits a violation of this Ordinance, and any architect, builder, contractor, agent, person, or corporation who assists in the commission of any such violation shall be guilty of a separate offense, and upon conviction thereof shall be fined as provided in the preceding paragraph.

The penalty provided herein shall be cumulative of other remedies provided by state law and may be exercised in enforcing this

Ordinance, whether or not there has been a criminal complaint filed.

**ARTICLE 23**

**SEVERABILITY**

If any section, subsection, phrase, sentence, or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holdings shall not affect the validity of the remaining portions thereof.

ARTICLE 24

CONFLICTING ORDINANCES

All ordinances, or parts of ordinances, in conflict herewith are to the extent of such conflict hereby repealed.

SECTION 25

EFFECTIVE DATE

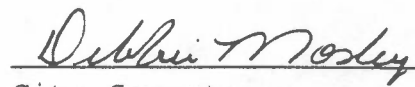
This ordinance will take effect immediately from and after its passage and approval and the publication of the caption as the law in such cases provides.

PASSED this 16 day of November, 1999, by the City Council of the City of Seven Points, Texas.

APPROVED:

  
\_\_\_\_\_  
Mayor

ATTEST:

  
\_\_\_\_\_  
City Secretary

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney





# APPENDIX 1




## SCHEDULE OF USES

### Contents: Schedule of Uses

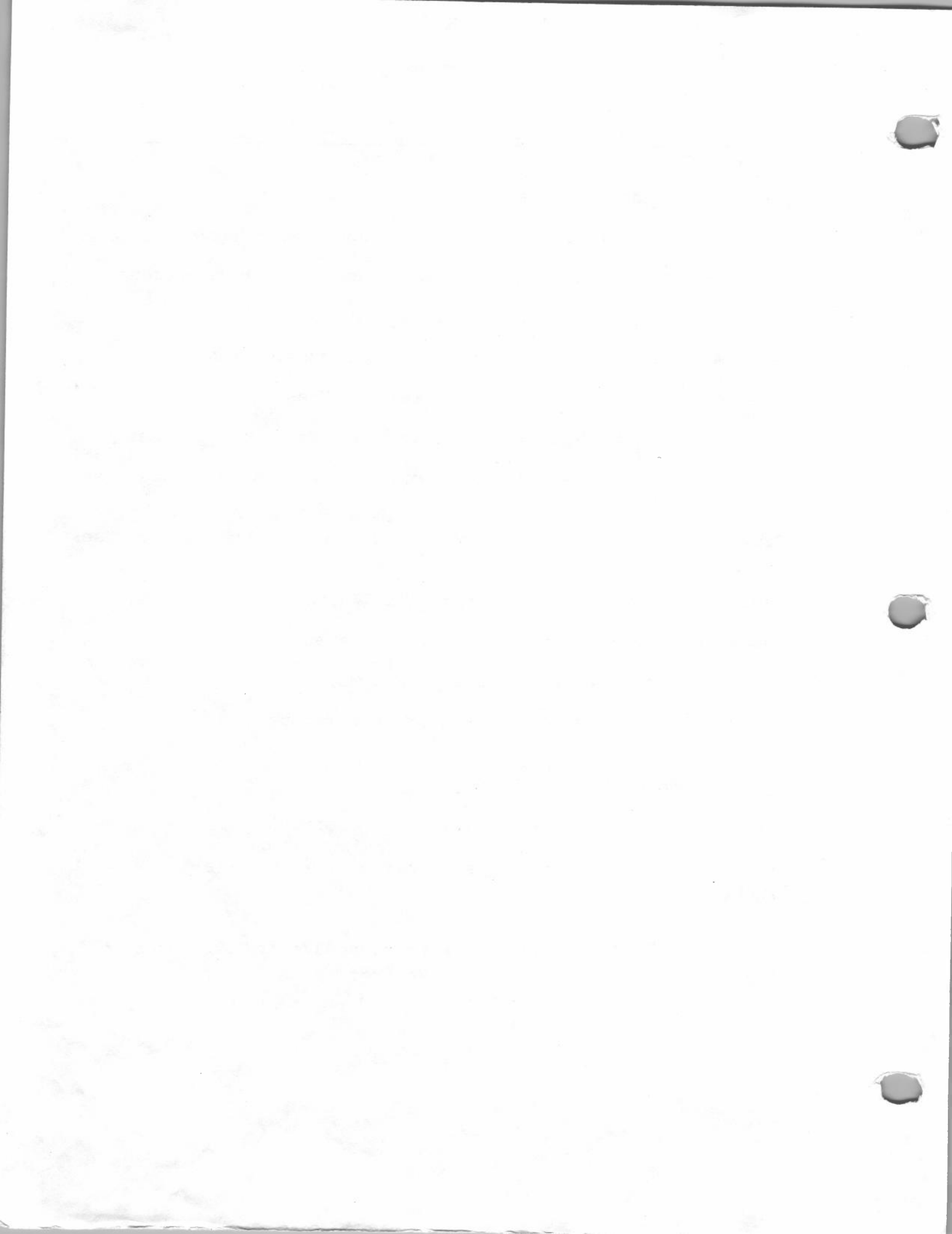
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Table 1	Accessory and Incidental Uses
Table 2	Residential Uses
Table 3A	Educational, Institutional, and Special Uses
Table 3B	Educational, Institutional, and Special Uses (cont.)
Table 3C	Educational, Institutional, and Special Uses (cont.)
Table 4	Transportation, Utility, and Communications Uses
Table 5	Automobile and Related Service Uses
Table 6A	Office, Retail, Commercial, and Service Type Uses
Table 6B	Office, Retail, Commercial, and Service Type Uses (cont.)
Table 6C	Office, Retail, Commercial, and Service Type Uses (cont.)
Table 7A	Manufacturing, Storage, and Warehousing Uses
Table 7B	Manufacturing, Storage, and Warehousing Uses (cont.)
Table 7C	Manufacturing, Storage, and Warehousing Uses (cont.)
Table 7D	Manufacturing, Storage, and Warehousing Uses (cont.)

### LEGEND FOR INTERPRETING SCHEDULE OF USES

	Designates use permitted in district indicated.
	Designates use prohibited in district indicated.
	Designates use which may be approved as Specific Use Permit.

The numbers in the "note" column in the Schedule of Uses refer to descriptions/definitions listed in Appendix 2.



## APPENDIX 2

### DEFINITIONS ASSOCIATED WITH SCHEDULE OF USES

#### Section 1 - Accessory Uses

- a. Accessory Building or Use - An accessory building or use is one which: (a) is subordinate to and serves a principal building or principal use; and (b) is subordinate in area, extent, or purpose to the principal building or principal use served; and (c) contributes to the comfort, convenience and necessity of occupants of the principal building or principal use served; and (d) is located on the same building lot as the principal use served.
- b. Carport - A structure open on a minimum of three (3) sides designed or used to shelter vehicles, not to exceed twenty-four (24) feet on its longest dimension.
- c. Construction Yard (Temporary) - A storage yard or assembly yard for building materials and equipment directly related to a construction project and subject to removal at completion of construction and subject to same restrictions as Field or Sales Office (Appendix 2, Section 1.e.) See Section 19.12 of this ordinance for other regulations relating to construction yards and field and sales offices.
- d. Customary Home Occupation - An occupation, profession, domestic craft, or economic enterprise which is customarily conducted in a "residential dwelling" as hereinafter defined, subject to compliance with each of the following conditions:
  - (1) "Residential dwelling" shall mean a detached building designed, used and occupied exclusively by members of one (1) family as a residence.
  - (2) Not more than one person other than members of a family who reside in the residential dwelling shall be engaged in such occupation, profession, domestic craft, or economic enterprise.
  - (3) Such use shall be and remain incidental and subordinate to the principal use of the residential dwelling as a family residence and the area utilized for such occupation, profession, domestic craft, or economic enterprise shall never exceed twenty

percent (20%) of the total of the floor area of the residential dwelling. In no event shall the home occupation occupy more than five hundred (500) square feet.

- (4) Not more than one (1) non-illuminated sign advertising the home occupation shall be allowed; said sign shall be not more than one (1) square foot in area and shall be mounted on the building in which the home occupation is being conducted.
- (5) The residential dwelling shall maintain its residential character and shall not be altered or remodeled in order to create any type of exterior commercial appeal.
- (6) No exterior storage of material, equipment, and/or supplies used in conjunction with such occupation, profession, domestic craft, or enterprise shall be placed, permitted, or allowed on the premises occupied by the residential dwelling.
- (7) No offensive noise, vibration, smoke, dust, odors, heat, or glare generated by or associated with the home occupation shall extend beyond the property line of the lot or tract on which the home occupation is being conducted.
- (8) The occupation, profession, domestic craft, or enterprise shall be conducted wholly within the residential dwelling and no accessory building shall be used in conjunction therewith.
- (9) The only equipment to be used in such occupation, profession, domestic craft, or enterprise shall be that which is ordinarily used in a private home in a like amount and kind.
- (10) A home occupation shall not generate such additional traffic as to create a traffic hazard or disturbance to nearby residents.

See Section 20-7 of this Ordinance for other regulations relating to home occupations.

- e. Field or Sales Office (Temporary) - A building or structure, of either permanent or temporary construction, used in connection with a development or construction project for display purposes or for housing temporary supervisory or administrative functions related to

development, construction or the sale of real estate properties within the active development or construction project. Permits for "temporary buildings" shall be issued for a period of time not to exceed twelve (12) months. Extensions may be granted only by the City Council. Upon due notice and hearing by and before the City Council, any such permits granted may be revoked if the City Council finds the use of the building or structure is contrary to the intent of this section or results in increased noise, traffic, or other conditions considered to be a nuisance or hazard. (Also see Appendix 2, Section 1.c.) See Section 19.12 of this Ordinance for other regulations relating to construction yards and field and sales offices.

- f. Garage, Commercial - See Appendix 2, Section 5.i. Also see Appendix 2, Section 5.j for definition of Storage Garage.
- g. Garage, Community - A building or portion thereof, other than a repair, private, or storage garage as herein defined, providing storage for motor vehicles with facilities for washing, but not other services, such garage to be in lieu of private garages within a block or portion of a block.
- h. Garage, Private - A detached accessory building or portion of the main building for the parking or temporary storage of automobiles of the occupants of the premises; if occupied by vehicles of others, it is a storage space.
- i. Local Utility Distribution Lines - The facilities provided by a municipality or a franchised utility company for the distribution or collection of gas, water, surface drainage water, sewage, electric power or telephone service.
- j. 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.

## Section 2 - Residential Uses

- a. Bed and Breakfast Inn - A building occupied or used as a temporary dwelling place of individuals or groups of individuals for a fee, where on-premise facilities are provided for the serving of one or more meals on a daily

basis, and where the person with direct management responsibility of such establishment maintains a permanent residence within the establishment. A bed and breakfast inn is typically contained in whole or in part within a building which was previously a private residence.

- b. Boarding or Rooming House - A building, other than a hotel or multiple family dwelling, where lodging and meals are provided to four or more persons for compensation, and where facilities for food preparation are not provided in individual rooms.
- c. Dormitory - A building in which housing is provided for individual students under the general supervision or regulation of an accredited college or university and as distinguished from an apartment, hotel, motel, or rooming house. A dormitory may provide apartment units for guests, faculty, or supervisory personnel on a ratio not to exceed one (1) such apartment unit for each fifty (50) students for which the building is designed. Individual rooms or suites of rooms may have cooking facilities. The dormitory may include facilities such as a commissary and/or snack bar, lounge, and study area, dining halls, and accessory kitchen, recreation facilities, and laundry, provided that these facilities are for the benefit and use of the occupants and their guests and not open to the general public.
- d. Duplex - See Appendix 2, Two Family Dwelling, Section 2.x.
- e. Elderly Housing - See Appendix 2, Retirement Housing, Section 2.r.
- f. Garage Apartment - A dwelling unit attached to or erected above a private garage.
- g. Garden (Patio) Home - A free-standing, detached structure used for residential purposes, built in accordance with standards set out in Section 19.14.
- h. Guest House - Living quarters within a detached accessory building located on the same premises with the main building, for use by temporary guests of the occupants of the premises, such quarters having no kitchen facilities and not rented or otherwise used as a separate dwelling.
- i. Hotel, Motel, or Motor Lodge - A building or group of buildings designed and occupied as a temporary dwelling

place and where an office and register is maintained separately and apart from any of the rooms or units provided for the residents. To be classified as a hotel or motel, an establishment shall contain a minimum of four (4) individual guest rooms or units and shall furnish customary hotel/motel services such as linen, maid service, telephone use, and upkeep of furnishings. A hotel, motel, or motor lodge may include restaurants, club rooms, banquet halls, ballrooms, and meeting rooms as accessory uses.

- j. Manufactured Home, HUD Code - A structure, constructed on or after June 15, 1976, according to the rules of the United States Department of Housing and Urban Development, transportable in one (1) or more sections, which, in the traveling mode, is eight (8) body feet or more in width or forty (40) body feet or more in length, or, when erected on site, is three hundred twenty (320) or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems. All references in this ordinance to manufactured housing or manufactured home(s) shall be references to HUD Code Manufactured Housing, unless otherwise specified.
- k. Manufactured Home Park - Any tract of land under single ownership approved for occupancy by manufactured housing and accessory structures related thereto and designed and operated in accordance with standards herein set forth or as set forth in any other ordinance of the City of Seven Points relating to the location, use, construction, operation, or maintenance of manufactured housing. Such areas are commonly called "mobile home parks".
- l. Manufactured Home Subdivision - A tract of land to be used as a location primarily for owner-occupied HUD Code manufactured homes and which has been final platted of record in its entirety in accordance with the City of Seven Points Subdivision Regulations.
- m. Mobile Home - A structure constructed before June 15, 1976, transportable in one or more sections which, in the traveling mode, is eight (8) body feet or more in width or forty (40) body feet or more in length, or, when erected on site, is three hundred twenty (320) or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required

utilities, and includes the plumbing, heating, air-conditioning, and electrical systems.

- n. Modular Home - A single-family structure or building module manufactured at a location other than the location where it is installed and used as a residence, transportable in one or more sections on a temporary chassis or other conveyance device, and designed to be used as a permanent dwelling when installed and placed upon a permanent foundation system. The term includes the plumbing, heating, air conditioning and electrical systems contained in the structure. The term does not include a mobile home or trailer, nor does it include building modules incorporating concrete or masonry as the primary structural component.
- o. Motel - See Hotel, Motel, or Motor Lodge, Appendix 2, Section 2.i.
- p. Multifamily Dwelling or Apartment - Any building or portion thereof, which is designed, built, rented, leased or let to be occupied as three or more dwelling units or apartments or which is occupied as a home or place of residence by three or more families living in independent dwelling units.
- q. Residence Hotel - A multi-dwelling unit extended stay lodging facility consisting of efficiency units or suites with a complete kitchen suitable for long term occupancy. Customary hotel services such as linen, maid service, telephone, and upkeep of furniture shall be provided. Meeting room, club house and recreational facilities intended for the use of residents and their guests are permitted. This definition shall not include other dwelling units as defined in this ordinance.
- r. Retirement Housing - A development providing dwelling units specifically designed for the needs of ambulatory retired persons. The following subsidiary uses shall be permitted to provide on-site goods and services for residents and their guests, but are not intended for use by the general public:
  - a) cafeteria and/or dining room
  - b) library
  - c) game room
  - d) swimming pool and/or jacuzzi
  - e) exercise room
  - f) arts and crafts facilities
  - g) greenhouse
  - h) housekeeping service



- i) transportation service
  - j) snack bar with a maximum of 350 square feet per 100 dwelling units
  - k) beauty/barber shop with a maximum of 250 square feet per 100 dwelling units or a maximum of 450 square feet per 100 dwelling units
  - l) convenience retail shop with maximum of 350 square feet per 100 dwelling units to provide for sale of food items, non-prescription drugs, small household items, and gifts.
- s. Servant's, Caretaker's, or Guard's Residence - An accessory building or portion of an accessory building located on the same lot or grounds with the main building, containing not more than one set of kitchen and bathroom facilities and used as living quarters for a person or persons employed on the premises for not less than fifty percent (50%) of his/her actual working time, and not otherwise used or designed as a separate place of abode.
- t. Single Family Dwelling, Attached - A dwelling that is part of a structure containing three (3) or more dwellings, each designed and constructed for occupancy by one family, with each dwelling unit attached by a common wall to another with a minimum length of attachment of twenty (20) feet, in which each dwelling is located on a separate platted lot.
- u. Single Family Dwelling, Detached - A detached building designed exclusively for occupancy by one (1) family, excluding manufactured housing and modular homes.
- v. Townhouse or Row Dwelling - One of a series of not less than three (3) nor more than ten (10) attached one (1) family dwellings under common roof with common exterior wall, and separated from one another by single partition walls without openings from basement to roof. No townhouse dwelling unit is to be constructed above another townhouse dwelling unit.
- w. Travel Trailer Park - Any tract of land under single ownership, where accommodation is provided for travel trailer use.
- x. Two Family Dwelling - A building designed for occupancy by two (2) individuals or families living independently of each other within separate units which have a common wall and are under one (1) roof.

- y. Zero Lot Line House - A residence allowed to have little or no side yard on one side, where the wall on that side has no doors, windows, or other openings and which otherwise qualifies for a one-hour fire rating as defined in the building code.

Section 3 - Educational, Institutional, and Special Uses

- a. Adult Day Care Center - An establishment that provides counseling, recreation, supervision, or food, or any combination of these services on a daily or regular basis, but not overnight, to four (4) or more elderly or handicapped persons who are not related by blood, marriage, or adoption to the owner of the establishment. Clients of an adult day care center shall not require institutionalization in a hospital; nursing or convalescent home; respite, personal care or custodial care home; or similar specialized facility. Hours of operation shall not exceed the period between 8:00 a.m. and 12:00 midnight.

Such establishment shall not accommodate individuals who pose a direct threat to the health, safety, or welfare of themselves or others, and shall not constitute a halfway house, rehabilitation facility, or any other type of facility whereby individuals receive guidance or assistance in the transition from institutional care to normal social activities. Medical treatment or rehabilitative services shall not be provided in an adult day care center.

An adult day care center shall be licensed and operated in a manner consistent with such standards as may be promulgated by the Texas Department of Health and the Texas Department of Human Services.

- b. Adult Day Care Home - An establishment that provides counseling, recreation, supervision, or food, or any combination of these services on a daily or regular basis, but not overnight, to three (3) or fewer elderly or handicapped persons who are not related by blood, marriage, or adoption to the owner of the establishment. Clients of an adult day care center shall not require institutionalization in a hospital; nursing or convalescent home; respite, personal care or custodial care home; or similar specialized facility.

- c. Agency Group Home - A child care facility that provides care for seven(7) to twelve (12) children for 24 hours a day and is used only by a licensed child-placing agency.
- d. Agency Home - A private home that provides care for not more than six (6) children for 24 hours a day and is used only by a licensed child-placing agency.
- e. Art Gallery - See Museum or Art Gallery, Appendix 2, Section 3.ss.
- f. Business or Trade School - See School, Trade or Commercial, Appendix 2, Section 3.kkk.
- g. Child Care Center; Nursery School - See Day Care Center, Appendix 2, Section 3.t; Child Care Facilities, Appendix 2, Section 3.h; Child Care Institution, Appendix 2, Section 3.i.
- h. Child Care Facilities - Facilities that provide care, training, education, custody, treatment, or supervision for a child who is not related by blood, marriage, or adoption to the owner or operator of the facility, for all or part of the 24-hour day, whether or not the facility is operated for profit or charges for the services it offers. Child care facilities include "agency group homes", "agency homes", "child care institutions", "day care centers", "foster family homes", "foster group homes", "family homes", and group day care homes".
- i. Child Care Institution - A child care facility that provides care for more than twelve (12) children for 24 hours a day, including facilities known as children's homes, halfway houses, residential treatment camps, emergency shelters, and training or correctional schools for children.
- j. Church, Synagogue, Temple, or Place of Worship -
  - (1) A structure used primarily for the purpose of engaging in religious worship or promoting the spiritual development or well-being of individuals; and
  - (2) A structure used by an organization operated in a way that does not result in accrual of distributable profits, realization of private gain resulting from payment or compensation in excess of a reasonable allowance for salary or other compensation for serviced rendered, or realization of any other form of private gain; and

(3) A structure used by an organization whose charter, bylaws or other regulation adopted by the organization to govern its affairs:

(a) Pledges its assets for use in performing the organization's religious functions; and

(b) Directs that on discontinuance of the organization by dissolution or otherwise, the assets are to be transferred to the State of Texas or to a charitable, educational, religious or other similar organization that is qualified as a charitable organization under Section 501(c)(3), Internal Revenue Code of 1954, as amended.

(4) Use of a structure for occasional secular purposes other than religious worship does not result in loss of the status as a church if the primary use of the structure is for religious worship, and all income from the other use is devoted exclusively to the maintenance and development of the structure as a place of religious worship.

(See Section 20.4 of this ordinance for additional regulations.)

- k. Civic Center; Civic Facility - Any place or facility owned or operated by the school district, municipal, county, state, or federal government which is open for use by the general public. Civic facilities shall include amphitheatres, auditoriums, cemeteries, libraries, museums, post offices, public office and administrative buildings (including City Hall), public plazas and open space, recreation centers and facilities, stadiums, arenas, convention or civic centers; but excluding storage and maintenance facilities, facilities for public utilities, including substations, treatment, generation or pump facilities, police or fire stations, or landfills or disposal facilities.
- l. College or University - An academic institution of higher learning accredited or recognized by the State and offering a program or series of programs of academic study beyond the secondary education level, but excluding trade and/or commercial schools.
- m. Community Center, Public - A building or buildings dedicated to social and/or recreational activities, serving the city or a neighborhood and owned and operated by the city or by a non-profit organization dedicated to promoting the health, safety, morals, or general welfare of the city.

- n. Community Center, Private - A building or buildings dedicated to social and/or recreational activities serving residents of a subdivision or development which is operated by an association or incorporated group for their use and benefit; not to be a commercial, for profit, business.
- o. Community Home for Disabled Persons - A residential home operated by the Texas Department of Mental Health and Mental Retardation, a community center organized under Section 3.01 of the Texas Mental Health and Mental Retardation Act, a non-profit corporation, or an entity certified by the Texas Department of Human Resources as a provider under the intermediate care facilities for mentally retarded program, which provide services to disabled persons.
- p. Continuing Care Facility - A place as defined in the Texas Continuing Care Facility Disclosure and Rehabilitation Act (V.T.C.A., Health & Safety Code, Chapter 246) in which a person provides a living unit, together with personal care services and nursing services, medical services, or other health-related services, regardless of whether the services and lodging are provided at the same location, under an agreement that requires the payment of a fee and that is effective for the life of the individual or for a period of more than one (1) year, such individual or individuals being cared for not being related by consanguinity or affinity to the person providing the care. (Also see Household Care Facility, Appendix 2, Section 3.11, Household Care Institution, Appendix 2, Section 3.mm, Personal Care Facility, Appendix 2, Section 3.yy, and Personal Care Home, Appendix 2, Section 3.zz.)
- q. Country Club (Private) - Land and buildings customarily containing a golf course and a clubhouse and available only to specific private membership; such a club may contain adjunct facilities such as private club, dining room, swimming pool, tennis courts, and similar recreational or service facilities.
- r. Country Club with Golf Course - An area of twenty-five (25) acres or more containing a golf course and clubhouse which is available to a specific recorded membership. Such a club may include as adjunct facilities, a dining room, private club, swimming pool, cabanas, tennis courts, and similar service and recreational facilities for the members.

- s. Day Camp - A facility arranged and conducted for the instruction and organized outdoor recreation of children on a daytime basis.
- t. Day Care Center - A facility that provides care, training, education, custody, treatment, or supervision for more than twelve (12) children under 14 years of age for less than 24 hours a day who are not related by blood, marriage, or adoption to the owner or operator of the facility. The terms "child care center" and "nursery school" shall not include overnight lodging, medical treatment, counseling, or rehabilitative services and does not apply to any school. Such facility shall be operated as required by Chapter 42 of the Human Resources Code of the State of Texas, as amended, and in accordance with such standards as may be promulgated by the Texas Department of Human Resources. (Also see Agency Group Home, Appendix 2, Section 3.c, Agency Home, Appendix 2, Section 3.d, Family Home, Appendix 2, Section 3.x, Family Care Home, Appendix 2, Section 3.y, and Group Day Care Home, Appendix 2, Section 3.gg.) See Section 20.3 of this ordinance for special regulations for Day Care (Child Care) Centers.
- u. Exhibition Area - An area or space either outside or within a building for the display of topic-specific goods or information.
- v. Fairgrounds - An area where outdoor fairs, circuses or exhibitions are held.
- w. Family Home - A child care facility that regularly provides care in the caretaker's own residence for not more than six (6) children under 14 years of age, excluding the caretaker's own children, and that provides care after school hours for not more than six (6) additional elementary school siblings of the other children given care. The total number of children, including the caretaker's own, shall not exceed twelve (12) at any given time. (Also see Day Care Center, Appendix 2, Section 3.t.)
- x. Family Care Home - A community-based residential home operated by either the State of Texas, a non-profit corporation, a community center organized pursuant to State statute, or an entity which is certified by the State as a provider for a program for the mentally retarded. Family homes provide care for persons who have mental and/or physical impairments that substantially

limit one or more major life activities. To qualify as a family home, a home must meet the following requirements:

- a. Not more than six (6) disabled persons and two (2) supervisory personnel may reside in the residence at the same time.
  - b. The home must provide food and shelter, personal guidance, care, rehabilitation services, or supervision.
  - c. All applicable local and state licensing requirements must be met.
- y. Farm, Ranch, or Orchard - An area of five (5) acres or more which is used for growing of usual farm products, vegetables, fruits, trees, and grain, and for the raising of the usual farm poultry and usual farm animals such as horses, cattle, and sheep, and including the necessary accessory uses for raising, treating, and storing products raised on the premises, but not including the commercial feeding of offal or garbage to swine or other animals, including feed lots, and not including any type of agriculture or husbandry specifically prohibited by ordinance or law. The processing and storage of raw agricultural products, such as cotton gins and grain elevators, shall not be considered a farm, ranch, or orchard if such constitute the main or principal use on the lot or parcel. Farm, ranch, or orchard use shall not cause a hazard to health by reason of unsanitary conditions and shall not be offensive by reason of odors, dust, fumes, noise, or vibrations or be otherwise detrimental to the public welfare or any type of agriculture or husbandry specifically prohibited by ordinance or law.
- z. Foster Family Home - A facility that provides care for not more than six (6) children for 24 hours a day.
- aa. Foster Group Home - A facility that provides care for seven (7) to twelve (12) children for 24 hours a day.
- bb. Fraternal Organization, Lodge, or Civic Club - An organized group having a restricted membership and specific purpose related to the welfare of the members.
- cc. Golf Course, Commercial - A golf course owned and operated by a private individual or group and operated as a commercial enterprise, but not including a driving range, miniature golf, or similar commercial amusement.

- dd. Golf Course, Public - A golf course owned and operated by a governmental entity for the use, benefit, and enjoyment of the general citizenry.
- ee. Greenhouse or Plant Nursery, Commercial - A place, often including artificially heated and/or cooled buildings, where trees or plants are raised and/or sold, including related storage of equipment for landscape contracting.
- ff. Greenhouse, Non-Commercial - A building, often artificially heated and/or cooled, used as a location for cultivating plants which are used by the grower and not sold as a commercial activity.
- gg. Group Day-Care Center - A facility that provides care for more than twelve (12) children under 14 years of age for less than 24 hours a day.
- hh. Reserved for future use.
- ii. Hospice (In-Patient) - An institution or facility where those persons suffering from generally permanent types of infirmity, illness, injury or deformity are given care and treatment on a prolonged or permanent basis, and which is licensed by the State of Texas.
- jj. Hospital (Chronic Care); Long Term Health Care Facility - An institution providing in-patient health, personal care, or rehabilitative services over a long period of time to persons chronically ill, aged, or disabled due to injury or disease and which is licensed by the State of Texas. (See Section 20.7 of this ordinance for additional regulations.)
- kk. Hospital (Acute Care) - An institution where sick or injured patients are given medical or surgical treatment intended to restore them to health and an active life and which is licensed by the State of Texas. (See Section 20.7 of this ordinance for additional regulations.)
- ll. Household Care Facility - A dwelling unit which provides residence and care to not more than nine (9) persons, regardless of legal relationship, who are elderly; disabled; orphaned, abandoned, abused, or neglected children; victims of domestic violence; or rendered temporarily homeless due to fire, natural disaster, or financial adversity; living together with not more than two supervisory personnel as a single housekeeping unit. (See also Household Care Institution, Section 3.mm;



Personal Care Home, Section 3.yy; and Continuing Care Facility, Section 3.p.)

- mm. Household Care Institution - A facility which provides residence and care to ten (10) or more persons, regardless of legal relationship, who are elderly; disabled; orphaned, abandoned, abused or neglected children; victims of domestic violence; convalescing from illness; or rendered temporarily homeless due to fire, natural disaster or financial adversity, living together with supervisory personnel. (See also Household Care Facility, Section 3.ll, Personal Care Home, Section 3.kk, and Continuing Care Facility, Section 3.p.)
- nn. Kennel - Any lot or premises on which dogs, cats or other domesticated animals are housed, groomed, bred, boarded, trained, harbored, kept, or sold for commercial purposes, excluding pet stores and municipal animal shelters. Veterinary clinics, animal hospitals, and animal clinics shall not be considered a kennel, unless such uses contain pens or facilities for housing, boarding, breeding, training, harboring, or keeping dogs, cats, or other domesticated animals, swine, equine, or other livestock or animals.
- oo. Kindergarten School - A school for children of pre-public school age in which constructive endeavors, object lessons and helpful games are prominent features of the curriculum.
- pp. Library - Any institution for the loan or display of books, tapes, 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.
- qq. Mobile Collection Center for Secondhand Goods - A truck, van, trailer or other vehicle used solely for the collection, sorting and/or temporary storage of used clothing, furniture and appliances which will be distributed to persons or other processing centers for secondhand goods.
- rr. Mobile Redemption Center - See Redemption Centers, Mobile, Appendix 2, Section 7.q.
- ss. Museum or Art Gallery - 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.

- tt.. Nursery School - See Day-Care Center, Appendix 2, Section 3.t.
- uu. Nursing Home - See Rest Home or Nursing Home, Section 3.ggg.
- vv. Park, Playground, or Recreation Center (Commercial) - Any park, playground, or other similar outdoor recreation or park facility, including batting cages, softball, soccer or other recreation sports fields, and outdoor tennis, racquet or swimming facilities, which are open to the general public for a fee or charge.
- ww. Park, Playground, or Recreation Center (Public) - An open recreation facility or park owned and operated by a governmental entity and available to the general public.
- xx. Park, Playground, or Recreation Center (Private) - A privately owned park, playground, open space or building dedicated to recreational activities, maintained by a community club, property owner's association, or similar organization.
- yy. Personal Care Facility - An establishment, including a board and care home, that furnishes, in one or more facilities, food and shelter to four (4) or more persons who are unrelated to the proprietor of the establishment and provides personal care services, as defined in V.T.C.A., Health & Safety Code, Section 247.002.
- zz. Personal Care Home (Custodial Care) - An owner-occupied, home-operated non-licensed facility for the elderly providing custodial care to not more than three (3) individuals not related to the provider of such care. Custodial care is that type of care which assists elderly persons who are incapable because of physical or mental limitations of performing routine daily activities and which do not require the continuing attention of trained medical or paramedical personnel. (Also see Continuing Care Facility, Appendix 2, Section 3.p, and Personal Care Facility, Appendix 2, Section 3.yy.)
- aaa. Plant Nursery - See Greenhouse or Plant Nursery, Commercial, Appendix 2, Section 3.ff.
- bbb. Public Playfield or Stadium - See Stadium or Playfield, Public, Appendix 2, Section 8.03.nnn.

- ccc. Race Track - A facility used for the racing of motor-driven vehicles and/or animals.
- ddd. Rehabilitation Care Facility - A dwelling unit which provides residence and care to not more than nine (9) persons, regardless of legal relationship, who have demonstrated a tendency towards alcoholism, drug abuse, mental illness or antisocial or criminal conduct living together with not more than two supervisory personnel as a single housekeeping unit.
- eee. Rehabilitation Care Institution - A facility which provides residence and care to ten (10) or more persons, regardless of legal relationship, who have demonstrated a tendency towards alcoholism, drug abuse, mental illness or antisocial or criminal conduct together with supervisory personnel.
- fff. Respite Care Facility - An establishment that provides room, board, and care to five (5) or more elderly or handicapped persons who are not related by blood, marriage or adoption to the owner of the establishment; and provides minor treatment under the direction or supervision of a physician licensed by the Texas State Board of Medical Examiners, or services which meet some need beyond the basic provision of food, shelter, and laundry. The maximum duration of stay for any individual shall be two (2) weeks. Clients of a respite care facility shall not require institutionalization in a hospital; nursing or convalescent home; custodial care home; or similar specialized facility.
- ggg. Rest Home or Nursing Home - 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. (See Section 20.9 of this ordinance for additional regulations.)
- hhh. Reserved for future use.
- iii. School, (Primary or Secondary) -An institution under the sponsorship of a public or private agency which offers instruction in the several branches of learning and study required to be taught in the public schools by the Education Code of the State of Texas but not including specialty schools such as dancing, music, beauty, mechanical, trade, or commercial schools.

jjj. Reserved for future use.

kkk. School, Trade or Commercial - An establishment, other than public or parochial schools, private primary and secondary schools or colleges, offering training or instruction in a trade, art, or occupation. Such schools do not offer general courses of study and are not licensed as general educational institutions by the state.

lll. Stable, Private - An accessory building set back from adjacent property lines a minimum distance of one hundred (100) feet and used for quartering horses, not to exceed one (1) horse per one and one half (1.5) acre area of a farm or lot.

mmm. Stable, Public - A stable and related open pasture where horses are quartered for owners on a fee basis.

nnn. Stadium or Playfield, 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.

ooo. Swim or Tennis Club-A private recreational club with restricted membership, usually less area than a country club but not including a clubhouse and/or a swimming pool, tennis courts, and similar recreational facilities, none of which is available to the general public. Service uses such as restaurants or private clubs are permitted in conjunction with this use under the terms and conditions of the zoning district in which the use is located. This definition includes court centers such as racquetball clubs.

ppp. Swimming Pool, Commercial - 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. (See Section 20.13 of this ordinance for additional regulations.)

#### Section 4 - Transportation, Utility, and Communications Uses

a. Airport, Landing Field, or Heliport - A landing facility for fixed and rotary wing aircraft including hangars,

terminal, fueling and repair, and storage facilities and subject to approval by the City of Seven Points.

- b. Antenna and Support Structure for Amateur Radio Communications - An antenna utilized for communication purposes in conjunction with a citizen band or amateur radio station, and including any tower, mast or structure for the support thereof. This definition shall also include such anchors, anchor supports or guy wires associated with the structure, but shall not include any antenna used for commercial communications or radio broadcasting operations. See Section 20.15 for additional regulations relating to radio, television, and microwave communication towers.
- c. Bus Terminal - Any premises used for the transient housing or parking or motor-driven buses and the loading and unloading of passengers.
- d. Communications Tower - A structure, other than an antenna and support structure for citizen band and amateur radio communications, utilized for communications, radio broadcasting or television transmission. This definition shall include all antennas and any tower, mast or structure for the support thereof, and such anchors, anchor supports or guy wires associated with the structure. See Section 20.15 for additional regulations relating to radio, television, and microwave communication towers.
- e. Electrical Substation - A subsidiary station in which electric current is transformed.
- f. Gas Metering Station - Facility at which natural gas flows are regulated and recorded.
- g. Heliport or Helicopter - A landing facility for rotary wing aircraft which may include fueling or servicing facilities for such craft.
- h. Radio, Television, or Microwave Communications Operations, Amateur - The transmission, retransmission, or reception of radio, electromagnetic, or microwave signals for private or personal use and not for the purpose of operating a business and/or for financial gain, not including any towers, antennae, or similar structures. (See Antenna and Support Structure for Amateur Radio Communications, Appendix 2, Section 4.b.)

- i. Radio, Television, or Microwave Communications Operations, Commercial - The transmission, retransmission, or reception of radio, electromagnetic, or microwave signals primarily for the purpose of operating a business and/or financial gain, not including any towers, antennae, or similar structures. (See Communications Tower, Appendix 2, Section 4.d.)
- j. Reserved for future use.
- k. Railroad Facility - Any place or premises for the loading and unloading of materials on trains, including freight terminals, freight docks and freight depots; railroad equipment storage yards, including the storage of railway cars, boxcars, engines, and related equipment; sidings, team tracks, switching yards, maintenance and repair facilities; but excluding passenger terminals and distribution systems, as such uses are herein defined.
- l. Railroad Freight Terminal - An establishment or facility which is designed for the storage and handling of goods and cargo which are transported by railroad from one city to another. The outside storage of railroad cars, engines, or other railroad equipment shall be prohibited.
- m. Railroad Station - Any premises for the transient parking of trains and the loading and unloading of passengers.
- n. Railroad Track and Right-of-Way - Rail track and undeveloped right-of-way but not including railroad stations, sidings, team tracks, loading facilities, docks, yards or maintenance areas.
- o. Reserved for future use
- p. Service Yards, Shop, or Building of Public Entity - Facilities such as office buildings, maintenance yards, or shops required by branches of local, state or federal government for service to an area, such as Texas Department of Transportation Maintenance Yard or City Service Center.
- q. Service Yard or Buildings of Private Utility - The pole yard, maintenance yard, and/or administrative offices of a municipality or franchised utility.

- r. Solid Waste Transfer Station - A facility and/or premises at which solid waste is temporarily deposited prior to ultimate removal to a permanent solid waste storage site.
- s. Telephone Line and Exchange, Switching, or Relay Station - Transmission lines and exchange, switching, and relay stations owned by a public utility but not including public business facilities, storage or repair shops, yard, or facilities.

Section 5 - Automobile and Related Service Uses

- a. Automobile Laundry - See Car Wash, Appendix 2, Section 5.g.
- b. Automobile Repair, Major - General repair or reconditioning of engines and air-conditioning systems for motor vehicles; wrecker service; collision services including body, frame or fender straightening or repair; customizing; overall painting or paint shop; vehicle steam cleaning; those uses listed under "automobile repair, minor"; and other similar uses.
- c. Automobile Repair, Minor - Minor repair or replacement of parts, tires, tubes, and batteries; diagnostic services; minor motor services such as grease, oil, spark plug, and filter changing; tune-ups; emergency road service; replacement of starters, alternators, hoses, brake parts; automobile washing and polishing; performing state inspections and making minor repairs necessary to pass said inspection; normal servicing of air-conditioning systems, and other similar minor services for light load vehicles, but not including any operation named under "automobile repair, major" or any other similar use.
- d. Automobile and Trailer Sales, New - Building(s) and associated open area other than a street or required automobile parking space used for the display or sale of primarily new automobiles, light trucks, and trailers, to be displayed and sold on premises, and where no repair work is done except minor reconditioning of the automobiles and trailers to be displayed and sold on the premises, and no dismantling of automobiles or trailers for sale or keeping of used automobile and trailer parts or junk on the premises.
- e. Automobile and Trailer Sales, Used - Building(s) and associated open area other than a street or required

automobile parking space used for the display and sale of used automobiles, light trucks, or trailers in operating condition and where no repair work is done except the minor adjustments of the vehicles to be displayed or sold on the premises. A used car sales area shall not be used for the storage of wrecked automobiles or the dismantling of automobiles or the storage of automobile parts or junk on the premises.

- f. Reserved for future use.
- g. Car Wash - Facility or structure used to wash motorcycles, automobiles, and light load vehicles. (See Section 20.6 of this ordinance for additional regulations relating to service stations.)
- h. Freight Terminal - See Truck or Motor Freight Terminal, Appendix 2, Section 5.u.
- i. Garage, Commercial; Commercial Parking Lot - A premises used solely for the parking of motor vehicles, and where such parking is allowed on the basis of the payment of a fee, contract or other form of remuneration. Facilities for washing, repair or other services shall not be included within a commercial garage or parking lot. (Also see Truck Parking Lot; Truck Parking Garage, Appendix 2, Section 5.v.)
- j. Garage, Storage - A building or portion thereof, except those defined herein as private, repair or community garage, providing storage for more than four (4) motor vehicles, which may have facilities for washing, but no other services. (Also see Appendix 2, Section 1.g and 1.h and Section 5.r.)
- k. Leasing, Motor Vehicle - The use of any building or lot for the display and leasing of automobiles, motorcycles, and light load vehicles.
- l. Parking Lot or Structure, Commercial - See Garage, Commercial; Commercial Parking Lot.
- m. Parts Sales, Motor Vehicle (Inside) - The use of any building or other premises for the display and sale of new or used parts for automobiles, panel trucks, vans, trailers, or recreational vehicles.
- n. Parts Sales, Motor Vehicle (Outside) - The use of any land area for the display and sale of new or used parts



for automobiles, panel trucks vans, trailers, or recreation vehicles.

- o. Quick Oil Change Facility - A business engaging in the changing of oil, oil filters, and the chassis lubrication of motor vehicles. All new oil shall be dispensed from drums and all old oil shall be kept in sumps until removed by pumper trucks.
- p. Quick Tuneup Facility - A business engaging in engine adjustment and minor part replacement for motor vehicles, limited to spark plugs, condensers, spark plug wires, distributor caps, distributor points, PCV valves, air cleaners, fan belts and radiator hoses. Such a facility shall not repair or replace carburetors, starters, alternators, generators, radiators, water pumps, or other major engine parts, brake shoes, or mufflers.
- q. Service Station - A building or place arranged, designed, used, or intended to be used for the primary purpose of dispensing gasoline, oil, diesel fuel, liquefied petroleum gases, greases, batteries, and other motor vehicle accessories at retail direct to the on-premise motor vehicle trade, provided that the above services shall not be construed to include major overhaul, the removal and/or rebuilding of an engine, cylinder head, oil pan, transmission, differential, radiator, springs, or axles; steam cleaning, body or frame work, painting, upholstering and replacement of glass. If the dispensing or offering for sale of auto fuel at retail is incidental, the premises shall be classified as a public garage. Service stations shall not allow motor vehicles which are inoperative or are being repaired to remain outside such service station for a period greater than seven (7) days. (See Section 20.6 of this ordinance for additional regulations relating to service stations.)
- r. Storage, Motor Vehicle - The storage on a lot or tract of operable motor vehicles for the purpose of holding such vehicles for sale, distribution, or storage. (Also see Appendix 2, Section 5.j.)
- s. Truck and Bus Leasing - The rental of new or used panel trucks, vans, trailers, recreational vehicles, or motor-driven buses in operable condition and where no repair work is done.
- t. Truck and Bus Repair - An establishment providing major and minor automobile repair services to heavy load vehicles.

- u. Truck or Motor Freight Terminal - A building or area in which freight brought by motor truck is assembled and/or stored for shipping by motor truck.
- v. Truck Parking Lot; Truck Parking Garage - Area for parking heavy load vehicles.
- w. Truck Sales - Building(s) and associated open area other than a street or required automobile parking space used for the display or sale of primarily new heavy load vehicles to be displayed and sold on premises, and where no repair work is done except minor reconditioning of the vehicles to be displayed and sold on the premises, and no dismantling of vehicles for sale or keeping of used vehicle parts or junk on the premises.
- x. Truck Stop - any premises involving the maintenance, servicing or repair of commercial motor vehicles, which includes facilities for dispensing fuels and other petroleum products directly into motor vehicles, and/or the incidental sale of accessories or equipment for trucks and similar commercial vehicles. Such premises may also include overnight lodging accommodations and restaurant facilities.
- y. Wrecking or Salvage Yard, Motor Vehicle - The storage, parking, or holding of whole or dismantled inoperable or operable motor vehicles for the purpose of future retail or wholesale sales of such vehicles or vehicle parts, including the dismantling, partial dismantling, crushing, or compacting of such vehicles.

#### Section 6 - Retail and Service Type Uses

- a. Adult Entertainment Establishment - Amusement enterprises offering activities and services distinguished or characterized by the depiction or describing of "specified anatomical areas" or "specified sexual activities", as defined in the Zoning Ordinance of the City of Seven Points. Such uses shall include but not be limited to the following:
  - (1) Adult Arcade - Any place to which the public is permitted or invited wherein coin-operated, slug- or token-operated, or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images to five or

fewer persons per machine at any one time and where the images so displays are distinguished or characterized by the depicting or describing of "specified anatomical areas" or "specified sexual activities", as defined in this ordinance.

- (2) Adult Bookstore - A commercial establishment which has devoted a substantial or significant portion of its business to the sale, rental, or any form of consideration of any one or more of the following:
  - (a) Books, magazine, periodical, or other printed matter, photographs, films, motion pictures, video cassettes, video tapes, or other video reproductions, slides, or other visual representations which depict or describe "specified anatomical areas" or "specified sexual activities", as defined in this ordinance; or
  - (b) Instruments, devices or paraphernalia which depict "specified anatomical areas" or "specified sexual activities", or are designed for use in connection with "specified sexual activities".
- (3) Adult Cabaret - A nightclub, bar, restaurant, or similar commercial establishment which regularly features:
  - (a) Person or persons who appear in a state of nudity; or
  - (b) Live performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities", including topless or bottomless dancer, exotic dancers, or strippers; or
  - (c) Films, motion pictures, video cassettes, video tapes, or other video reproductions, slides, or other photographic or visual representations which are characterized by the depiction of "specified anatomical areas" or "specified sexual activities", as defined in this ordinance
- (4) Adult Motion Picture Theater - A commercial establishment where, for any form of consideration, films, motion pictures, video cassettes or tapes, slides, or similar photographic reproductions are regularly shown which are characterized by the depiction or description of "specified anatomical areas" or "specified sexual activities", as defined in this ordinance.
- (5) Adult Theater - A theater, concert hall, auditorium, or similar commercial establishment which regularly features persons who appear in a state of nudity or

live performances which are characterized by the depiction or description of "specified anatomical areas" or "specified sexual activities", as defined in this ordinance.

- (6) Massage Parlor - Any place where, for any form of consideration, massage, alcohol rub, administration of fomentations, electric or magnetic treatments, or any other treatment or manipulation of the human body occurs as part of or in connection with any "specified sexual activity", or where any person providing such treatment, manipulation, or service related thereto exposes any "specified anatomical area".
- (7) Nude Modeling Studio - Any place where a person who appears in a state of nudity, or displays any "specified anatomical area" is provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who pay money or any form of consideration.
- b. Air Conditioning and Refrigeration Contractor - A place from which a person performs design, installation, construction, maintenance, service, repair, alteration or modification of a product or of equipment in environmental air conditioning, commercial refrigeration, or process cooling or heating systems, under terms and conditions described in the Texas Air Conditioning and Refrigeration Contractor License Law, Vernon's Ann.Civ.St., art. 8861.
- c. Amusement, Commercial (Indoor) - An amusement enterprise wholly enclosed in a building which is treated acoustically so that noise generated by the enterprise is not perceptible at the bounding property line. Said amusement enterprise may offer activities, services, and instruction for the entertainment, exercise, and/or improvement of fitness and health of customers, clients, or members. Uses would typically include bingo parlors, athletic facility, dance hall, exercise areas, gymnasiums, health club/resort, bowling alleys, ice or roller skating rinks, martial arts classrooms and/or practice areas, racquetball and handball courts, running or jogging tracks, swimming pools and spas, teen club, tennis courts, and theaters.
- d. Amusement, Commercial (Outdoor) - An amusement enterprise offering entertainment or games of skill to the general public for a fee or charge where any portion of the activity takes place in the open. Uses would typically include amusement parks or water amusement parks, archery

range, athletic/recreational facility, carnivals, fairgrounds, drive-in movie, golf course, golf driving range, batting cage, go-cart track, miniature golf course, and sport/recreation camp

- e. Antique Shop - An establishment offering for sale, within a building, articles such as artwork, glass, china, furniture, or similar furnishings, decorations, or artifacts which have value and significance as a result of age, design, and/or sentiment.
- f. Arcade - An establishment in which not less than twenty-five percent (25%) of the floor area open to the public is utilized for display and use of coin-operated, slug- or token-operated, or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices, or skill or pleasure machines, other than billiard or pool tables, or which has more than five (5) such machines for display and use by the public.
- g. Bakery and Confectionery, Retail Sales - A place for preparing, cooking, baking and selling of products on the premises.
- h. Bakery and Confectionery, Wholesale - A place for preparing, cooking or baking of products primarily intended for off-premise distribution.
- i. Financial Institution - Establishment offering financial services or counsel and shall include full service banks, saving and loan institutions, stock brokers offices, banking companies, finance company office, credit union offices, and any other institutions of a similar nature
- j. Barber Shop - A place where barbering, as defined in Texas Barber Act, Vernon's Annotated Civil Statutes (Vernon's Ann.Civ.St.), art. 8407, is practiced, offered, or attempted to be practiced, except when such place is duly licensed as a barber school or college.
- k. Barber School or College - A place of training for practice of barbering, as defined in Texas Barber Act, Vernon's Ann.Civ.St., art. 8407, meeting standards established in Section 9 of said Texas Barber Act.
- l. Beauty Culture School; Cosmetology Specialty Shop - A specialized place of training, as defined in the Cosmetology Regulatory Act, Vernon's Ann.Civ.St., art. 8451.

- m. Beauty Shop - A place where cosmetology, as defined in the Cosmetology Regulatory Act, Vernon's Ann.Civ.St., art. 8451, is practiced.
- n. Building Materials, Hardware Sales - The sale of new building materials and supplies indoors with related sales for hardware, carpet, plants, electrical and plumbing supplies all of which are oriented to the retail customer, rather than contractor or wholesale customer.
- o. Business Service Establishments - Establishments primarily engaged in providing services not elsewhere classified to business enterprises on a fee contract basis including but not limited to advertising agencies, computer programming and software services, and office equipment rental or leasing, but not including establishments of research or light industrial nature.
- p. Cabinet and Upholstering Shop - An establishment used for the production, display, and sale of furniture and soft coverings for furniture.
- q. Cleaning and Pressing, Small Shop and Pickup - A custom cleaning shop not exceeding 2,500 square feet in floor area or a pickup station for a cleaning establishment located off-site. (Also see Cleaning and Dyeing; Dry Cleaning Plant, Appendix 2, Section 7.d.)
- r. Clinic, Medical or Dental - A facility or station designed and used for the examination and treatment of persons seeking medical care as outpatients who do not remain on the premises overnight. Clinics may include accessory facilities for retail sales of pharmaceuticals, and medical, optical or dental supplies. (See Section 20.7 of this ordinance for additional regulations.)
- s. Convenience Store - A retail establishment providing for the sale of food items, non-prescription drugs, small household items, and gifts. Gasoline and diesel fuel may be offered for sale provided they are not the primary source of income for the store and that no more than six (6) pumps are offered. Maximum size of the establishment will be no more than 5,000 square feet, not including storage areas and administrative offices.
- t. Custom Personal Service Shop - Tailor, dressmaker, shoe repair, barber/beauty shop, health studio, travel consultant, or similar shop offering custom service.

- u. Dance Hall or Night Club - An establishment offering to the general public facilities for dancing and entertainment for fee and subject to licensing and regulation by the City of Seven Points.
- v. Discount, Variety, or Department Store - A retail store offering a wide variety of merchandise in departments and exceeding 7,000 square feet of floor area.
- w. Dry Goods Stores - Establishments selling clothing, linens, blankets, yardage, and notions and shall include shoe repair stores, gift stores, notions stores, luggage stores, tailor shops, yardage stores, shoe stores, clothing stores, and other stores of a similar nature, but excluding variety stores and department stores.
- x. Feed and Farm Supply Store - An establishment for the selling of food stuffs for animals and including implements and goods related to agricultural processes but not including farm machinery.
- y. Financial Institution - Establishment offering financial services or counsel and shall include full service banks, saving and loan institutions, stock brokers offices, banking companies, finance company office, credit union offices, and any other institutions of a similar nature
- z. Flea Market - A site where space inside or outside a building is <sup>provided</sup> ~~rented~~ to vendors ~~on a short-term basis~~ for the sale of merchandise. The principal sales shall include new and used household goods, personal effects, tools, art work, small household appliances, and similar merchandise, objects or equipment in small quantities. The term flea market shall not be deemed to include wholesale sales establishments or rental services establishments, but shall be deemed to include personal services establishments, food services establishments, retail sales establishments, and auction establishments.
- aa. Florist - An establishment displaying plants, flowers, floral supplies, and similar items.
- bb. Food Store; Grocery Store - An establishment that displays and sells consumable goods for use and consumption off the premises.
- cc. Furniture and Appliance Repair or Storage - The storage, maintenance, or rehabilitation of appliances customarily used in the home including but not limited to washing and drying machines, refrigerators, dishwashers, trash

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compactors, ovens and ranges, kitchen appliances, vacuum cleaners, and hair dryers.

- dd. Furniture, Appliance Store - Retail stores selling goods used for furnishing the home, including but not limited to furniture, floor coverings, draperies, glass and chinaware, domestic stoves, refrigerators and other household electrical and gas appliances.
- ee. Garden Center (Retail Sales) - Location including land and buildings at which plants, trees, shrubs, horticultural supplies, and similar items are displayed for sale to the general public. All such displays shall be located behind the front yard line established in the district in which the garden center is located.
- ff. General Merchandise Store - Retail stores which sell a number of lines of merchandise including but not limited to dry goods, apparel and accessories, furniture and home furnishings, small wares, hardware, and food. The stores included in this group are known as department stores, variety stores, general stores, and other similar stores.
- gg. Laboratory, Scientific or Research - Facilities for research including laboratories, experimental equipment, and operations involving compounding or testing of materials or equipment.
- hh. Laundry and Cleaning, Self-Service - An establishment including facilities for laundering and cleaning of clothing and similar items to be operated by the patron; not a commercial laundry or cleaning plant.
- ii. Metal Dealer, Secondhand - A place of business in which a person purchases, gathers, collects, solicits or procures scrap metal or where scrap metal is gathered together or kept for shipment, sale, or transfer, under terms and conditions found in Vernon's Ann.Civ.St., art. 9009. (Also see Junk or Salvage Yard, Section 7.1, of this Appendix.)
- jj. Metal Dealer, Crafted Precious - A place of business in which a person engages in the business of purchasing and selling crafted precious metals, including jewelry, silverware, art objects, or any other thing or object made in whole or in part from gold, silver, platinum, palladium, iridium, rhodium, osmium, ruthenium, or their alloys, excluding coins and commemorative medallions, under terms and conditions found in Vernon's Ann.Civ.St., art. 9009a.

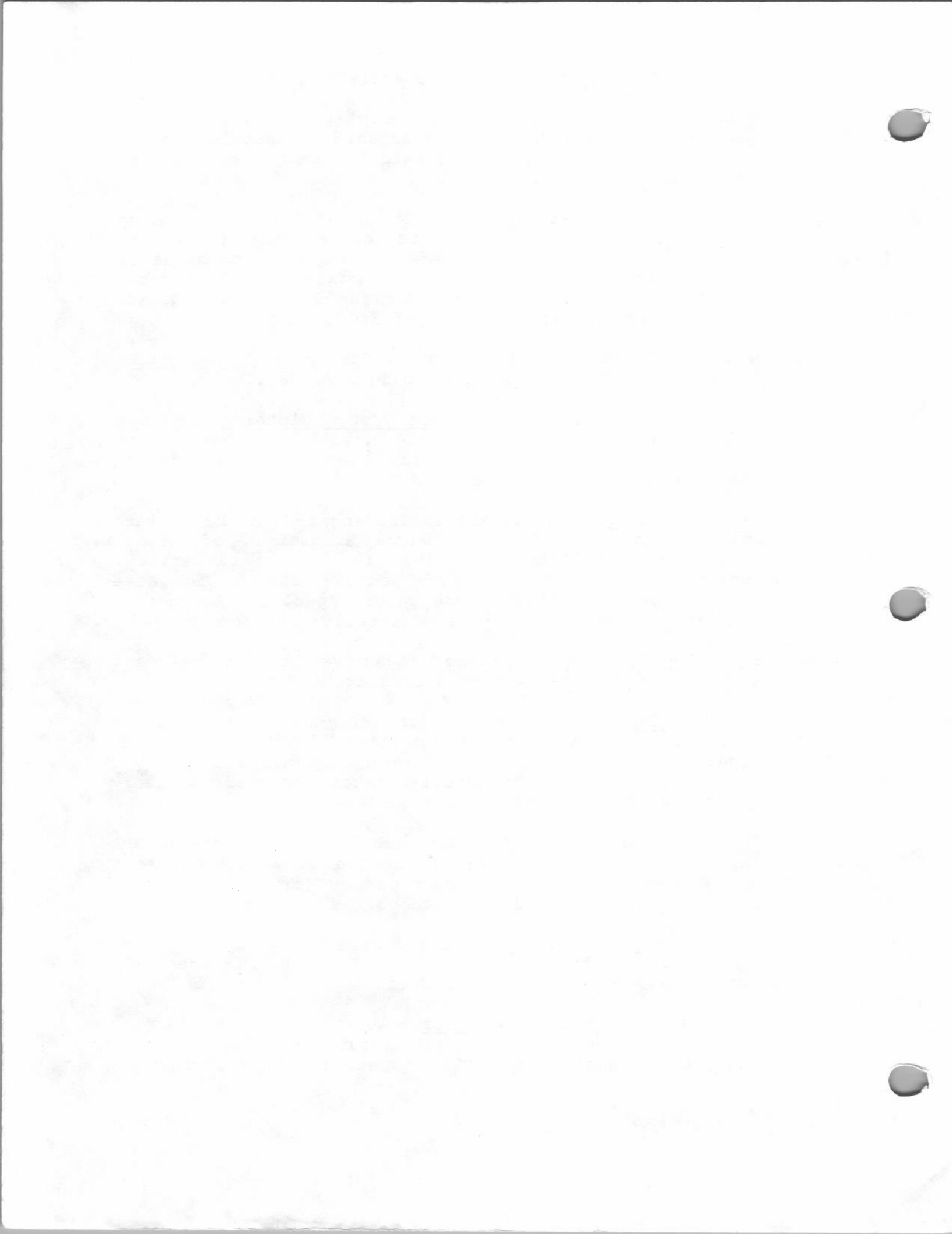


- kk. Office Center - A building or complex of buildings used primarily for conducting the affairs of a business, profession, service, industry, or government, or like activity that may include ancillary services for office workers such as a restaurant, coffee shop, newspaper, or candy stand.
- ll. Office, Professional or General Administrative - A room or group of rooms used for the provision of executive, management, or administrative services. Typical uses include administrative offices and services including real estate, insurance, property management, investment, personnel, travel, secretarial services, telephone answering, and business offices of public utilities, organizations, and association but excluding medical offices.
- mm. Office/Showroom - A building or facility which has a portion of its total floor area devoted to the display of remnants or samples of merchandise for sale, either on a wholesale or retail basis, on the premises or by order for future delivery, and where the remaining area is devoted to administrative or sales offices.
- nn. Office/Warehouse - Flex space; a building or facility which has a portion of its total floor area devoted to distribution, storage or warehousing operations, in which the remaining area may include retail and wholesale sales areas, sales offices, or display areas for products sold or distributed from the storage or warehousing areas.
- oo. Package Store - An establishment offering for sale within a building, liquor as that term is defined in the Texas Alcoholic Beverage Code, Section 1.04, to consumers for off-premises consumption only, and not for the purpose of resale.
- pp. Pawn Shop - An establishment where money is loaned on the security of personal property pledged in the keeping of the owner (pawnbroker).
- qq. Personal Service Shop - An establishment primarily engaged in providing services generally involving the care of the person or his apparel including but not limited to barber and beauty shops, dry cleaning and laundry pick-up stations and reducing salons/health clubs but not including any professional services.

- rr. Pet Shop - A retail establishment offering small animals, fish, or birds for sale as pets and where all such creatures are housed within the building.
- ss. Pharmacy - An establishment operated by a registered pharmacist which dispenses medicines and health aids.
- tt. Plumbing, Heating, Refrigeration, or Air Conditioning Business - An establishment primarily engaged in the sales, service, or installation of equipment pertaining to plumbing, heating, refrigeration, or air conditioning. (Also see Air Conditioning and Refrigeration Contractor, Section 6.b of this Appendix.)
- uu. Plumbing Service - A business that involves only retail sales and off-premises service, installation, and repair of units and fixtures. The premises shall not include a workshop for repair or fabrication of parts, fixtures, or units. Sheet metal work of any type shall not be permitted. Storage shall be permitted for units and supplies incidental to retail sales, off-premises service and repair only. No outside storage shall be permitted. This section shall not be interpreted to allow a plumbing, heating, refrigeration, or air conditioning contractor or similar type wholesale operation.
- vv. Portable Building Sales - An establishment which displays and sells structures which are capable of being carried and transported to another location, not including mobile homes or manufactured housing.
- ww. Post Office, Government or Private - Local branch of the United States Postal Service or private commercial venture engaged in the distribution of mail and incidental services.
- xx. Print Shop - An establishment which reproduces printed or photographic impressions including but not limited to the process of composition, binding, platemaking, microform, type casting, presswork, and printmaking.
- yy. Racquetball Facilities - Courts housed in an acoustically-treated building and designed for one (1) to four (4) persons to play racquetball, plus subsidiary uses to include office, pro shops, locker rooms, sauna, exercise rooms, waiting area, child nursery, and related uses up to a maximum of forty percent (40%) of the total floor area.
- zz. Reserved for future use.

- aaa. Restaurant; Eating Establishment - Establishment where meals or prepared food, including beverages and confections, are served to customers for consumption on or off the premises but deriving sixty percent (60%) of its gross income from food not including beverages, and shall include restaurants, cafes, coffee shops, donut shops, ice cream parlors, soda fountains, hamburger and hot dog stands, sandwich shops, delicatessens, cafeterias, and stores of similar nature.
- bbb. Restaurant, With Drive-In Service - An eating establishment where food or drink is primarily served to customers in motor vehicles or where facilities are provided on the premises which encourage the serving and consumption of food in automobiles on or near the restaurant premises.
- ccc. Restaurant, With Drive-Through Service - An eating establishment which serves food only to persons in cars and which does not provide facilities for the consumption of food in automobiles on or near the restaurant premises.
- ddd. Restaurant with Private Club Allowing On Premises Consumption of Alcoholic Beverages - An establishment offering food for sale which is prepared on the premises to be consumed on the premises and which has fifty-one percent (51%) of its annual gross business in sales of such food and non-alcoholic beverages; and having a private club permit or license from the State of Texas, allowing on-premises consumption of alcoholic beverages. Upon written request of the Mayor of the City of Seven Points, the owner or operator of such an establishment shall furnish an audit to the City of Seven Points at the expense of the owner or operator in order to determine compliance with the requirements of this definition.
- eee. Restaurant, Without Drive-In or Drive-Through Service - An eating establishment where service is primarily to customers at tables and shall include restaurants, cafeterias, and other stores of a similar nature and not providing facilities for the consumption of food in automobiles on or near the restaurant premises and providing no service to persons in vehicles or at walk up windows,

- fff. Retail Stores and Shops - Establishments offering all types of consumer goods for sale, not elsewhere classified, but excluding the display and sale in the open outside a building of new or used automobiles, heavy machinery, building materials, used appliances, furniture, or salvage materials.
- ggg. Reverse Vending Machine - A fully enclosed, automated machine, which accepts and issues a cash refund or redeemable coupon for used metal cans, plastic, glass or paper. Such machine shall have a maximum height of ten (10) feet, a maximum ground coverage of 150 square feet, and a maximum storage capacity of 3,000 pounds.
- hhh. Secondhand Goods, Collection - See Mobile Collection Center for Secondhand Goods, Appendix 2, Section 7.o.
- iii. Secondhand Store, Furniture or Clothing - An establishment offering for sale used merchandise, with the storage and display of such items wholly contained inside a building or structure.
- jjj. Service, Retail - An establishment engaged in the selling and/or servicing of goods where a minimum of eighty percent (80%) of the floor area is devoted to service, repair or fabrication of such goods. The service area must not be accessible to the general public. Automotive uses and rental stores are specifically excluded.
- kkk. Sexually Oriented Business - An Adult Entertainment Establishment. (See Appendix 2, Section 6.a.)
- lll. Shopping Center - A group of primarily retail and service commercial establishments planned, constructed and managed as an integrated unit with customer and employee parking provided on-site and provision for goods delivery separated from customer access.
- mmm. Theater (Outdoor) - An open lot with its appurtenant facilities devoted primarily to the showing of motion picture or theatrical productions on a paid admission basis to patrons seated in automobiles.
- nnn. Tool or Trailer Rental - A store or shop renting any type of tools and/or equipment used for residential, commercial, or industrial purposes.
- ooo. Tool Rental (Residential Uses) - A store or shop renting tools, equipment and/or other goods for use in normal residential activities. This specifically excludes any



type of equipment normally associated with commercial or industrial activity, such as ditching machines, tractors, bulldozers, or other similar heavy machinery or equipment.

- ppp. Trailer, Manufactured Housing, or Mobile Home Display and Sales - The offering for sale, storage, or display of trailers, manufactured housing, or mobile homes on a parcel of land but excluding the use of such facilities as dwellings either on a temporary or permanent basis.
- qqq. Trailer Rental - The display and offering for rent of trailers designed to be towed by passenger cars or other prime movers.
- rrr. Veterinary Clinic - An animal clinic or animal hospital. A facility for the prevention, treatment, minor surgery, cure or alleviation of disease and/or injury to animals, specifically domestic animals, with all care provided on an out-patient basis only. (See Section 20.11 of this ordinance for additional regulations.) (See Kennel)

#### Section 7 - Manufacturing, Storage, and Warehousing Uses

- a. Batch Plant - A temporary or permanent facility for the production and manufacture of asphalt or concrete.
- b. Bottling Works - A manufacturing facility designed to place a product into a bottle for distribution.
- c. Bulk Storage Terminal - Any facility engaged in the wholesale distribution, and storage in excess of 50,000 gallons, of petroleum and petroleum products, liquefied petroleum gas, and other chemicals, from bulk liquid storage tanks.
- d. Cleaning and Dyeing; Dry Cleaning Plant - An industrial facility where fabrics are cleaned with substantially nonaqueous organic solvents. (Also see Cleaning and Dyeing, Small Plant and Pickup, Appendix 2, Section 6.r.)
- e. Clothing Manufacture or Light Compounding or Fabrication - Includes the manufacture of jewelry, trimming decorations, and any similar item not involving the generation of noise, odor, vibration, dust, or hazard.
- f. Contract Construction Services - Any premises used for the storage, accumulation, stocking, or depositing of

materials, tools, products, or equipment on a temporary or permanent basis for eventual use or sale by an electrician, plumber, carpenter, or any other type of building, construction or manufacturing trade, provided that such activities are conducted completely within an enclosed building and provided that the temporary or overnight on-premises parking of motor vehicles and outside storage of equipment or materials for eventual use or sale shall be allowed as an accessory use.

- g. Contractor Storage Yard - Any premises where the principal use is for the outside storage, accumulation, stocking, or depositing of materials, tools, products, equipment or vehicles on a temporary or permanent basis for eventual use or sale by an electrician, plumber, carpenter, or any other type of building, construction or manufacturing trade, but not including concrete mixing or asphalt plants.
- h. General Commercial Plant - An establishment other than a personal service shop for the treatment and/or processing of products as a service on a for-profit basis including but not limited to newspaper printing, laundry plant, or cleaning and dyeing plant.
- i. General Manufacturing - Manufacturing of finished products and component products or parts from the transformation, treatment, or processing of materials or substances, including basic industrial processing. Such operations must meet the performance standards, bulk controls, and other requirements in this ordinance.
- j. Heavy Manufacturing or Industrial Uses Not Prohibited by Law Specifically Listed as Requiring Specific Use Permits - The following uses may be located in the Heavy Industrial District upon approval by the City Council in accordance with the procedure established in Article 12 of this ordinance.
  - (1) Acid manufacture
  - (2) Ammonia manufacture
  - (3) Carbon black manufacture
  - (4) Cement, lime, gypsum, or plaster of paris manufacture
  - (5) Chlorine manufacture
  - (6) Cotton gin or compress
  - (7) Explosives storage or manufacture
  - (8) Glue and fertilizer manufacture
  - (9) Petroleum and petroleum products refining and manufacture
  - (10) Petroleum tank farm

- (11) Petrochemical plant
  - (12) Rendering plant
  - (13) Tanning, curing, treating, or storage of skins or hides
  - (14) Wrecking yard or salvage yard
  - (15) Any use which due to the possible emission of excessive smoke, noise, gas, fumes, dust, odor or vibration or danger of explosion or fire is presently, or in the future determined a hazard and subject to special control.
- k. Industrial Park - A large tract of land that has been planned, developed, and operated as an integrated facility for a number of individual industrial uses, with special attention to circulation, parking, utility needs, aesthetics, and compatibility.
- l. Junk or Salvage Yard - A lot upon which waste or scrap materials are bought, sold, exchanged, stored, packed, disassembled, or handled, including but not limited to scrap iron and other metals, paper, rags, rubber tires and bottles. A "junk yard" includes an automobile wrecking yard and automobile parts yard. A "junk yard" does not include such uses conducted entirely within an enclosed building. (Also see Metal Dealer, Secondhand, Section 6.hh, of this Appendix.)
- m. Light Manufacture or Industrial as Defined by Article 16  
Light manufacturing processes which do not emit detectable dust, odor, smoke, gas, or fumes beyond the bounding property lines of the lot or tract upon which the use is located and which do not generate noise or vibration at the boundary of the LI District which is generally perceptible in frequency or pressure above the ambient level of noise in the adjacent areas and including, but not limited to, such uses as:
- (1) Woodworking and planing mill with dust and noise control;
  - (2) Textile manufacture with dust and odor control;
  - (3) Ceramic and pottery manufacture with dust, odor, and fume control;
  - (4) Plastic products manufacture with dust and fume control;
  - (5) Paint, oil, shellac and lacquer manufacture when hoods and fume destructors are used in the cooking process;
  - (6) Grain processing with hoods, dust and odor controls;
  - (7) Electroplating or battery making with acid, fume, and odor controls;



- (8) Manufacturing or industrial operations of any type which meet the general conditions set forth above and which are not offensive by the reason of the emission of noise, -odor, smoke, gas, fumes, dust, glare or the creation of a hazard, but specifically excluding the uses listed in Section 7.j of this Appendix.
- n. Mini-Storage Warehouse; Self-Storage Warehouse - Small individual storage units for rent or lease, restricted solely to the storage of items with separate access to individual storage units by persons renting the individual units. The conduct of sales, business or any other activity within the individual storage units, other than storage, shall be prohibited.
- o. Mobile Collection Center for Secondhand Goods - A truck, van, trailer or other vehicle used solely for the collection, sorting and/or temporary storage of used clothing, furniture and appliances which will be distributed to persons or other processing centers for secondhand goods.
- p. Recycling Center - A facility or establishment used for, or involved in, the collecting, storage, sorting, crushing, breaking up, shredding, compacting, baling, palletizing or wholesale distribution of waste or scrap metal cans, glass, paper or plastics. Such facility shall not accept or process motor vehicles or motor vehicle parts or accessories, nonferrous metal scrap, petroleum products or waste, or textile waste.
- q. Redemption Center, Mobile - A truck, van, trailer or other vehicle used solely for the collection, sorting and/or temporary storage of used metal cans, plastic, glass or paper, and for which a cash refund or redeemable coupon may be issued.
- r. Reserved for future use.
- s. Storage or Wholesale Warehouse, Light - A building used primarily for the storage of goods and materials, containing less than 5,000 square feet of floor space.
- t. Storage or Wholesale Warehouse, Heavy - A building used primarily for the storage of goods and materials, containing more than 5,000 square feet of floor space.



## NOTES TO AREA REGULATIONS

1. Exception to Lot Area Requirement

- a. A lot having less area than required which was an official lot of record at the time of adoption of this ordinance may be used for a single family dwelling.
- b. 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.

2. Special Front Yard Regulations

- a. The front yard setback shall be measured from the property line to the front face of the building, covered porch, covered terrace, or attached accessory buildings.
- b. Open and unenclosed terraces and porches may project into the required front yard for a distance not to exceed five (5) feet, provided that no support structure for such extensions shall be located within the required front yard.
- c. Every part of a required front yard shall be open and unobstructed from a point thirty (~~20~~<sup>48</sup>) inches above the general ground level of the graded lot to the sky. The requirements of this paragraph shall not apply, however, to living plant material and landscaping, lighting fixtures, flagpoles, mailboxes, basketball goal supports and similar structures, fountains, or overhead service lines and poles for utilities, which shall be situated and constructed in accordance with the applicable codes of the city.
- d. On any corner lot for which front and side yards are required, no wall, fence, structure, sign, tree, or other planting or sloped 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. Visual clearance shall be provided in all zoning districts so that no fence, wall, vegetation, architectural screen, earth mounding, or landscaping obstructs the vision of a motor vehicle driver approaching any street, alley, or driveway intersection.

e. On corner lots, the front yard setback shall be observed along the frontage of both intersecting streets (unless shown specifically otherwise on an approved final plat).

- f. 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 under a Planned Development.
- g. 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.
- h. 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 be observed.
- i. Where a future right-of-way line has been established for future widening or opening of a street or thoroughfare upon which a lot abuts, the front or side yard shall be measured from the future right-of-way line.
- j. Accessory buildings or structures shall not be located in front of the main structure nor within the designated front yard of any lot or parcel.

### 3. Special Side Yard Regulations

- a. The ordinary extensions of window sills, awnings, belt courses, cornices, roof overhangs, eaves, chimneys, and other architectural features may extend an additional twenty-four (24) inches into a required yard.
- b. When a non-residentially zoned lot or tract abuts upon a zoning district boundary line dividing that lot or tract from a residentially zoned lot or tract, a minimum side yard of ten (10) feet shall be provided on the non-residential property. An opaque wood fence or masonry wall having a minimum height of six (6) feet above the average grade of the residential property shall be constructed on non-residential property adjacent to the common side or rear property line.

- c. Accessory structures are required to have a five foot (5') side yard setback, except where the lot abuts a collector or major street in which case the standard provisions of this ordinance prevail.
- d. On any corner lot for which front and side yards are required, no wall, fence, structure, sign, tree, or other planting or sloped 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. Visual clearance shall be provided in all zoning districts

so that no fence, wall, vegetation, architectural screen, earth mounding, or landscaping obstructs the vision of a motor vehicle driver approaching any street, alley, or driveway intersection.

- e. Where a multifamily structure (apartment building) is erected so as to create inner courts, the faces of all opposite walls in such courts shall be a minimum distance of thirty (30) feet apart and no balcony or canopy shall extend into such court area for a distance greater than five (5) feet.

#### 4. Special Rear Yard Regulations

- a. The required rear yard shall be open and unobstructed from a point thirty (30) inches above the average elevation of the graded rear yard, except for accessory buildings as permitted herein.
- b. 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.
- c. Accessory structures shall have a minimum rear yard setback of five (5) feet. Structures attached to the main structure, such as garages and carports, are considered to be part of the main structure and are not considered to be accessory structures.
- d. The minimum distance from the public right-of-way to the entrance of a garage or carport shall be fifteen (15) feet.
- e. When a non-residentially zoned lot or tract abuts upon a zoning district boundary line dividing that lot or tract from a residentially zoned lot or tract, a minimum rear yard of ten (10) feet shall be provided on the non-residential property. An opaque wood fence or masonry wall having a minimum height of six (6) feet above the average grade of the residential property shall be constructed on non-residential property adjacent to the common side or rear property line.
- f. Where a multifamily structure (apartment building) is erected so as to create inner courts, the faces of all opposite walls in such courts shall be a minimum distance of thirty (30) feet apart and no balcony or canopy shall extend into such court area for a distance greater than five (5) feet.

#### 5. Special Height Regulations

- a. Church steeples, domes, spires, flagpoles, roof gables, chimneys, and vent stacks may extend for an additional height not to exceed fifteen (15) feet from the maximum height limit of a structure to the highest point of any church steeple, dome, spire, flagpole, roof gable, chimney, or vent stack.



- b. Municipal water towers and sports lighting facilities, utility poles, and utility towers shall be specifically exempted from the maximum height restrictions imposed by this Ordinance.
- c. Water tanks, cooling towers, school, institutional buildings, and ancillary buildings and facilities of a religious organization, such as a gymnasium or classroom building, may be erected to exceed twenty-five (25) feet in height, provided that one (1) additional foot shall be added to the front, rear, and side yard setback requirements for each foot that such structures exceed twenty-five (25) feet in height. Such structure shall not exceed thirty-six (36) feet in height, except as provided in Section 5.a above.

The requirements established herein for additional setbacks shall not apply to the sanctuary building of a religious organization which is in excess of twenty-five (25) feet in height.

**APPENDIX 3**

**AREA, SETBACK, HEIGHT, AND COVERAGE REGULATIONS**

**MANUFACTURED HOUSING**

ZONING DISTRICT	MIN. LOT AREA [1] (square feet)	MIN. LOT WIDTH (at front bldg. line) (linear feet)	MIN. LOT DEPTH (average) (linear feet)	FRONT SETBACK [2] (linear feet)	SIDE SETBACK [3] (linear feet)	REAR SETBACK [4] (linear feet)	HGT. LIMIT [5] (lin. ft)	MAX. GROUND COVERAGE (% of lot area)	MIN. BLDG. FLOOR SPACE (square feet)
R-4	6,000	60	100	25	5 / 8 <sup>^</sup>	7.5	35	40	1,000
Manufactured Home Subdiv. RM-1	5,000	50	100	20	10 / 15 <sup>^</sup>	10	35	50	700
Manufactured Home Park RM-2	6,000	50	120	25	5	10	35	40	700

Numbers in brackets are references to Notes at back of Appendix 3.

This chart is not complete for all districts and uses.

<sup>^</sup> The first number is the minimum side yard setback from a public street; the second number is the minimum side yard setback for interior lots.

**APPENDIX 3**

**AREA, SETBACK, HEIGHT, AND COVERAGE REGULATIONS**

**SINGLE-FAMILY DWELLING, ATTACHED**

ZONING DISTRICT	MIN. LOT AREA [1] (square feet)	MIN. LOT WIDTH (at front bldg. line) (linear feet)	MIN. LOT DEPTH (average) (linear feet)	FRONT SETBACK [2] (linear feet)	SIDE SETBACK <sup>^</sup> [3] (linear feet)	REAR SETBACK [4] (linear feet)	HGT. LIMIT [5] (lin. ft)	MAX. GROUND COVERAGE (% of lot area)	MIN. BLDG. FLOOR SPACE (square feet)
R-3	4,500	30	100	25	0 / 25	20	35	50	None
R-4	4,500	30	100	25	0 / 25	20	35	50	None
MF-1	4,500	30	100	25	0 / 25	20	35	50	None
MF-2	4,500	30	100	25	0 / 25	20	35	50	None

Numbers in brackets are references to Notes at back of Appendix 3.

This chart is not complete for all districts and uses.

See Section 20.14 for special regulations for zero lot line and patio home development.

<sup>^</sup> The first number is the minimum side yard setback from a public street; the second number is the minimum side yard setback for interior lots.

\* No setback required for common walls coincident with property line on internal lots; a five foot (5') setback is required for exterior walls not coincident with property lines on internal

**APPENDIX 3**

**AREA, SETBACK, HEIGHT, AND COVERAGE REGULATIONS**

**TWO-FAMILY DWELLING**

ZONING DISTRICT	MIN. LOT AREA [1] (square feet)	MIN. LOT WIDTH (at front bldg. line) (linear feet)	MIN. LOT DEPTH (average) (linear feet)	FRONT SETBACK [2] (linear feet)	SIDE SETBACK <sup>^</sup> [3] (linear feet)	REAR SETBACK [4] (linear feet)	HGT. LIMIT [5] (lin. ft)	MAX. GROUND COVERAGE (% of lot area)	MIN. BLDG. FLOOR SPACE (square feet)
R-3	4,500	30	100	25	10 / 25	20	35	50	None
R-4	4,500	30	100	25	10 / 25	20	35	50	None
MF-1	4,500	30	100	25	10 / 25	20	35	50	None
MF-2	4,500	30	100	25	10 / 25	20	35	50	None

Numbers in brackets are references to Notes at back of Appendix 1.

This chart is not complete for all districts and uses.

<sup>^</sup> The first number is the minimum side yard setback from a public street; the second number is the minimum side yard setback for interior lots.

### APPENDIX 3

## AREA, SETBACK, HEIGHT, AND COVERAGE REGULATIONS

### SINGLE-FAMILY DWELLING, DETACHED

ZONING DISTRICT	MIN. LOT AREA [1] (square feet)	MIN. LOT WIDTH (at front bldg. line) (linear feet)	MIN. LOT DEPTH (average) (linear feet)	FRONT SETBACK [2] (linear feet)	SIDE SETBACK [3] (linear feet)	REAR SETBACK [4] (linear feet)	HGT. LIMIT [5] (lin. ft)	MAX. GROUND COVERAGE (% of lot area)	MIN. BLDG. FLOOR SPACE (square feet)
R-1	18,500	100	185	40	10 / 25	20	35	25	2,000
R-2	12,000	60	100	25	5 / 8	7.5	35	30	1,200
R-3	7,800	60	100	25	5 / 8	7.5	35	40	1,200
R-4	6,000	60	100	25	5 / 8	7.5	35	40	1,200
MF-1	7,800	60	100	25	5 / 8	7.5	35	40	1,200
MF-2	12,000	60	100	25	5 / 8	7.5	35	40	1,200

Numbers in brackets are references to Notes at back of Appendix 3.  
This chart is not complete for all districts and uses.

^ The first number is the minimum side yard setback from a public street; the second number is the minimum side yard setback for interior lots.

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APPENDIX L

AREA, SETBACK, HEIGHT, AND COVERAGE REGULATIONS

MANUFACTURED HOUSING

ZONING DISTRICT	MIN. LOT AREA (1) (square feet)	MIN. LOT WIDTH (at front bldg. line (linear feet)	MIN. LOT DEPTH (average) (linear feet)	FRONT SETBACK (2) (linear feet)	SIDE SETBACK (3) (linear feet)	REAR SETBACK (4) (linear feet)	HGT. LIMIT (5) (lin. ft)	MAX. GROUND COVERAGE (% of lot area)	MIN. BLDG. FLOOR SPACE (square feet)
R-4	6,000	60	100	25	5/8"	7.5	35	40	1200
Manufactured Home Subdiv. RM-1	5,000	50	100	20	10/15"	10	35	50	1200
Manufactured Home Park RM-2	6,000	50	120	25	5	10	35	40	1200

Numbers in brackets are references to Notes at back of Appendix 3.

This chart is not complete for all districts and uses.

" The first number is the minimum side yard setback from a public street; the second number is the minimum side yard setback for interior lots.

**APPENDIX 3**

**AREA, SETBACK, HEIGHT, AND COVERAGE REGULATIONS**

**MULTIFAMILY DWELLING**

ZONING DISTRICT	MIN. LOT AREA [1] (square feet)	MIN. LOT WIDTH (at front bldg. line) (linear feet)	MIN. LOT DEPTH (average) (linear feet)	FRONT SETBACK [2] (linear feet)	SIDE SETBACK [3] (linear feet)	REAR SETBACK [4] (linear feet)	HGT. LIMIT [5] (lin. ft)	MAX. GROUND COVERAGE (% of lot area)	MIN. BLDG. FLOOR SPACE (square feet)
MF-1	12,000*	100	None	25	10 / 15	15	60	30	600***
MF-2	10 acres	3500	None	25	10 / 15	25***	45	50	None

Numbers in brackets are references to Notes at back of Appendix 3.

This chart is not complete for all districts and uses.

^ The first number is the minimum side yard setback from a public street; the second number is the minimum side yard setback for interior lots.

\* Plus 1,500 square feet per each one bedroom unit and 1,800 square feet for each two bedroom unit.

\*\* Minimum floor space per bedroom unit.

\*\*\* From internal lot line to main and accessory structures on alley. The distance from main structures to adjacent property zoned as R or MH-1 shall be fifty feet (50'). The distance from accessory structures to adjacent property zoned as R or MH-1 shall be twenty feet (20').

**APPENDIX 3**

**AREA, SETBACK, HEIGHT, AND COVERAGE REGULATIONS**

**NON-RESIDENTIAL USES**

ZONING DISTRICT	MIN. LOT AREA [1] (square feet)	MIN. LOT WIDTH (at front bldg. line) (linear feet)	MIN. LOT DEPTH (average) (linear feet)	FRONT SETBACK [2] (linear feet)	SIDE SETBACK <sup>^</sup> [3] (linear feet)	REAR SETBACK [4] (linear feet)	HGT. LIMIT [5] (lin. ft)	MAX. GROUND COVERAGE (% of lot area)	MIN. BLDG. FLOOR SPACE (square feet)
B-1 <sup>^^</sup>	None	None	None	40	0 / 15 <sup>*</sup>	0 <sup>*</sup>	35	None	800
B-2 <sup>^^</sup>	None	None	None	40	0 / 15 <sup>*</sup>	0 <sup>*</sup>	35	None	800
B-3 <sup>^^</sup>	25,000	150	125	50	0 / 15 <sup>*</sup>	10 <sup>*</sup>	60 <sup>***</sup>	None	800
I-1 <sup>^^</sup>	None	None	None	40	0 / 15 <sup>**</sup>	10 <sup>**</sup>	60 <sup>***</sup>	None	800
I-2 <sup>^^^</sup>	None	None	None	40	0 / 15 <sup>**</sup>	10 <sup>**</sup>	60 <sup>***</sup>	None	800

Numbers in brackets are references to Notes at back of Appendix 3.

This chart is not complete for all districts and uses.

<sup>^</sup> The first number is the minimum side yard setback from a public street; the second number is the minimum side yard setback for interior lots.

<sup>^^</sup>Minimum distance between structures on the same lot shall be ten feet (10').

<sup>^^^</sup>Minimum distance between structures on the same lot shall be fifteen feet (15') plus one-half the structure height above 35'.

<sup>\*</sup>Where the lot line abuts a residential district, the setback shall be twenty-five feet (25').

<sup>\*\*</sup>Where the lot line abuts a residential district, the setback shall be one hundred fifty feet (150').

<sup>\*\*\*</sup>Sprinklers required if building is more than 35' high.