

## CHAPTER 31

### ZONING

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## CHAPTER 31 OF THE CASTLE HILLS CODE OF ORDINANCES - ZONING

### Sec. 31.100 DEFINITIONS

For the purpose of this Chapter, certain terms and words are hereby defined:

**30.100 ACCESSORY BUILDING OR USE** - An “accessory building or use” is one which:

- ( ) is subordinate to and serves a principal building or principal use; and
- ( ) 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 building or principal use served.

“Accessory building” and “accessory use” shall have the same meaning and may be used interchangeably. An accessory building may be a part of the principal building. Domestic employees’ quarters, as defined, is an accessory building or use.

**31.102 ADULT ARCADE** - means any place to which the public is permitted or invited, wherein coin operated or slug-operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are designed and maintained to show images to five or fewer persons per machine or device at any one time, and where the images so displayed are distinguished or characterized by the depiction or description of specified sexual activities or specified anatomical areas.

**31.103 ADULT BOOKSTORE, ADULT NOVELTY STORE, OR ADULT VIDEO STORE** - means a business enterprise which has as a significant or substantial portion of its stock-in-trade or a significant or substantial portion of its revenues or devotes a significant or substantial portion of its interior floor space or advertising to the sale, rental or viewing for any form of consideration, of any one or more of the following to on-premises customers:

**31.103.1** books, magazines, or sound recordings, or printed, visual or audio material of any kind which are characterized by their emphasis on the description or depiction of specified anatomical areas or specified sexual activities; or

**31.103.2** non-contraceptive instruments, devices, toys, or paraphernalia designed for use in connection with specified sexual activities, books, magazines, pamphlets, pictures, drawings, photographs, motion picture films, or sound recordings, or printed, visual or audio material of any kind, which, because of the depiction or description of specified sexual activities in the materials offered for sale, is restricted to adults. Novelty items designed as sight gags, advertised as such and not designed or advertised for sexual activity, are not instruments or devices as defined and regulated herein.

**31.104 ADULT ENTERTAINMENT ESTABLISHMENT** - means a nightclub, bar, restaurant “bottle club”, “men’s club”, “gentlemen’s club”, “cabaret” or similar place of business, or portion thereof where live

entertainment is provided for patrons, whether or not alcoholic beverages are served, which features as a significant portion of the entertainment an emphasis on the exhibition, depiction, or description of specified anatomical areas or specified sexual activities; or a place where entertainment is provided to patrons wherein, because of the nudity or semi-nudity of person(s) employed by or associated with the operation of the business, admittance is limited to adults, or admittance is advertised or promoted as being restricted to adults.

**31.105 ADULT MOTEL** - means a motel, hotel, or similar commercial establishment which: (a) offers public accommodations, in any form of consideration, which provides patrons with closed circuit television transmission, films, motion pictures, video cassettes, slides, or other photography reproductions which are characterized by the depiction or description of specified sexual activities or specified anatomical areas, and/or (b) advertises the availability of the foregoing sexually oriented type of material by means of a sign visible from the public right-of-way, or by means of any off-premises advertising, including, but not limited to, newspapers, magazines, pamphlets, leaflets, radio, or television.

**31.106 ADULT MOTION PICTURE THEATER** - means a business place where one or more films, videos, slides, motion pictures, or similar photographic reproductions are shown that have as a dominant theme, or are distinguished by, an emphasis on the depiction or description of specified sexual activities for observation by patrons or guests, and where admittance to such showings are restricted to adults.

**31.107 ADULT THEATER** - means a theater, concert hall, auditorium or similar commercial establishment which, for any form of consideration, regularly features employees, volunteer patrons, or independent contractors, who appear nude or semi-nude and/or engage in specified sexual activity, or live performances which are characterized by exposure of specified anatomical areas or engagement in specified sexual activities.

**31.108 APARTMENT HOUSE** - An "apartment house" is a building or any portion thereof, which contains three or more dwelling units. A "low-rise" apartment house is one which does not exceed 35 feet in height. A "high rise" apartment building is one that is greater than 35 feet in height.

**31.109 BASEMENT** - A "basement" or "cellar" is a story, wholly or partly (at least 50 per cent), measured from floor to ceiling, below the average level of the ground surrounding the building. The portion of a basement or cellar that is above ground level is counted when measuring the height of a building.

**31.110 BOARD** - The word "board" shall mean the Board of Adjustment.

**31.111 BUILDING, DETACHED** - A "detached building" is a building surrounded by yards or open spaces on the same building lot as the principal building.

**31.112 BUILDING HEIGHT** - "Building height" is the vertical distance between the highest point of a structure, including all portions of a roof but excluding projections other than chimneys and vents, and the lowest point of the structure above ground level.

**31.113 BUILDING LOT** - A "building lot" is a single tract of land located within a single block which (at the time of filing for a building permit) is designed by its owner or developer as a tract to be used, developed, or built upon as a unit, under single ownership, or control. It shall front upon a street or approved place. Therefore, a "building lot" may not coincide with a lot of record.

**31.114 CITY MANAGER** - the City Manager of the City of Castle Hills or any employee or employees of the City of Castle Hills authorized by the City Manager from time to time to serve a particular function referenced in this chapter.

**31.115 CLINIC** - A "Clinic" is the office of one or more doctors or practitioners of the healing arts legally licensed as such by the State of Texas.

**31.116 COMMISSION** - The word "commission" shall mean the Zoning Commission of the city.

**31.117 DISTRICT** - A "district" is a zoning district which is a part of the City where regulations of this ordinance are uniform.

**31.118 DOMESTIC EMPLOYEES' QUARTERS** - Domestic employees' quarters is an accessory building or portion of a main building located on the same lot as the principal building, occupied only by such persons and their families as are employed full time by the occupants of the principal residence.

**31.119 DWELLING** - A "dwelling" is a building or portion thereof, but not a trailer house, designed and intended to be used exclusively for residential occupancy, including one-family dwellings, two-family dwellings, and multiple-family dwellings, but not including hotels, motels, or lodging houses.

**31.120 DWELLING, MULTIPLE-FAMILY** - A "multiple-family dwelling" is a building used, or intended to be used, by three or more families living independently of each other and containing three or more dwelling units.

**31.121 DWELLING, SINGLE-FAMILY** - A "single-family dwelling" is a building containing only one dwelling unit and used, or intended to be used, by only one family.

**31.122 DWELLING, TWO-FAMILY** - A "two-family dwelling" is a building containing two dwelling units used, or intended to be used, by two families living independently of each other.

**31.123 DWELLING UNIT** - A "dwelling unit" is one or more rooms, arranged, designed, used or intended to be used for occupancy by a single family or a group of persons living together as a family or by a single person. Each installation of kitchen facilities consisting of at least a stove or cooking device and a sink shall constitute a separate dwelling unit. Apartment units in apartment hotels are dwelling units.

**31.124 ESCORT** - means a person who, for any form of consideration, agrees or offers to act as a companion or date for another person, and who also, for a consideration, models lingerie, performs a striptease, poses nude, or conducts escort services in a state of nudity or semi-nudity for that other person.

**31.125 ESCORT AGENCY** - means a person or business association or other business entity which furnishes, offers to furnish, or advertises to furnish "escorts" as defined herein as one of its primary business purposes, for a fee, tip, or other consideration.

**31.126 FAMILY** - A "family" consists of one or more persons, each related to the other by blood, marriage, or adoption; or a group of not more than three unrelated persons who are living together in a dwelling unit.

**31.127 FENCE** - A manmade barrier or screening device constructed of the materials, singly or in combination, of the materials authorized in this Zoning Code. No fence shall exceed eight feet in height, except in the “G” and “H” Districts, as hereinafter defined, where such fence shall not exceed 10 feet in height.

**31.128 HOME OCCUPATION** - means any activity carried out for gain by a resident conducted as an accessory use in the residence or dwelling unit.

**31.129 LOADING SPACE** - A space within the main building or on the same lot therewith, providing for the standing, loading or unloading of trucks, and having a minimum dimension of 12 by 35 feet and a vertical clearance of at least 14 feet.

**31.130 LOT AREA** - The “lot area” is the area of a horizontal plane intercepted by the vertical projections of the front, side and rear lots lines of a building lot.

**31.131 LOT, CORNER** - a lot abutting upon two or more streets at their intersection. A corner lot shall be deemed to front on the street on which it has its least dimension, unless otherwise specified by the City Manager.

**31.132 LOT, INTERIOR** - a lot whose side lines do not abut upon any street.

**31.133 LOT, THROUGH** - an interior lot having frontage on two streets.

**31.134 LOT FRONTAGE** - the portion of a lot that abuts a street. In the case of a lot that has frontage on more than one street, the narrowest portion of the lot abutting a street will be considered the front of the lot unless:

1. a legally recorded plat of the property indicates otherwise or
2. the City Manager determines from existing development on properties within a 1000 foot radius from all property lines of the lot with more than one frontage that the front of the lot shall be the wider portion for setback purposes. If the wider portion becomes the front, no structure may extend in front of the front or side setback lines of adjacent properties.

**31.135 LOT OF RECORD** - A “lot of record” is an area of land designated as a lot on a plat of a subdivision recorded pursuant to statutes of the State of Texas with the Bexar County Clerk or an area of land held in single ownership described by metes and bounds upon a deed recorded or registered with the County Clerk. (see “building lot”)

**31.136 MASSAGE PARLOR** - means any place where, for any form of consideration or gratuity, massage, alcohol rub, administration of fomentation, electric or magnetic treatments, or any other treatment or manipulation of the human body which occurs as a part of, or in connection with, such treatment, manipulation, or service related thereto, exposes specified anatomical areas. The definition of a massage parlor shall not include the practice of massage by licensed hospital, nor by a licensed massage therapist, licensed physical therapist or licensed occupational therapist, hospital, licensed physicians, surgeons, chiropractor, osteopath, nurse, technician working under the supervision of a licensed physician, surgeon, chiropractor, or osteopath, nor by trainers of any amateur, semiprofessional or professional athlete or athletic team or school athletic program.

**31.137 NEGATIVE SECONDARY EFFECTS** - means any one of the following conditions caused by geographic proximity to a sexually oriented business:

**31.137.1** depreciation in surrounding property values, and/or

**31.137.2** violations of law not limited to but including: Indecent Exposure, Drug Use, Prostitution, Pandering, Exposing Minors to Harmful Materials, Possession and Distribution of Obscene Materials, Possession and Distribution of Controlled Substances, Public Intoxication, Disturbing the Peace, and/or

**31.137.3** adverse impact upon the City of Castle Hills as a primarily family oriented residential area.

**31.138 NONCONFORMING USE OR NONCONFORMING STRUCTURE** - The use of land, or existence of a structure, in violation of the current Castle Hills Zoning Code. A legal non-conforming use or structure is one that was legal prior to the action of the City Council to prohibit the use or structure. Unless prohibited or amortized by City Council, a legal non-conforming use or structure may be “grandfathered,” or allowed to continue indefinitely; however, existing uses or structures allowed to continue may not be expanded or enlarged and future uses and structures will be subject to the City’s Code of Ordinances. Non-conforming uses or structures not “grandfathered” are subject to demolition, removal, cessation, and abatement; however, any non-conforming structure must be completely abated and the entire structure brought into compliance with current City ordinances if any one of the following conditions occurs:

1. 50% or more of the structure is damaged or destroyed;
2. Repairs to a structure will equal 50% or more of the replacement costs of the entire structure with costs determined within six months of the damage or destruction; or
3. Repairs to the structure will exceed 50% or more of the appraised value according to the Bexar Appraisal District at the time of the damage or destruction.

In the case of a building or structure, the replacement cost or appraised value will be based on the building or structure itself and not the land, furnishings, or other improvements.

**31.139 “NUDE” OR “NUDITY” OR “STATE OF NUDITY”** - means a state of dress which fails to cover the human anus, genitals, pubic region, and the areola of the post puberty female breast.

**31.140 NUDE MODELING STUDIO** - means any place where a person who, for money or any form of consideration, appears in a state of nudity or displays specified anatomical areas, to be observed, sketched, drawn, painted, sculptured, photographed, or otherwise depicted by other persons. This definition shall not include nude modeling by an adult that occurs in conjunction with art classes of a university, college, or any art class supervised by an art instructor paid by an arts school.

**31.141 NUDITY ATTRACTION ESTABLISHMENT** - means any place of business where nudity or semi-nudity is regularly or routinely advertised as a characteristic of the business or which regularly attracts patrons with nudity or semi-nudity.

**31.142 OFFICE CONDOMINIUM** - means one of a group of not less than two or more than eight adjoining office units sharing a common wall with one or more of such adjoining office units, with each office unit being owned independently.

**31.143 OPEN STORAGE** - “Open storage” is the storage of any equipment, machinery, commodities, raw, semi-finished materials, and building materials, which is visible from any point on the building lot line when viewed from ground level to six feet above ground level.

**31.144 PARKING SPACE** - A “parking space” is a surfaced area not less than 8.5 feet by 20 feet, enclosed or unenclosed, sufficient in size to store one automobile together with a surfaced driveway connecting the parking space with the street or alley and permitting ingress and egress. A “parking space” shall not occupy any public land, such as the public right-of-way of a street or alley.

**31.145 PLANNED UNIT DEVELOPMENT (PUD)** - Means a tract of land developed according to plan as a single entity, in compliance with the use, density, intensity, and characteristics designated for such a district in this Ordinance.

**31.146 RESIDENCE** - In this City and for the purposes of City Ordinances, the definition of the noun “residence” is: Residence is a building or structure of one or two stories designed for single or multiple family occupancy, constructed and maintained in accordance with City Code standards as a human dwelling, often referred to as a “home,” “dwelling” or “dwelling unit.”

**31.147 SCREENING DEVICE** - A “screening device” shall consist of a solid barrier of stone, brick, rock, stucco, wood, or other permanent material of equal character, density, and design acceptable to the City Manager, at least six feet in height. Any gate shall also be solid. Such screening device shall be continuously maintained by the owner(s).

**31.148 SEMI-NUDE OR SEMI-NUDITY OR STATE OF SEMI-NUDITY** - means a state of dress which fails to fully opaquely cover the crevice of the human buttocks, genitals, pubic region, and the areola of the pubescent female breast.

**31.149 SEXUAL ENCOUNTER ESTABLISHMENT** - means any business or commercial establishment that, as one of its primary business purposes, offers for any form of consideration, a place where two or more persons may congregate, associate, or consort for the purpose of specified sexual activities or the exposure of specified anatomical areas when one or more of the persons is in a state of nudity or semi-nudity. The definition of sexual encounter establishment shall not include an establishment where a medical practitioner, psychologist, psychiatrist, or medical professional, licensed by the state engages in medically approved and recognized therapy or treatment.

**31.150 SEXUALLY ORIENTED BUSINESS** - A sexually oriented business shall include an adult arcade, an adult bookstore, an adult novelty store, an adult video store, an adult entertainment establishment, an adult motel, an adult motion picture theatre, a massage parlor, an adult theater, a nude modeling studio, a nudity attraction establishment, and an adult sexual encounter establishment.

**31.151 SHARED GROUP HOUSING FOR DISABLED PERSONS** - shall mean a licensed shared residential living arrangement which provides a family type environment for up to and including six disabled persons,

supervised by one or more primary care givers and operated by (a) the Texas Department of Aging and Disability Services; (b) a community center organized under Section 3.01, Texas Mental Health and Mental Retardation Act which provides services to disabled persons; (c) a non profit corporation; or (d) an entity certified by the Texas Department of Aging and Disability Services as a provider under the intermediate care facilities for the mentally retarded programs.

**31.152 SIGN** - A “sign” is a name, identification, description, display, or illustration which is affixed to, or represented directly or indirectly upon a building, structure, or piece of land and which direct attention to an object, product, place, activity, institution or business. A “sign” is not a display of official court or public office notices nor is it a flag, emblem, or insignia of a nation, political unit, school, or religious group. A “sign” shall not include a sign located completely within an enclosed building.

**31.153 SPECIFIED ANATOMICAL AREAS** - means the human genitals, crevice of the buttocks, pubic region, anus, and the areola of the pubescent female breast.

**31.154 SPECIFIED SEXUAL ACTIVITY** - means actual and simulated human genitals in a state of sexual stimulation or arousal, actual or simulated human masturbation, sexual intercourse, sodomy, fellatio, cunnilingus, fondling or other erotic touching of human genitals, crevice of the buttocks, pubic region, anus, or the areola of the pubescent female breast, and excretory functions as part of or in connection with the above described activity.

**31.155 STRUCTURE** - anything constructed, erected, located, and placed on the ground or attached to something constructed, erected, and placed on the ground. A building is a structure.

**31.156 SURFACE or SURFACED** - means covered by only asphalt, concrete, pavers or brick. “Pavers” are defined as sectional or separate pieces or units of brick, heavy tile or concrete, separately placed or embedded in the earth or on base material and spaced so as to provide both adequate support for vehicles moving over or parked thereon, and optionally for the soaking-in of rain or sprinkled water and the cultivating and tending of grass or other suitable ground cover in the spaces between the pavers.

**31.157 TOWNHOUSE** - means one of a group of not less than two or more than eight adjoining single-family dwelling units sharing a common wall with one or more of such adjoining single-family dwelling units.

**31.158 TRAILER HOUSE** - A “trailer house” is a vehicle used for living or sleeping purposes and standing on wheels or on rigid supports, but which when properly equipped and situated can be towed behind a motor vehicle. A trailer house is not a residence as herein defined.

**31.159 USE** - The “use” of property is the purpose or activity for which the land, or building thereon is designed, arranged or intended, or for which it is occupied or maintained, and shall include any manner of such activity with respect to the standards of this ordinance.

**31.160 USE, PRINCIPAL** - A “principal use” is the main use of land or buildings as distinguished from a subordinate or accessory use.

**31.161 VISUAL SCREEN** - A “visual screen” is a wall, not of living plant material, permanently affixed to the ground in which the area of all openings and cracks in each square foot of wall and entrance gates shall not exceed 14 square inches, and the wall is of sufficient height so that the objects being screened are not visible

from any point on the lot line when viewed from any height between ground level and eight feet above ground level. No wall shall exceed eight feet in height, except in the “G” and “H” Districts, as hereinafter defined, where such wall shall not exceed 10 feet in height.

**31.162 YARD** - A “yard” is an open space on the same building lot with a building unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided. In measuring a yard for the purpose of determining the width of a side yard, the depth of a rear yard, and the depth of a front yard, the minimum horizontal distance between the building site and the lot line shall be used. A “yard” extends along a line and at right angles to such lot line to a depth or width specified in the yard regulations of the zoning district in which such building lot is located.

**31.163 YARD, FRONT** - A “front yard” is a yard extending along the whole length of the front lot line between the side lot lines, and being the minimum horizontal distance between the front lot line and any building or any projections thereof other than steps, planter box, and unenclosed porches.

**31.164 YARD, REAR** - A “rear yard” is 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 rear of the principal building or any projections thereof other than steps, unenclosed balconies, planter boxes, or unenclosed porches.

**31.165 YARD, SIDE** - A “side yard” is a yard extending along the side lot line from the front yard to the rear yard, being the minimum horizontal distance between any building or projections thereof, except steps and unenclosed and uncovered porches and the side lot line except for corner lots where the side lot line paralleling a right-of-way will extend from the front yard line past the rear of the principal building to the rear property line.

**31.166 ZONING DISTRICT MAP** - The “zoning district map” is the map or maps incorporated into this Chapter as a part hereof by reference thereto.

### **Sec. 31.200 EFFECT AND COMPLIANCE**

**31.201 EFFECT** - All buildings or structures hereafter constructed, reconstructed, erected, moved, relocated, modified, demolished, or restored, and all land, buildings, or structures hereafter used or occupied, shall be subject to the requirements and regulations of this Chapter, except as hereinafter provided.

**31.202 EXCEPTION** - Where a building permit for a building or structure has been issued in accordance with law prior to the effective date of this Chapter and, provided that construction is begun within 90 days of such effective date and diligently prosecuted to completion, said building or structure may be completed in accordance with the approved plans on the basis of which the building permit has been issued, and further, upon completion, may be occupied under a certificate of occupancy for the use for which originally designated, subject thereafter to applicable provision of this Chapter.

**31.203 COMPLIANCE** - Except as herein provided:

(a) No land shall be used except for a purpose permitted in the district in which it is located.

(b) No building shall be erected, converted, enlarged, reconstructed, moved or altered, nor shall any building be used, except for a use permitted in the district in which such building is, or is proposed to be, located.

(c) No building shall be erected, converted, enlarged, reconstructed, moved or altered to exceed the height limit herein established for the district in which such building is, or is proposed to be, located.

(d) No building shall be erected, converted, enlarged, reconstructed, moved or altered except in conformity with the area regulations of the district in which such building is, or is proposed to be, located.

(e) No building shall be erected, converted, enlarged, reconstructed, moved or altered except in conformity with the off-street parking and loading regulations of the district in which such building is located.

(f) The minimum yards, parking spaces, and open spaces including lot area per family, required by this Chapter for each and every building existing at the effective date of this Chapter or for any building hereafter erected, converted, enlarged, reconstructed, moved or altered shall not be encroached upon or considered as part of the yard or parking space or open space required for any other building. Nor shall any lot area be reduced below the requirements of this Chapter, for the district in which such lot is located.

(g) Every building hereafter erected, converted, enlarged, reconstructed, moved or altered shall be located on a lot as herein defined, and, except as hereinafter provided, there shall not be more than one main building on one lot.

### **31.204 DISTRICT REQUIREMENTS IN GENERAL**

(a) All buildings erected hereafter, all uses of land or buildings established or changed hereafter, all structural alterations, enlargements, relocations of existing buildings occurring hereafter, shall, in addition to the other regulations of this Chapter, comply with the regulations of the zoning district in which located, except in compliance with Sec. 31.202 of this Chapter.

(b) Any new construction or replacement, in whole or in part, of vehicular driveway approaches accessed from a public street or alley must be constructed to meet City specifications.

(c) All driveways and areas on private property used for driving, parking or storing of vehicles, trailers, or any item for transport or transportation must be surfaced and no parking will be allowed on any area not meeting the surfaced requirements of this chapter.

(d) Accessory Buildings, Structures, and Uses (ABSU)

1. ABSU are subordinate to the main building, the use of which is incidental to and used only in conjunction with the main building. ABSU include, but are not limited to, an automobile storage garage, storage building, greenhouse and workshop.

2. There shall be a maximum of two detached ABSU on any lot. The City Manager may determine that any ABSU that does not rise above one foot at any point from the abutting natural grade of a yard shall not be counted as one of the two maximum ABSU allowed. If an ABSU is not counted as one of the two ABSU allowed, it shall also not count towards the percentage of maximum cover allowed on a lot.

3. An ABSU shall be considered detached unless it is substantially connected to the main building. "Substantially connected" shall mean attached to the main structure by a solid wall with or without a door or cased opening in said wall and surrounded by solid walls with or without windows and doors, and a

roof covering the entire ABSU that meets the minimum requirements of a roof for a residential or commercial habitable building.

4. Except for an attached garage which can be in the side yard, an ABSU shall be in the back yard and at least 75 feet from the front property line.

5. A detached ABSU must observe the side yard setbacks established for the main building in each district, and be not closer than five feet to the rear yard property line. An attached ABSU must observe the same setbacks as the main building.

6. The height of an ABSU shall not exceed the height of the main building or twenty-five feet, whichever is less.

7. There shall be a minimum spacing of ten feet between any detached ABSU and the main building and any other ABSU on the property.

### **Sec. 31.300 DISTRICTS AND BOUNDARIES**

**31.301 ESTABLISHMENT OF DISTRICTS AND BOUNDARIES** - For the purpose of this Chapter, the City is hereby divided into 10 districts as follows:

District A Single-Family Residential District

District AA Garden Home Residential District/Single Family District AAA Townhouse District

District B Duplex Residential District

District C Low Rise Apartment District

District D High Rise Apartment District

District E One Story Office-Professional District

District F Two Story Office-Professional District

District FF Office Condominium District

District G General Business District

District H Special Business District

District I Planned Unit Development District

The location and boundaries of the districts herein established are shown upon the Official Zoning Map, which is hereby incorporated into this Chapter. Said Zoning Map, together with all notations, references and other information shown thereon and all amendments thereto, shall be as much a part of this Chapter as if fully set forth and described herein. Said Zoning Map is on file in the office of the City Manager.

**31.302 RULES FOR THE INTERPRETATION OF DISTRICT BOUNDARIES** - Where uncertainty exists with respect to the boundaries of any of the aforesaid districts as shown on the Zoning Map, the following rules shall apply:

(a) Where district boundaries are indicated as approximately following the center lines of streets or highways, street lines or highway right-of-way lines, such center lines, street lines, or highway right-of-way lines shall be construed to be said boundaries.

(b) Where district boundaries are so indicated that they approximately follow the lot lines, such lot lines shall be construed to be said boundaries.

(c) Where district boundaries are so indicated that they are approximately parallel to the center lines or street lines of streets, or the center lines or right-of-way lines of highways, such district boundaries shall be construed as being parallel thereto and at such distance there from as indicated on the Zoning Map. If no distance is given, such dimension shall be determined by the use of the scale on said Zoning Map.

(d) In non-subdivided property, the district boundary lines on the Zoning Map shall be determined by use of the scale appearing on the map.

(e) In the case of a district boundary line dividing a property into two (2) parts, the district boundary line shall be determined by use of the scale appearing on the Zoning District Map.

(f) Whenever any street, alley, or other public way is vacated by official action of the City Council, the zoning district adjoining each side of such street, alley, or public way shall be automatically extended to the center of such vacation, and all areas included in the vacation shall then and henceforth be subject to all regulations of the extended districts.

(g) Where the streets or alleys on the ground differ from the streets or alleys as shown on the Zoning Map, the streets or alleys on the ground shall control.

#### **Sec. 31.400 "A" SINGLE-FAMILY DISTRICT**

**31.401 USE REGULATIONS.** - In "A" Single-Family Dwelling District, no land shall be used and no building shall be erected for or converted to any use other than:

1. Single-Family Residence.
2. Accessory buildings and structures usual and customary to permitted uses in this district when meeting the definition of Section 31.101 and the requirements of Section 31.204(d). Habitable accessory uses shall not be rented, but may be occupied by occasional non-paying guests and by full-time employees living on the premises who function as domestic help or caregivers.
3. Municipally owned buildings and structures.

In addition, the following uses are allowed if a Special Use Permit (SUP) is approved by City Council in accordance with Section 31.1700.

1. Non-commercial public parks, playgrounds and athletic fields and public, private or denominational schools having a curriculum equivalent to grades 1 through 12 of a public school.
2. Telephone exchange facilities, without business offices, storage, or maintenance facilities, if required by an overriding state or federal law.
3. Railroad rights-of-way and tracks, bridges, signals, and other railroad appurtenances except railroad yards, classification tracks, team tracks, storage yards, passenger stations, freight stations, fueling facilities, fuel oil tanks, roundhouses, repair shops, offices, and tie treatment facilities.
4. Electrical facilities and electrical energy facilities, transformers, relay and substations, poles and wires, natural gas handling and regulating stations, and private, public utility, and common pipelines subject to the approval required under other ordinances, except office buildings, storage facilities, repair and maintenance facilities, and generating facilities.
5. Churches, so long as the lot frontage and all ingress and egress is from a street within a minimum sixty foot wide public right-of-way that meets all of the following conditions:
  - a. minimum of two lanes at least 15' wide each and paved with asphalt, concrete, or municipally approved surface; and
  - b. is designed and used as a through street where traffic can enter and leave the community; and
  - c. the predominant use of properties with the front yard of the lot on the street is other than single-family residential; and
  - d. churches shall have a minimum of three parking spaces for each 200 square feet of indoor church area or 0.2 (1/5<sup>th</sup>) parking spaces per church seat (including ministers and choir), whichever produces the greater number of parking spaces.

**31.402 SPECIFICATIONS** - In "A" Single-Family Dwelling District, there shall be a living area of not less than 1800 square-feet, except that in non-conforming lots as defined in Sec. 31.204(b) the minimum living area may be 1600 square feet.

**31.403 HEIGHT REGULATIONS** - No building shall have more than two stories or exceed thirty-five feet in height.

#### **31.404 AREA REGULATIONS**

1. Front Yard: There shall be a front yard having a minimum depth of 40 feet or 20% of the depth of the lot, whichever is greater, except where the area of a lot is less than 15,000 square feet, the front yard may have minimum depth of 35 feet.
2. Side Yard: The minimum side yard for all buildings and structures shall be 10 feet except that on a corner lot the street side yard shall be not less than 20 feet.

3. Rear Yard: All buildings and structures shall be not less than 20 feet from the rear property line, except that a detached accessory building shall not be closer than five feet to a rear lot line.
4. Lot Area (Minimum): All building lots in this district shall contain not less than 14,000 square feet.
5. Buildings on the Lot: Buildings and structures on any one lot must not cover more than 1/3 of the entire lot area.
6. Parking Space: Off-street parking space shall be provided on the lot to accommodate a minimum of two motor cars for each dwelling unit; however, no portion of any garage, carport or other automobile storage structure shall be located within the required front yard.
7. Additions to House Fronts: Except for steps, unenclosed balconies and porches, additions to residential structures shall not protrude past the front house line. Any permitted additions shall be built with exterior finish materials similar to the exterior finish materials of the main structure. These regulations shall also apply to the "AA" Single Family District Zone.

### **31.405 OTHER REGULATIONS**

1. Moving Permits: No building may be moved into the "A" Single-Family Dwelling District unless it complies with all regulations in the District.
2. Fences: Fences in the required front yard may not be higher than three feet and may not be constructed of materials other than wood, wrought iron, brick, stone, stucco or finished concrete, and side or rear yard fences may not be higher than eight feet and may not be constructed of materials other than galvanized chain link, wood, wrought iron, brick, stone, stucco or finished concrete. Fiber cement material, such as Hardie board or Hardie panel are prohibited fence materials. The replacement of more than 25 percent in a one (1) year period of an existing fence not constructed of the materials authorized herein shall require reconstruction of the fence with the materials authorized herein. On a corner lot, no fence, structure or shrubbery exceeding eighteen (18) inches may exist within the area created by a straight line connecting two points that are respectively thirty (30) feet along the front and side property lines from a street intersection.
3. No mobile home, manufactured home, trailer, semi-trailer, commercial or agricultural tractor, boat, recreational vehicle or any other towed or self-propelled vehicle or device may be parked, stored, or placed in the "A" Single Family District unless it meets the conditions of this section. Vehicle parking or storage must meet the following additional requirements:
  - a. If parked on the street (in compliance with other city regulations) or in the driveway in front of the house, or in a carport open on one or more sides, a vehicle must have legally affixed a current registration and license; must be street legal; must be able to operate under its own power; must be titled to an owner, resident, or guest; must have not more than two axles; must be a vehicle designed and used for non-commercial purposes and for transporting nine or fewer passengers; must not be a bus, recreational vehicle, tractor, or truck (except for personal pickup trucks not designed or used for agricultural or commercial purposes).

- b. The City Manager shall not issue permits pursuant to this paragraph for more than 3 inoperable vehicles for any one property. Upon obtaining a permit from the City Manager's office, an inoperable vehicle may be parked or stored on the property while undergoing repairs or restoration for a period of up to ninety days if:
  - 1. the vehicle is parked in a garage that remains closed to view from the street, alley, and neighboring properties; or
  - 1. if parked in the rear yard inside the setbacks for a principal building and on a surfaced area accessed by a driveway and inside a perimeter fence enclosing the entire rear yard and meeting the definition of a "screening device," as long as no unhealthy, unsanitary, or hazardous conditions exist and none are created by the parking or storage of the inoperable vehicle.
- a. A boat with a trailer or a recreational vehicle less than ten feet wide and twenty feet long may be parked in a garage that remains closed to view from the street, alley, and neighboring properties or it may be parked in the rear yard inside the setbacks for a principal building and on a surfaced area accessed by a driveway and inside a perimeter fence enclosing the entire rear yard and meeting the definition of a "screening device," as long as no unhealthy, unsanitary, or hazardous conditions exist and none are created by the parking or storage of the boat, trailer, or recreational vehicle.
- b. A permit hereunder for boats and RV's only may be issued by the City Manager or his designee for driveway parking for not more than three days in any 30-day period for the purpose of preparation for, and cleaning after, a recreational outing.
- 3. No vehicle whatsoever shall be parked in the front yard or unenclosed side yard of any residential premises except on the paved driveway thereof, or in a carport or garage.
- 4. No vehicles whatsoever shall be parked beyond eight hours on city owned unimproved right-of-way at any time.
- 5. Masonry required. Dwellings shall be constructed of masonry to the extent of not less than 75% of overall exterior walls exclusive of window and door openings. Any accessory building larger than 120 square feet constructed to serve a single-or multiple-family structure must also be constructed of masonry to the extent of not less than 75% of exterior overall wall area exclusive of window and door openings. The non-masonry exterior of a dwelling or accessory building may not be constructed of sheet metal.

**Sec. 31.410 "AA" SINGLE FAMILY DISTRICT**

**31.410.1 USE REGULATIONS** - In the "AA" Single-Family District, no land shall be used and no building shall be erected for or converted to any use other than:

- 1. Single-Family Residence.

2. Non-habitable accessory buildings and structures usual and customary to permitted uses in this district when meeting the definition of Section 31.101 and the requirements of 31.204(d).
5. Municipally owned buildings and structures.

**31.410.2 SPECIFICATIONS** - In the "AA" Single-Family District, there shall be a living area of not less than 1,800 square feet.

**30.409.2 HEIGHT REGULATIONS** – No building shall be more than two stories or exceed 35 feet in height.

**30.409.2 AREA REGULATIONS**

0. Front yard: The minimum front yard shall be twenty feet.
0. Side yard: The minimum side yard shall be five feet except that on a corner lot, the street side yard shall be no less than twenty feet.
0. Rear yard: The minimum rear yard shall be twenty feet.
0. Lot area: All building lots in this district shall contain not less than 7,500 square feet.
0. Parking: Off-street parking space shall be provided on the lot to accommodate a minimum of two motor cars for each dwelling unit; however, no portion of any garage, carport, or other automobile storage structure shall be located in the required front yard.
0. Additions to House Fronts: Except for steps, unenclosed balconies and porches, additions to residential structures shall not protrude past the front house line. Any permitted additions shall be built with exterior finish materials similar to the exterior finish materials on the main structure.

**30.409.2 OTHER REGULATIONS**

0. Masonry Required: Dwellings shall be constructed of masonry to the extent of not less than 75% of overall exterior walls exclusive of window and door openings. Any accessory building larger than 120 square feet constructed to serve a single-or multiple-family structure must also be constructed of masonry to the extent of not less than 75% of exterior overall walls exclusive of window and door openings. The non-masonry exterior of a dwelling or accessory building may not be constructed of sheet metal.
0. Other Requirements: The requirements and regulations specified in Section 31.405 shall apply to all property within the "AA" Single-Family District.

## **Sec. 31.420 “AAA” TOWNHOUSE DISTRICT**

**31.420.1 USE REGULATIONS** In the “AAA” Townhouse District, no land shall be used and no building shall be erected for or converted to any use other than single-family residences.

**31.420.2 SPECIFICATIONS** In the “AAA” Townhouse District, there shall be a living area of not less than 1,000 square feet per townhouse unit. Lots in the “AAA” District shall not be less than 7,250 square feet. There shall not be more than 6 townhouse units per gross acre.

**1.1.1 HEIGHT REGULATIONS** No building shall be more than two stories or exceed 35 feet in height.

### **1.1.2 AREA REGULATIONS**

1. Front Yard: The minimum front yard shall be 20 feet.
2. Rear Yard: The minimum rear yard shall be 20 feet.
3. Side Yards on Corner Lots: The minimum side yard on a corner lot where not abutting a townhouse unit shall be 20 feet.
4. Side Yards on Non-Corner Lots: The minimum side yard on a non-corner lot where not abutting a townhouse unit shall be 10 feet.

**31.1900.1 PARKING REGULATIONS** Off street parking spaces shall be provided to accommodate a minimum of two motor cars for each townhouse unit. No portion of any garage, carport, or other automobile storage structure shall be located in the required front yard.

### **31.1900.2 OTHER REGULATIONS**

1. Masonry required. Townhouses shall be constructed of masonry to the extent of not less than 75% of overall exterior walls exclusive of window and door openings. The non-masonry exterior of a townhouse may not be constructed of sheet metal.
2. Fire walls. A fire wall of materials and construction approved by the Fire Chief (or his designee) shall separate living areas of each connected townhouse unit. Fire walls shall be constructed continuously from the foundation to the roof.
4. Additions to townhouse fronts. Except for steps, unenclosed balconies, and porches, additions to townhouse structures shall not protrude past the front house line. Any permitted additions shall be built with exterior finish materials similar to the exterior finish materials on the main structure.
5. No accessory buildings. No accessory buildings may be located or placed on a lot in the “AAA” Townhouse District.
6. Utility easements. No structure may be built on any designated utility easement.
7. Fences. Fences in the required front yard may not be higher than three feet and may not be constructed of materials other than wood, wrought iron, brick, stone, stucco or finished concrete. Side

yard or rear yard fences may not be higher than eight feet and may not be constructed of materials other than galvanized chain link, wood, wrought iron, brick, stone, stucco or finished concrete. Fiber cement material, such as Hardie board or Hardie panel are prohibited fence materials. If more than 25 percent of an existing fence is replaced in a one year period, then the replacement fence must be constructed using materials authorized herein. No fence, structure or shrubbery exceeding eighteen (18) inches may exist within the area created by a straight line connecting two points that are respectively thirty (30) feet along the front and side property lines from a street intersection.

8. No mobile home, manufactured home, trailer, semi-trailer, commercial or agricultural tractor, boat, recreational vehicle, bus, or truck (other than personal pick up trucks not designed or used for agricultural or commercial purposes) may be parked, stored, or placed in the "AAA" Townhouse District.
9. Covered off-street parking shall be provided on the basis of two spaces for each townhouse, provided that no supporting member of any garage, carport, or automobile storage structure shall be located within the required front yard.
10. No vehicles whatsoever shall be parked beyond eight hours on any city owned unimproved right-of-way.
11. No inoperable vehicles may be stored in the "AAA" Townhouse District, except in an enclosed area.

#### **Sec. 31.500 "B" DUPLEX RESIDENTIAL DISTRICT**

**Sec. 31.501 USE REGULATIONS** - In the "B" Duplex District, no land shall be used and no building shall be erected for or converted to any use other than:

1. Single-Family or Two-Family Residences.
1. Accessory buildings and structures usual and customary to permitted uses in this district when meeting the definition of Section 31.101 and the requirements of 31.204(d). Habitable accessory uses shall not be rented, but may be occupied by occasional non-paying guests and by full-time employees living on the premises who function as domestic help or caregivers.
1. Municipally owned buildings and structures.

In addition, the following uses are allowed if a Special Use Permit (SUP) is approved by City Council in accordance with Section 31.1700:

0. Non-commercial public parks, playgrounds and athletic fields and public, private, or denominational schools having a curriculum equivalent to grades 1 through 12 of a public school.
0. Telephone exchange facilities, without business offices, storage, or maintenance facilities, if required by an overriding state or federal law.
0. Railroad rights-of-way and tracks, bridges, signals, and other railroad appurtenances except railroad yards, classification tracks, team tracks, storage yards, passenger stations, freight stations, fueling facilities, fuel oil tanks, roundhouses, repair shops, offices, and tie treatment facilities.

7. Electrical facilities and electrical energy facilities, transformers, relay and substations, poles and wires, natural gas handling and regulating stations, and private, public utility, and common pipelines subject to the approval required under other ordinances, except office buildings, storage facilities, repair and maintenance facilities, and generating facilities.
8. Churches, so long as the lot frontage and all ingress and egress is from a street having a minimum sixty foot public right-of-way that meets all of the following conditions:
  - a. A minimum of two lanes, each at least 15 feet wide and paved with asphalt , concrete, or municipally approved surface; and
  - b. designed and used as a secondary arterial or larger through-street where traffic can enter and leave the community; and
  - c. the predominant use of properties with front yards of the lots on the same street as, and within 200 feet of, the front yard of the church is other than single family residential; and
  - d. churches shall have a minimum of three parking spaces for each 200 square feet of indoor church area or 0.2 (1/5<sup>th</sup>) parking spaces per church seat (including ministers and choir), whichever produces the greater number of parking spaces.

**31.502 SPECIFICATIONS** - In the "B" Duplex District, there shall be a living area of not less than:

1. *Single Family Dwelling* - 1600 square feet.
2. *Duplex* - 1000 square feet per dwelling unit.

**31.503 HEIGHT REGULATIONS** - No building shall be more than two stories or exceed 35 feet in height.

**31.504 AREA REGULATIONS**

1. Front Yard: There shall be a front yard having a minimum depth of 35 feet.
2. Side Yard: The minimum side yard shall be 10 feet except on a corner lot the street side yard shall be not less than 20 feet.
1. Rear Yard: All buildings shall be not less than 20 feet from the rear property line, except an accessory building located in the rear yard shall not be closer than five feet to the rear lot line.
3. Lot Area (Minimum): Single-Family dwelling, 14,000 square feet; Duplex, 7000 square feet per dwelling unit, with minimum lot of 14,000 square feet.
4. Buildings on the Lot: The buildings or structures on any one lot may not cover more than 1/3 of total lot area.
5. Parking Space: Off-street parking spaces shall be provided on the lot to accommodate a minimum of two motor cars for each dwelling unit; however, no portion of any garage, carport or other automobile storage structure shall be located within the required front yard.

6. Additions to House Fronts: Except for steps, unenclosed balconies and porches, additions to residential structures shall not protrude forward of the front house line. Any permitted additions shall be built with exterior finish materials similar to the exterior finish materials of the main structure.

### **31.505 OTHER REGULATIONS**

2. Moving Permits: No building may be moved into the "B" Duplex District unless it complies with all regulations in the District.
2. Fences: Fences in the required front yard may not be higher than three feet and may not be constructed of materials other than wood, wrought iron, brick, stone, stucco or finished concrete, and side or rear yard fences may not be higher than eight feet and may not be constructed of materials other than galvanized chain link, wood, wrought iron, brick, stone, stucco or finished concrete. Fiber cement material, such as Hardie board or Hardie panel are prohibited fence materials. The replacement of more than 25 percent in a one (1) year period of an existing fence not constructed of the materials authorized herein shall constitute reconstruction of the fence with the materials authorized herein. On a corner lot, no fence, structure or shrubbery exceeding eighteen (18) inches may exist within the area created by a straight line connecting two points that are respectively thirty (30) feet along the front and side property lines from a street intersection
2. No inoperable vehicles or trailers of any type may be parked or stored in the front yard of "B" Duplex District; but may be parked or stored in the rear yard proper or in an enclosed area.

### **Sec. 31.600 "C" LOW-RISE APARTMENT DISTRICT**

**31.601 USE REGULATIONS** - In the "C" Low-Rise Apartment District, no land shall be used and no building shall be erected for or converted to any use other than:

2. Any use allowed in the "B" District.
2. Apartments.

**31.602 SPECIFICATIONS** - In the "C" Apartment District there shall be a living area of not less than:

1. *Single Family Dwelling* - 1600 square feet.
1. *Duplex* - 1000 square feet per dwelling.
6. *Apartments* - 700 square feet for a one bedroom apartment, plus 150 square feet for each additional bedroom in the apartment unit.

**30.602 HEIGHT REGULATIONS** - No building shall exceed two stories or 35 feet in height.

### **30.602 AREA REGULATIONS**

3. Front Yard: There shall be a front yard having a minimum depth of 25 feet.
3. Side Yard: The minimum side yard shall be:

*Residences:* 10 feet, except an accessory building located in the rear yard may be located within five feet of the side lot line.

*Apartments:* 10 feet, except where adjacent to an “A,” “AA,” “AAA,” or “B” District side yard, when it must be 15 feet. On corner lots, front yards must be provided on both streets.

3. Rear Yard: All buildings shall be not less than 20 feet from the rear property line except an accessory building located in the rear yard shall not be closer than five feet to the rear lot line.

5. Lot Area (Minimum):

*Single Family Dwelling* - 14,000 square feet.

*Duplex* - 7000 square feet per dwelling unit; minimum lot area 14,000 square feet.

*Apartments* - 1500 - square feet per dwelling unit; minimum lot area 14,000 square feet.

6. Buildings on the Lot: Buildings or structures on any one lot must not cover more than 1/3 of the entire lot area.

6. Parking Space: Off-street under-cover parking spaces shall be provided on the lot to accommodate a minimum of two motor cars for each dwelling unit; however, there shall be no parking in the required 25 foot front yard.

6. Churches shall have a minimum of three parking spaces for each 200 square feet of indoor church area or 0.2 (1/5<sup>th</sup>) parking spaces per church seat (including ministers and choir), whichever produces the greater number of parking spaces.

### **31.605 OTHER REGULATIONS**

1. Moving Permits: No building may be moved into the “C” Apartment District unless it complies with all regulations in the District.

2. Fences: Fences in the required front yard may not be higher than three feet and may not be constructed of materials other than wood, wrought iron, brick, stone, stucco or finished concrete, and side or rear yard fences may not be higher than eight feet and may not be constructed of materials other than galvanized chain link, wood, wrought iron, brick, stone, stucco or finished concrete. Fiber cement material, such as Hardie board or Hardie panel are prohibited fence materials. The replacement of more than 25 percent in a one (1) year period of an existing fence not constructed of the materials authorized herein shall constitute reconstruction of the fence with the materials authorized herein. On a corner lot, no fence, structure or shrubbery exceeding eighteen (18) inches may exist within the area created by a straight line connecting two points that are respectively thirty (30) feet along the front and side property lines from a street intersection.

3. No inoperable vehicles or trailers of any type may be parked or stored in the front yard of a “C” Apartment District, but may be parked or stored in an enclosed storage area.

### **Sec. 31.700 “D” HIGH RISE APARTMENT DISTRICT**

**31.701 USE REGULATIONS** - In the "D" High Rise Apartment District, no land shall be used and no building shall be erected for or converted to any use other than:

1. A use allowed in the "C" District.
1. High rise apartment buildings as provided herein.
1. A restaurant, newsstand, lounge, drug store, retail food shop, and personal service shops such as beauty and barber shops, in a high rise apartment unit or project, which is three or more stories in height and in which there are 50 or more dwelling units in the building or group of buildings in the project; provided that such commercial activities are services to the residents of the project located within a principal building and are accessible to the public only through the lobby of such a building and that there is no advertising visible from the outside of the building.
1. Uses listed in #3 above are required to obtain a Special Use Permit in accordance with Sec. 31.1700.

**31.702 SPECIFICATIONS** - In the "D" High Rise Apartment District, there shall be a living area of not less than:

2. *Single-Family Dwelling* - 1600 square feet.
2. *Duplex* - 1000 square feet per dwelling unit.
2. *Apartments* - 700 square feet for a one bedroom apartment plus 150 square feet for each additional bedroom in the apartment unit.

**31.703 HEIGHT REGULATIONS** - No building shall exceed 12 stories in height.

**31.704 AREA REGULATIONS**

1. Front Yard: There shall be a front yard having a minimum depth of 25 feet.
1. Side Yard: Minimum side yards shall be:

*Residences:* 15 feet, except an accessory building located in the rear yard shall not be closer than five feet to the side lot line.

*Apartments:* A side yard of 15 feet minimum must be provided, except where adjacent to "A," "AA," "AAA," or "B" districts when it must be 20 feet, plus one additional foot of set-back for each two feet of height over 20 feet, except an accessory building located in the rear yard shall not be closer than five feet to the side lot line.

1. Rear Yards: The minimum rear yard shall be:

*Residences:* 20 feet from the rear property line, except an accessory building located in the rear yard may be located within five feet of the rear lot line. *Apartments:* 20 feet plus an additional foot of setback for each two feet of height over 20 feet, except an accessory building located in the rear yard shall not be closer than five feet to the rear lot line.

1. Lot Area (Minimum):

*Single Family* - 14,000 square feet.

*Duplex* - 7000 square feet per dwelling unit, minimum lot area 14,000 square feet.

*Apartments* - low rise 1500 square feet per dwelling unit, minimum lot area 14,000 square feet; high-rise 1500 square feet per dwelling unit, minimum lot area 16,000 square feet.

7. Buildings or Structures on the Lot: Buildings or structures on any one lot must not cover more than 1/3 of the total lot area.
7. Parking Space: Off-street parking space shall be provided on the lot to accommodate a minimum of two motor cars for each dwelling unit. However, no supporting member of any garage, carport, or automobile storage structure or any parking spaces except for loading and unloading shall be located within the required 25 foot front yard.
7. Churches shall have a minimum of three parking spaces for each 200 square feet of indoor church area or 0.2 (1/5<sup>th</sup>) parking spaces per church seat (including ministers and choir), whichever produces the greater number of parking spaces.

**31.705 OTHER REGULATIONS**

4. Moving Permits: No building may be moved into the “D” High Rise Apartment District unless it complies with all regulations in the District.

4. Fences:

*Residences:* Fences in the required front yard may not be higher than three feet and may not be constructed of materials other than wood, wrought iron, brick, stone, stucco or finished concrete, and side or rear yard fences may not be higher than eight feet and may not be constructed of materials other than galvanized chain link, wood, wrought iron, brick, stone, stucco or finished concrete. Fiber cement material, such as Hardie board or Hardie panel are prohibited fence materials. The replacement of more than 25 percent in a one (1) year period of an existing fence not constructed of the materials authorized herein shall constitute reconstruction of the fence with the materials authorized herein. On a corner lot, no fence, structure or shrubbery exceeding eighteen (18) inches may exist within the area created by a straight line connecting two points that are respectively thirty (30) feet along the front and side property lines from a street intersection. *Apartments:* No fence may be erected in the required 25 foot front yard.

4. No inoperable vehicles or trailers of any type may be parked or stored in the front yard of “D” High Rise Apartment District, but may be parked or stored in an enclosed storage area.

**Sec. 31.800 “E” ONE STORY OFFICE-PROFESSIONAL DISTRICT**

**31.801 USE REGULATIONS** - In the “E” One Story Office-Professional District, no land shall be used and no building shall be erected for or converted to any other use than:

3. Any use allowed in the “B” District.
3. Business and professional offices and office buildings, art galleries, studios for photographers, interior decorators or musicians, fine art studios, including fine arts instruction. No building may be constructed or altered to produce a storefront show window or display window and there shall be no merchandise visible from the exterior of the building. There shall be no machinery or equipment other than that which would be a usual and customary accessory to permitted uses. Further, it is provided that no adverse effect on adjacent or neighborhood properties by reason of dust, odor, vibration or noise shall be created. In connection with such uses, only one principal structure shall be permitted on any lot.

**31.802 SPECIFICATIONS** - In the “E” One-Story Office-Professional District, there shall be an enclosed area of not less than:

4. *Single-Family Dwelling* - 1600 square feet.
4. *Duplex* - 1000 square feet per dwelling unit.
4. *Office Buildings* - 1500 square feet of floor area, exclusive of garages, carports, and porches.

**31.803 HEIGHT REGULATIONS** - No building shall exceed one story or 20 feet in height.

**31.804 AREA REGULATIONS**

3. Front Yard: There shall be a front yard having a minimum depth of 35 feet. On corner lots, front yards must be provided on both streets.

3. Side Yard: Minimum side yards shall be:

*Residences:* 10 feet, except an accessory building located in the rear yard shall not be closer than five feet to the side lot line.

*Offices:* 10 feet except where adjacent to an “A,” “AA,” or “AAA” District side yard, when it must be 15 feet. Accessory buildings shall not be closer than five feet to the side property lines.

3. Rear Yard: All buildings shall be not less than 10 feet from the rear property line, except an accessory building shall not be closer than five (5) feet to the rear lot line.

3. Lot Area (Minimum):

*Single Family Dwelling* - 14,000 square feet.

*Duplex* - 7000 square feet per dwelling unit; minimum lot area, 14,000 square feet.

*Offices* - All building lots shall contain not less than 5000 square feet.

3. Buildings on the Lot:

*Offices:* Lot coverage must be not more than 1/3 of the total lot area.

6. Parking Space:

(a) *Residences*: Off-street parking space shall be provided on the lot to accommodate a minimum of two motor cars for each dwelling unit; however, no supporting member of any garage, carport or other automobile storage structure shall be located within the required front yard.

(b) *Churches*: Churches shall have a minimum of three parking spaces for each 200 square feet of indoor church area or 0.2 (1/5<sup>th</sup>) parking spaces per church seat (including ministers and choir), whichever produces the greater number parking of spaces.

(c) *Offices*: Off-street parking spaces shall be provided on the lot to equal a minimum of one space for each 200 square feet of gross floor area for those buildings having less than 8000 square feet. Buildings having more than 8000 gross square feet but less than 20,000 gross square feet shall provide a minimum of one parking space for each 250 square feet. All buildings over 20,000 gross square feet shall provide a minimum of one parking space for each 300 square feet.

**31.805 OTHER REGULATIONS**

1. Moving Permits: No building may be moved into the “E” One-Story Office-Professional District unless it complies with all regulations in the District.

2. Fences:

*Residences*: Fences in the required front yard may not be higher than three feet and may not be constructed of materials other than wood, wrought iron, brick, stone, stucco or finished concrete, and side or rear yard fences may not be higher than eight feet and may not be constructed of materials other than galvanized chain link, wood, wrought iron, brick, stone, stucco or finished concrete. Fiber cement material, such as Hardie board or Hardie panel are prohibited fence materials. The replacement of more than 25 percent in a one (1) year period of an existing fence not constructed of the materials authorized herein shall constitute reconstruction of the fence with the materials authorized herein. On a corner lot, no fence, structure or shrubbery exceeding eighteen (18) inches may exist within the area created by a straight line connecting two points that are respectively thirty (30) feet along the front and side property lines from a street intersection

*Office*: No fence may be erected in the required front yard. An approved screening device shall be erected where an “E” One-Story Office-Professional District has a common side or rear yard with an “A,” “AA,” “AAA,” or “B” Residential District.

3. No inoperable vehicles or trailers of any type may be parked or stored in the front yard of an “E” One-Story Office-Professional District, but may be parked or stored in an enclosed storage area.

**Sec. 31.900 “F” TWO-STORY OFFICE-PROFESSIONAL DISTRICT**

**31.901 USE REGULATIONS** - In the “F” Two-Story Office-Professional District, no land shall be used and no building shall be erected for or converted to any use other than:

1. Any use permitted in the “E” One-Story Office-Professional District Regulations.

2. Business and professional offices and office buildings, art galleries, studios for photographers, interior decorators or musicians, fine art studios, including fine arts instruction. No building may be constructed or altered to produce a storefront show window or display window and there shall be no merchandise visible from the exterior of the building. There shall be no machinery or equipment other than that which would be a usual and customary accessory to permitted uses. Further, it is provided that no adverse effect on adjacent or neighborhood properties by reason of lighting, dust, odor, vibration or noise shall be created. In connection with such uses, only one principal structure shall be permitted on any lot.

**31.902 SPECIFICATIONS** - In the "F" Two Story Office-Professional District there shall be an area of not less than:

2. *Single Family Dwelling* - 1600 square feet.
2. *Duplex* - 1000 square feet per dwelling unit.
2. *Office Buildings* - 1500 square feet of floor area per floor, exclusive of garages, carports, and porches.

**31.903 HEIGHT REGULATIONS** - No building shall exceed two stories or 35 feet in height.

#### **31.904 AREA REGULATIONS**

3. **Front Yard:** There shall be a front yard having a minimum depth of 35 feet. On corner lots, front yards must be provided on both streets.
2. **Side Yard:** Minimum side yards shall be:
  - Residences:* 10 feet, except an accessory building located in the rear yard shall not be closer than five feet to the side lot line.
  - Offices:* 10 feet except where adjacent to an "A" "AA," or "AAA" District side yard, when it must be 15 feet. Accessory buildings shall not be closer than five feet to the side property lines.
3. **Rear Yard:** All buildings shall be not less than 10 feet from the rear property line, except an accessory building shall not be closer than five (5) feet to the rear lot line.
4. **Lot Area (Minimum):**
  - Residences:* Single Family dwelling - 14,000 square feet.
  - Duplex* - 7000 square feet per dwelling unit, minimum lot area, 14,000 square feet.
  - Offices:* All building lots shall contain not less than 5,000 square feet.
5. **Buildings on the Lot:** Lot coverage must be not more than 1/2 of the total lot area.
6. **Parking Space:**

(a) *Residences*: Off-street parking space shall be provided on the lot to accommodate a minimum of two motor cars for each dwelling unit: however, no supporting member of any garage, carport or other automobile storage structure shall be located within the required front yard.

(b) *Churches*: Churches shall have a minimum of three parking spaces for each 200 square feet of indoor church area or 0.2 (1/5<sup>th</sup>) parking spaces per church seat (including ministers and choir), whichever produces the greater number of parking spaces.

(c) *Offices*: Off-street parking spaces shall be provided on the lot to equal a minimum of one space for each 200 square feet of gross floor area for those buildings having less than 8,000 square feet. Buildings having more than 8,000 gross square feet but less than 20,000 gross square feet shall provide a minimum of one parking space for each 250 square feet. All buildings over 20,000 gross square feet shall provide a minimum of one parking space for every 300 square feet.

3. Fences:

*Residences*: Fences in the required front yard may not be higher than three feet and may not be constructed of materials other than wood, wrought iron, brick, stone, stucco or finished concrete, and side or rear yard fences may not be higher than eight feet and may not be constructed of materials other than galvanized chain link, wood, wrought iron, brick, stone, stucco or finished concrete. Fiber cement material, such as Hardie board or Hardie panel are prohibited fence materials. The replacement of more than 25 percent in a one (1) year period of an existing fence not constructed of the materials authorized herein shall constitute reconstruction of the fence with the materials authorized herein. On a corner lot, no fence, structure or shrubbery exceeding eighteen (18) inches may exist within the area created by a straight line connecting two points that are respectively thirty (30) feet along the front and side property lines from a street intersection

*Offices*: No fence may be erected in the required front yard. An approved screening device shall be erected where an "F" Two Story Office-Professional District has a common side or rear yard with an "A," "AA," "AAA," or "B" Residential District.

3. No inoperable vehicles or trailers of any type may be parked or stored in the front yard of an "F" Two Story Office-Professional District, but may be parked or stored in an enclosed storage area.

**Sec. 31.950 "FF" OFFICE CONDOMINIUM DISTRICT**

**31.951 USE REGULATIONS** In the "FF" Office Condominium District, no land shall be used and no building shall be erected for or converted to any use other than business and professional offices, art galleries, studios for photographers, interior decorators or musicians, fine art studios, including fine arts instruction. No building may be constructed or altered to produce a storefront show window or display window and there shall be no merchandise visible from the exterior of the building. There shall be no machinery or equipment other than that which would be a usual and customary accessory to permitted uses. No adverse effect on adjacent or neighborhood properties by reason of lighting, dust, odor, vibration, or noise shall be created.

**31.952 SPECIFICATIONS** In the “FF” Office Condominium District, there shall be an area of not less than 1,500 square feet per condominium unit, exclusive of garages, carports, and porches. Lots in the “FF” Office Condominium District shall be not less than 5,000 square feet.

**30.951 HEIGHT REGULATIONS** No building shall be more than two stories or exceed 35 feet in height.

**30.951 AREA REGULATIONS**

- 0. Front Yard: The minimum front yard shall be 35 feet. On corner lots, front yards must be provided on both streets.
- 0. Rear Yard: The minimum rear yard shall be 10 feet except where adjacent to an “A” or “AA” District rear yard, when the minimum rear yard shall be 15 feet.
- 0. Side Yard: The minimum side yard where not abutting an office condominium unit shall be 10 feet, except where adjacent to an A” or “AA” District side yard, when the minimum side yard shall be 20 feet.

**31.955 PARKING REGULATIONS** Off-street parking spaces shall be provided to accommodate a minimum of one space for each 200 square feet of gross floor area for those buildings having less than 8,000 square feet. Buildings having at least 8,000, but less than 20,000 gross square feet shall provide a minimum of one parking space for each 250 square feet. All buildings 20,000 gross square feet or more shall provide a minimum of one parking space for every 300 square feet.

**31.956 OTHER REGULATIONS**

- 2. Fire walls. A fire wall of materials and construction approved by the Fire Chief (or his designee) shall separate living areas of each connected condominium unit. Fire walls shall be constructed continuously from the foundation to the roof.
- 2. No accessory buildings. No accessory buildings may be located or placed on a lot in the “FF” Office Condominium District.
- 2. Utility easements. No structure may be built on any designated utility easement.
- 2. Fences. No fence may be erected in the required front yard. An approved screening device shall be erected where an “FF” Condominium District has a common side or rear yard with an “A,” “AA,” “AAA,” or “B” Residential District.
- 2. No inoperable vehicles or trailers of any type may be parked or stored in the “FF” Office Condominium District, except in an enclosed area.

**Sec. 31.1000 “G” GENERAL BUSINESS DISTRICT**

**Sec. 31.1001 USES** - In the “G” General Business District, no land shall be used, and no building shall be erected for or converted to any use other than one of the following uses. No building or premises in this zoning district shall be allowed if they are noxious or offensive because of the emission of odor, smoke, dust, noise, fumes, vibration, or particulate matter.

- 3. Arts and crafts, pottery and ceramic products, fabrication and sales.
- 3. Automobile gasoline service stations, including service customarily incidental.
- 3. Automobile parts and accessories sales and installation, but not body repair shops.
- 3. Banks, including drive-in/drive-through facilities.
- 3. Blue print and printing shops.
- 3. Bowling alleys and similar enclosed commercial recreational activities.
- 3. Clinics, including small animal veterinary clinics for house pets.
- 3. Commercial Schools.
- 3. Dance studios.
- 3. Drug stores and pharmacies.
- 3. Kennels for boarding house pets under the following regulations:
  - . All housing and care shall be in facilities that are totally enclosed, adequately ventilated and soundproofed.
  - . Animal external exercise areas must be suitably fenced and supervised when animals are exercising. The supervisor shall be responsible for controlling the animals, limiting sound and collecting waste so as to control odor.
  - . Waste shall be collected on a regular and routine basis, and disposed of in a secure airtight container.
  - . Facilities shall be at least 300 feet from the nearest residential housing, at the nearest point measured in a straight line.
- 3. Laboratories, medical and dental.
- 3. Launderettes, laundry, dry cleaning, and dyeing establishments.
- 3. Meeting and assembly halls.
- 3. Museums.
- 3. Newsstands, book, stationery and greeting card stores.
- 3. Nursery stock and garden ornament sales.
- 3. Parking lots and parking garages.
- 3. Pawn shops licensed by the Texas Consumer Credit Commission.

20. Photographers, portrait or camera shops, photo finishing, and picture framing.
21. Physical health services, gymnasiums, and reducing salons.
22. Rental shops, except that there shall be no rental of trucks or heavy construction equipment in connection therewith, nor shall there be any unenclosed storage of rental equipment on the premises.
23. Restaurants, cafeterias and delicatessens, including drive-in/drive-through facilities.
24. Retail stores, personal and professional services establishments, and offices, but not tattoo parlors.
25. Shops for repair and servicing of bicycles, watches, clocks, electrical appliances, radio and televisions, electronic devices, computers, lawn mowers and garden tractors, shoes, and home appliances of any kind.
26. Tailoring and custom-dressmaking shops.
27. Testing and technical laboratories.
28. Theaters, but not drive-in theaters.

**31.1002 SPECIAL USE PERMITS** - A Special Use Permit shall be required for any use in the “G” District other than a use listed in subparts 1 through 28 of Section 31.1001.

**31.1003 SPECIFICATIONS** – In the “G” General Business District except with a Special Use Permit, each building shall have not less than 1500 square feet of floor area, exclusive of garages, carports, and porches.

**31.1004 HEIGHT REGULATIONS** - No building shall exceed the greater of eight stories or 120 feet in height.

**31.1005 MINIMUM SETBACK AND AREA REGULATIONS**

1. Front yard setback: 10 feet.
2. Side yard setback: 10 feet, except when adjacent to on an “A,” “AA,” “AAA,” or “B” District, where the minimum setback of 15 feet per story shall be provided.
3. Rear yard setback: 10 feet, except when adjacent to an “A,” “AA,” “AAA,” or “B” District, where the minimum setback of 20 feet per story shall be provided.
4. Lot Area: All building plots shall contain a minimum of 7,200 square feet.
5. Buildings on the lot: Lot coverage must be not more than 1/3<sup>rd</sup> of the total lot area.

**31.1006 MINIMUM OFF-STREET PARKING REQUIREMENTS**

1. When installing parking spaces, the parking area shall be graded and drained in such a manner that there will be no increase in the historical quantity or velocity of water onto adjacent properties.

2. Theaters, and meeting and assembly halls shall have a minimum of one parking space per 200 square feet of specified outdoor recreational area plus a minimum of one parking space per 100 square feet of indoor recreational area.
3. Churches shall have a minimum of three parking spaces for each 200 square feet of indoor church area or 0.2 (1/5<sup>th</sup>) parking spaces per church seat (including ministers and choir), whichever produces the greater number of parking spaces.
4. General business, retail and clinics shall have a minimum of one parking space per 200 square feet of gross retail sales/service area, plus one parking space per 800 square feet of all other area; or, one parking space per 400 square feet of combined retail sales/service and all other area.
5. Personal service establishments shall have one parking space per 100 square feet of gross floor area.
6. Restaurants, cafeterias, delicatessens and other food serving establishments, except drive-in establishments, shall have one parking space per 100 square feet of gross floor area.
7. Drive-in eating establishments, where food or drink is served to customers in their vehicles, shall have a minimum of two parking spaces per 100 square feet of gross floor area, with a minimum of 20 parking spaces for on premises consumption.
8. Automotive, nursery (plant) and affiliated activities shall have a minimum of one parking space per 200 square feet of retail sales/service floor area and one parking space per 800 square feet of all other area.
9. Shopping centers exceeding 200,000 square feet gross leasable area shall have a minimum of one parking space per 200 square feet of gross leasable area (excluding theaters).
10. Institutional and Educational
  - a. Child/adult day care and nurseries shall have a minimum of one parking space per ten children/adults and a minimum of one parking space per office.
  - b. Elementary, primary, kindergarten, middle and junior high schools shall have a minimum of three parking spaces per class room plus a minimum of three parking spaces per office.
  - c. College, trade and high schools shall have a minimum of ten parking spaces per classroom and a minimum of five parking spaces per office.
11. Offices: A minimum of one parking space shall be provided per each 200 square feet of gross floor area.
12. The parking requirements for multipurpose facilities are determined by the sum of the requirements for each use.

### **31.1007 OTHER REGULATIONS**

1. MOVING PERMITS: No building may be moved into the “G” General Business District unless it complies with all regulations in the District.
2. FENCES: No fence shall exceed ten feet in height. An approved screening device not less than 8 feet nor greater than 10 feet in height shall be erected where “G” General Business District has a common side or rear yard with an “A,” “AA,” “AAA,” or “B” Residential District.
3. TRAILER, EQUIPMENT OR INOPERABLE VEHICLE PARKING/STORAGE: No trailer, piece of equipment or inoperable vehicle may be stored in front of or on the side of any “G” General Business District building, but may be parked/stored behind the building in an opaque enclosed area.

### **Sec 31.1100 “H” SPECIAL BUSINESS DISTRICT**

**31.1101 USES** – In the “H” Special Business District no land shall be used and no building shall be erected for or converted to any use other than one of uses set out below. A building or premises in this zoning district shall not be noxious or offensive because of the emission of odor, smoke, dust, noise, fumes, vibration, or particulate matters.

1. Any use permitted in the “G” District.
2. Lumber yard.
3. Storage yards, mini-storage businesses, and warehouses.

**31.1102 SPECIAL USE PERMITS** – A Special Use Permit shall be required for any use in the “H” District.

**31.1103 SPECIFICATIONS** – In the “H” Special Business District, except with a Special Use Permit, each building shall have not less than 1500 square feet of floor area, exclusive of garages, carports, and porches.

**31.1104 HEIGHT REGULATIONS** – No building shall exceed the greater of eight stories or 120 feet in height.

### **31.1105 AREA REGULATIONS**

1. Front yard: None.
2. Side yard: None, except when adjacent to an “A,” “AA,” “AAA,” or “B” District, where a minimum of 15 feet per story shall be provided.
3. Rear yard: None, except when adjacent to an “A,” “AA,” “AAA,” or “B” District, where a minimum of 20 feet per story shall be provided.
4. Lot area: All building plots shall contain a minimum of 7,200 square feet.
5. Buildings on the lot: Lot coverage must not be more than 1/3<sup>rd</sup> of the total lot area.

### **31.1106 OTHER REGULATIONS**

1. MOVING PERMITS: No building may be moved into the “H” Special Business District unless it complies with all regulations of the District.

2. **FENCES:** No fence shall exceed ten feet in height. An approved screening device not less than 8 feet nor greater than 10 feet in height shall be erected where "H" Special Business District has a common side or rear yard with an "A", "AA," "AAA," or "B" Residential District.
3. **EQUIPMENT, INOPERABLE TRAILER, or INOPERABLE VEHICLE PARKING/STORAGE:** No inoperable trailer, piece of equipment or inoperable vehicle may be parked or stored in front of or on the side of any "H" Special Business District building, but may be parked/stored behind the building in an opaque enclosed area.
4. **PARKING:** For uses allowed in the "G" General Business District, parking requirements shall be as set out in Section 31.1006. Lumber yards shall meet the parking requirements set out in Section 31.1006.8. Storage yards shall have off-street parking at the rate of one parking space per 2,000 square feet of gross storage area. Warehouses shall have off-street parking at the rate of one parking space per 2,000 square feet of gross warehouse area. Mini-warehouses shall have a minimum of three off-street parking spaces per office area. Any other uses shall provide off-street parking at the rate of one parking space per 800 square feet of gross floor area.

**Sec 31.1200 "I" – PLANNED UNIT DEVELOPMENT (PUD)**

**31.1201 USES:** The "I" PUD District is established to accommodate the development of planned units which do not conform in all respects with the land use pattern designated on the zoning map, the District regulations prescribed by the zoning ordinance, or the requirements of the subdivision ordinance. Permitted uses shall be limited to the PUDs in accordance with the subdivision ordinance requirements regarding PUDs.

**31.1202 PROHIBITED USES**

1. Any building erected or land used for other than the use shown on the PUD plan as approved by the City Council is prohibited.
2. Any use of property that does not meet the recorded PUD plan as approved by the City Council; the required minimum lot size; the front, side and rear yard dimensions, and lot width; or exceeds the maximum height, building coverage or density per gross acre, is prohibited.

**Sec 31.1300 HOME OCCUPATIONS**

Home occupations are permitted in any dwelling unit subject to the following provisions:

31. The appearance of the dwelling unit shall not be altered nor shall the home occupation be conducted in a manner which would cause the premises to differ from its residential character either by use of colors, materials, construction, lighting, signs, increased traffic or emissions of odors, sounds, or vibrations. The City's noise and nuisance regulations are also applicable.
32. No outdoor display of goods or outside storage of equipment or materials used in the home occupations shall be permitted.

- 33. The home occupations shall not involve the use of advertising signs on the premises or any other advertising media which calls attention to the fact that the dwelling unit is being used for a home occupation, with the exception of a telephone number listing in a telephone directory.
- 34. The home occupation shall be conducted solely by the resident occupants of the dwelling unit. Not more than one person not permanently residing on the premises shall be employed for hire or as a volunteer.
- 35. The home occupation shall be conducted entirely within the dwelling unit or a properly permitted accessory building. No more than 25% of the gross area of the dwelling unit shall be used for the home occupation. Use of carports or yards for a home occupation is prohibited.
- 36. The use of electrical and mechanical equipment that would change the fire rating of the dwelling or create a visible or audible interference in radio or television receivers or cause fluctuations in line voltage outside the dwelling unit is prohibited.
- 37. The home occupation shall not involve the use of commercial vehicles or delivery of materials to and from the premises other than mail and two-axle parcel delivery service.
- 38. No direct on-premises selling of goods not related directly to professional services shall be allowed, except telephone soliciting is permitted.
- 39. Only the following uses are allowed as home occupations:
  - ddddddddddddddddd. Office, consulting and professional services.
  - eeeeeeeeeeeeeeeeeee. Artists and photographic studios.
  - fffffffffffffff. Teaching of music, art, dance, or exercise classes with no more than four students allowed on the premises at any one time.

**Sec 31.1400 SHARED GROUP HOUSING FOR DISABLED PERSONS**

**Shared Group Housing for Disabled Persons shall be permitted in all zoning districts, subject to the following conditions:**

- 31. Not more than six disabled persons, regardless of their legal relationship to one another, and two supervisory personnel may reside in one group home for disabled persons at the same time.
- 32. A group home must provide the disabled residents the following services: food and shelter, personal guidance, care, habilitation services, and supervision.
- 33. Subject to other City regulations, the residents of a group home may not keep, on the premises of the home or on the public rights-of-way adjacent to the home, more than one motor vehicle per bedroom for the use of residents of the home.
- 34. A group home must meet all applicable licensing requirements.

35. A group home may not be established within a radius of one half mile of a previously existing group home for disabled persons.

5. Any single family dwelling unit which is proposed to be used for shared group housing for the disabled shall provide a minimum the following square footage in each bedroom:

- . To house one disabled person per bedroom, 120 square feet per bedroom is required for each bedroom so designated.
- . To house two disabled persons per bedroom, 150 square feet per bedroom is required for each bedroom so designated.
- . Any residence proposed to be used for shared group housing for disabled persons shall provide a separate bedroom for the care provider(s).

### **Section 31.1500 - SEXUALLY ORIENTED BUSINESS REGULATIONS**

These regulations shall apply to all future and existing sexually oriented businesses upon the effective date of this ordinance. Existing sexually oriented businesses shall refer to this Section to determine their appropriate classification.

#### **31.1501 - PROPERTY USES REQUIRING SEPARATION**

Notwithstanding any other provision of this chapter, it shall be a violation to use or occupy land or a building for the purpose of operating or maintaining a sexually oriented business within 1000 feet from another sexually oriented business, or within 1000 feet from any property zoned for the following or devoted to a use classified as any of the following (measurement shall be in accordance with Section 31.1502).

**31.1501.1** A, AA, AAA, B, C, D, including any land zoned for one of the aforementioned residential uses;

**31.1501.2** any church, synagogue, mosque, or other religious worship facility used primarily for religious worship;

**31.1501.3** any public or private elementary, secondary or high school; or

**31.1501.4** any public park.

#### **31.1502 METHOD OF MEASUREMENT & SURVEY REQUIREMENTS**

**31.1502.1** Measurements shall be in a straight line, without regard to intervening structures or objects, from the nearest property line of the protected properties described in the above subsection 31.1501, which requires separation. This method of measurement shall apply to a sexually oriented business which is the sole tenant, within one building, located on one platted lot.

**31.1502.2** Measurements shall be in a straight line, without regard to intervening structures or objects, from the nearest point of the occupied space of the sexually oriented business to the nearest property line of the protected property described in the above subsection 31.1501 which requires separation. This method of measurement shall apply to a sexually oriented business which is a tenant within a multiple tenant building.

**31.1502.3** A certified survey prepared by a licensed surveyor or licensed engineer showing distance measurements in accordance with 31.1502.1 and 31.1502.2 of this subsection shall be submitted to the City Manager for all sexually oriented businesses as part of the application for the Certificate of Occupancy. Any Certificate of Occupancy issued for a building or facility used to conduct a sexually oriented business without submission of the required survey shall be null and void.

**31.1502.4 Method of measurements**

Measurements to determine if a sexually oriented business is conforming, a Type A Nonconforming Use, or a Type B Nonconforming Use shall be in the manner prescribed in City Code Section 31.1500 as amended herein.

**31.1503 NONCONFORMING RIGHTS**

**31.1503.1** Establishment of Type A and Type B Nonconforming Use Rights for sexually oriented businesses. This ordinance will apply to each existing sexually oriented business after the business owner or operator or agent of the owner or operator receives written notice from the City Manager that each such business must within 90 days after receipt of such notice, apply for one of the following three classes of property use rights hereby created and established, as part of the application for a new Certificate of Occupancy:

**31.1503.1.1 Type A Nonconforming Use Rights** (no predetermined duration) is qualified as provided by this ordinance, or

**31.1503.1.2 Type B Nonconforming Use Rights** (one year duration) as provided by this ordinance.

**31.1503.1.3 Conforming.**

**31.1503.2 New Certificate of Occupancy Required.**

The business owner or the owner's agent must, within 90 days after receipt of notice apply for a new Certificate of Occupancy as one of the above three classes of property use rights as sexually oriented business in order to continue such business at the existing location.

**31.1503.2.1 Nonconforming Use Determination Board.**

The Nonconforming Use Determination Board is hereby established, and shall consist of the Chief of Police, the City Manager, and the Building Inspector, or duly authorized representatives, who shall hear evidence and determine, all written requests for Type A Nonconforming Use Rights.

**31.1503.2.2 Type A Nonconforming Use Rights**

Properties which are already devoted to sexually oriented businesses as of the effective date of this ordinance shall have the option to apply for Nonconforming Use Rights. The Nonconforming Use Determination Board will grant Type A Nonconforming Use Rights for a sexually oriented business if the Board finds that (1) the sexually oriented business is more than 1000 feet from any single family residences, churches, synagogues, mosques, or other religious worship facility used primarily for religious worship, any public or private elementary, secondary or high school, public park, and another sexually oriented business, or (2) is separated

from single family residences, churches, synagogues, mosques, or other religious facilities used primarily for religious worship, any public or private elementary, secondary or high schools, public parks, and other sexually oriented businesses by less than 1000 feet but such uses are separated from the sexually oriented business by an active railroad right-of-way, multi-lane interstate highway or similar significant barrier that acts as a barricade buffering such uses.

As well as establishing conformance with either 31.1503.1 or 31.1503.2 of this subsection, the Board shall determine whether or not, in part because of the establishment by the applicant of the facts noted in either 31.1503.1 or 31.1503.2 above, that the sexually oriented business is not causing negative secondary effects to any of the uses noted in 31.1501 of this ordinance.

In the event that two or more sexually oriented businesses that apply for Type A nonconforming rights are found to be unable to qualify solely because the presence of such sexually oriented business makes it impossible for any one of such businesses to meet the qualifications of 31.1503.1 or 31.1503.2 of this subsection; then, in such event, the Board may grant Type A nonconforming rights to the business that establishes in fact that it is the older such business in the area created by the application of the qualifications established in 31.1503.1 or 31.1503.2 above.

**31.1503.2.3** Any business may appeal the decision of the Nonconforming Use Determination Board to the City Council by filing a written notice of appeal with the City Secretary within 10 days of the decision of said Board. The authorized agent of the appellant must file the appeal.

#### **31.1503.2.4 Type B Nonconforming Use Rights**

Properties which are already devoted to sexually oriented businesses as of the effective date of this ordinance shall have Nonconforming Use Rights for one (1) year from the date the City Manager provides written notification by certified mail or hand delivered to a business owner of the distance requirements and the one year time limitation. Said notice shall include notice of the right to petition for a hearing before the Board of Adjustment to introduce evidence of economic hardship caused by the one year limitation of the Type B Nonconforming Rights.

### **31.1504 AMORTIZATION OF TYPE B NONCONFORMING USE RIGHTS BEYOND ONE YEAR**

#### **31.1504.1 Amortization Hearing before the Board of Adjustment.**

The owner of a sexually oriented business that has been granted Type B Nonconforming Use Rights by the City Manager may request a hearing before the Board of Adjustment for a determination of a reasonable amortization period based upon the owner's investment and other generally accepted amortization factors. However, if the Board of Adjustment rules a reasonable amortization period is less than one year, the period of Nonconforming use rights shall continue for one year from receipt of the notice from the City Manager required by this ordinance.

### **31.1505 ADDITIONAL REGULATIONS GOVERNING ALL SEXUALLY ORIENTED BUSINESSES**

**31.1505.1** The subsequent establishment of a protected use or protected zone within 1,000 feet shall not lose Type B nonconforming rights.

**31.1505.2** Type A Nonconforming rights predating protected use within 1,000 feet. Any sexually oriented business continuously operating on and after the effective date of this ordinance, which is rendered nonconforming by the subsequent location of a protected use or a protected zone within the protected distance, shall have Type A Nonconforming Use Rights.

**31.1505.3** Any sexually oriented business annexed by the City after the effective date of this ordinance shall be subject to all the requirements of City Code Sec. 31.1500, as amended by this ordinance.

**31.1506** If the subject building or portion of the building is intended for future use or is currently used as a "sexually oriented business", then the following shall be submitted attached to and made part of the application for Certificate of Occupancy:

A certified survey map prepared by a state licensed surveyor or state licensed engineer which shows the required minimum distances from properties with protected uses or protected zoning; and

a sworn affidavit stating the name and mailing address of all owner(s) of the planned sexually oriented business; and

if a corporate owner, the current name and street address of the corporate president and the registered agent for service on file with the Texas Secretary of State.

**31.1507** It shall be a violation of this ordinance for an owner of a sexually oriented business to fail or refuse to submit the prerequisite certified survey map or to fail or refuse to register the names and addresses of the owner(s). Without both the certified survey map and owner identification, no valid Certificate of Occupancy can be issued. Upon discovery of the absence of, or the incorrectness of either document, the Certificate of Occupancy shall be declared invalid by the City Manager.

**31.1508** A "Sexually Oriented Business Certificate of Occupancy Fee" of \$600.00 shall be paid to the City of Castle Hills with the submission of each application.

## **Section 31.1600 NONCONFORMING USES AND NONCONFORMING STRUCTURES**

### **31.1601 REGULATIONS**

**31.1601.1** - Nonconforming uses and nonconforming structures are regulated as follows:

4. They may be continued.
4. A nonconforming use may not be expanded or altered unless a Special Use Permit or zoning change is obtained.
4. A nonconforming structure may not be expanded unless a variance is obtained.
4. If a nonconforming use or use of a nonconforming structure or premises is discontinued for a period of one year, the use of the same shall thereafter conform to the requirements of the District in which it is located.

## **31.1700 - SPECIAL USE PERMITS**

### **31.1701 DEFINITION AND PURPOSE**

A Special Use Permit (SUP) is a grant of a use of land and/or a structure in a zoning district where the use is not specifically authorized by ordinance in that district. Special Use Permits may be granted to allow compatible and orderly uses which may be suitable only in certain locations in a zoning district and subject to certain conditions.

A Special Use Permit is a zoning action to consider granting an additional use to a specific piece of property but not to change the underlying zoning of the land. A Special Use Permit is subject to the same procedures for an amendment and change in zoning as specified in state law and City ordinances.

Every Special Use Permit granted as provided herein shall be considered a change to the zoning applicable only to the property to which granted.

The City Council may authorize the development of special uses as specified in Section 31.1703, subject to Sections 31.1704 and 31.1705. Such authorization shall be by grant of a Special Use Permit.

### **31.1702 - APPLICATION**

0. For the purposes of *Section 31.1700 – Special Use Permits*, a single-family residential use shall be considered the dominant use of the surrounding uses in the area, if any single-family residential use exists within 200 feet of the property, which is the subject of a special use permit application.
0. Applications for Special Use Permits shall be filed with the City Manager with site plans drawn to scale showing:
  - . the arrangement of the proposed uses;
  - . off-street parking facilities to include dimensions, spaces, arrangement, landscaping, finish materials, and the requirements of Section 31.1006;
  - . locations of all buildings, fences, signs, dumpsters, and improvements;
  - . means of ingress and egress to public streets and adjacent properties;
  - . visual screening;
  - . the location of adjacent residences and other buildings;
  - . the location and area of coverage of all outside lighting, including spill-over onto adjacent public and private properties;
  - . modifications to existing drainage characteristics, existing and proposed surface water entry and discharge locations, and any detention or retention facilities;
  - . uses to be permitted;

- . setbacks from lot lines; and
  - . any other information requested by the City, the Zoning Commission, or the City Council.
0. The City Manager shall file the application and report on the application to the Zoning Commission, which shall conduct a public hearing and make a recommendation to the City Council.

**31.1703 - USES WHICH REQUIRE A SPECIAL USE PERMIT**

0. In any district, the following uses may be requested:
- . Any special use specified in the District Regulations.
  - . Any use of a public building or public utility erected or used by a city or county government.
  - . Private Country Club
  - . Satellite radio, microwave or television antennas of: dish, spheroid, lenticular, funnel, tube, spiral or other than ordinary grid and cross arm array design and size commonly used for home television reception equipment. The preceding includes earth stations and all such similar receiving and transmitting equipment, whether for radio wave or microwave reception or transmission, in size exceeding three feet in size by the largest length, width or diameter dimension. Any such non-permitted equipment installed prior to the effective date of this ordinance, which was not previously granted a Special Use Permit, must become the subject of a Special Use Permit application within 90 days of the effective date of this ordinance. If a Special Use Permit is denied, such antenna must be removed within ten days of the denial. Failure to so remove is an offense under this Chapter.
0. In any district except "A" the following uses may be requested:
- . Day nurseries or kindergartens, except as permitted in Section 31.401
  - . General-care hospitals
  - . Religious or philanthropic institutions
  - . Nursing homes
0. In districts "G" and "H", any use not listed in Section 31.1001 or in Section 31.1101.

**31.1704 - HEARING**

0. After receiving the recommendation of the Zoning Commission, the City Council shall conduct a public hearing regarding the Special Use Permit application.
0. The City Council shall deny any Special Use Permit as submitted and pending before the council unless it finds the proposed use will not adversely affect traffic, public health, public utilities, public safety and the general welfare.

0. The City Council shall deny a special use application if it finds:
- . the proposed use is incompatible with the dominant use in the surrounding area, or
  - . the proposed use, alone or in conjunction with existing uses, results in a change of the character of use, or in the level of density or intensity of use, not compatible with the adjacent property, or
  - . would contribute to the loss, deterioration, destruction or degradation of existing neighborhood integrity.

### **31.1705 - CONDITIONS**

No Special Use Permit shall be effective, unless and until the applicant, owner and grantee of the Special Use Permit, shall deliver to the City Manager within thirty (30) days of the grant of the Special Use Permit by the City Council, shall deliver to the City Manager, a signed written statement declaring that the applicant, owner and grantee do accept and agree to comply with and be bound by the terms of the Special Use Permit. In the event such written, signed declaration is not so delivered then the Special Use Permit shall not be effective and shall automatically expire.

### **31.1706 - TIME LIMIT**

If a building permit is not obtained within one year from the grant of a Special Use Permit, then the SUP shall automatically expire. However, after a recommendation from the City Manager, the City Council may authorize an extension of this time.

**31.1707 - CONDITIONS PRECEDENT TO OCCUPANCY** – The City Council may impose conditions on any Special Use Permit. All conditions imposed in a Special Use Permit shall be satisfied before a certificate of occupancy can be issued by the City for the use of the premises included in the Special Use Permit. Such conditions as are articulated in writing at the time the Special Use Permit is granted shall not be construed as conditions precedent to the grant of the Special Use Permit, but shall be construed as conditions precedent to the issuance of a certificate of occupancy. Any Special Use Permit issued by the City without the written specification of the conditions upon which it was granted, shall be revocable by the City Council, unless the Special Use Permit was specifically granted with no conditions.

**31.1708 - NOTE ON MAP** - The final action taken by the City Council shall be noted, as soon as practicable, on the official Zoning map, and on any other administrative copies, as to the location of the property and the type of use permitted by each Special Use Permit granted.

**31.1709 ZONING CHANGES AND AMENDMENTS** - The City Council may from time to time by ordinance amend, supplement, change, modify or repeal the boundaries or uses of the districts or the regulations herein established. Before taking any such action, the City Council shall first receive and consider recommendations of the Zoning Commission.

### **Section 31.1800 - BOARD OF ADJUSTMENT**

**31.1801 - ORGANIZATION** - There is hereby created a Board of Adjustment consisting of five members who are citizens of the City of Castle Hills and who are not members of the City Council or the Zoning Commission.

1. Each member shall be appointed by the Mayor and confirmed by the City Council for a term of two years beginning on the 1st day of June of each odd numbered year and ending on the 31st day of May of the succeeding odd numbered year.

2. Any member may be removed for cause by the City Council upon written charges and after a public hearing. Vacancies shall be filled for the non-expired term of any member whose term becomes vacant for any cause in the same manner as the original appointment was made.

3. The Mayor shall also appoint and the City Council shall confirm four alternate members of the Board of Adjustment who shall serve in the absence of one or more of the regular members when requested to do so by the Mayor or the Mayor's designee, as cases heard by the Board of Adjustment will always be heard by a minimum of four members. These alternate members shall serve for the same period as the regular members, and any vacancy shall be filled in the same manner and shall be subject to removal as the regular members.

### **31.1802 - RULES AND MEETINGS**

1. Meetings of the Board of Adjustment shall be held at the call of the chairman and at such other times as the Board may determine. The chairman, or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings of the Board of Adjustment shall be open to the public.

2. The Board of Adjustment 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 Manager and shall be a public record.

**31.1803 - POWERS AND DUTIES** - The Board of Adjustment shall have the following powers:

1. To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by the administrative officer in the enforcement of this Chapter.

2. To hear and decide special exceptions to the terms of this Chapter upon which it is required to pass under Section 31.1809.

3. To authorize upon appeal in specific cases such variance from the terms of this Chapter as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement will result in unnecessary hardship, and so the spirit of the Chapter shall be observed and substantial justice done.

### **31.1804 - APPEALS TO BOARD OF ADJUSTMENT**

Appeals to the Board of Adjustment may be made by any person aggrieved or by any officer, department or board of the City affected by any decision of the administrative officer.

### **31.1805 - APPLICATIONS FOR SPECIAL EXCEPTIONS AND VARIANCES**

1. All applications for special exceptions to the terms of this Chapter and for variances from the terms of this Chapter shall be in writing and shall specify the facts involved, the relief desired and the grounds thereof.

2. Each such application shall be filed with the administrative officer who, after investigation, shall transmit such application together with his report and all papers constituting the record of circumstances upon which the appeal is taken to the Board of Adjustment within 10 days after receiving the application.

### **31.1806 - STAY OF ALL PROCEEDINGS**

An appeal stays all proceedings of the action appealed from, unless the administrative officer from whom the appeal is taken certifies to the Board of Adjustment that by reason of facts stated in the certificate a stay would, in his opinion, cause immediate peril to life or property. In such case, proceedings shall not be stayed other than by a restraining order which may be granted by the Board of Adjustment or by a court of record, upon application with notice to the administrative officer from whom the appeal is taken and on due cause shown.

### **31.1807 - TIME AND NOTICE OF HEARING OF APPEAL**

The Board of Adjustment shall set a reasonable time for the hearing of the appeal and give public notice thereof, as well as due notice to the interested parties. At the hearing, any party may appear in person or by agent or attorney. The applicant shall post a city provided sign on the property in question advising the public of the application and of the hearing date on the application. A sign must be visible from each street that borders the property and shall be posted within 7 days of filing of the application and be maintained until the day after the hearing. Sign location shall be subject to City approval.

### **31.1808 - ACTION ON APPEAL**

In exercising its powers, the Board of Adjustment may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from and may make such determination as should be made within these Chapter regulations.

### **31.1809 - GRANTING OF SPECIAL EXCEPTIONS**

The Board of Adjustment is hereby empowered to permit the following exceptions provided its action does not injure the health, safety, morals or the general welfare of the occupants of nearby properties and is in harmony with the general purpose and intent of this chapter.

1. Permit such modifications of the height, yard area, spacing and parking regulations as may be necessary to secure development of a parcel of land of such unusual topography or restricted area or shape that it cannot be appropriately developed without such modification.
2. Permit such modification of the parking regulations as may be warranted by the unusual character of a proposed use.
3. Permit the reconstruction of a building occupied by a nonconforming use provided such reconstruction does not prevent the return of the property to a conforming use.

4. Determine in case of uncertainty the classification as to district of a use not specifically named in this Chapter, provided however, such use shall be in keeping with uses specifically named in the district regulations.

### **31.1810 - GRANTING OF VARIANCES**

The Board of Adjustment is hereby authorized upon appeal from the decision of the administrative officer to grant in specific cases such variance from the terms of this Chapter as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions will result in unnecessary hardship and so that the spirit of this Chapter shall be observed and substantial justice done. A financial or a self-inflicted hardship by an applicant or a predecessor in title is not sufficient to show unnecessary hardship.

### **31.1811 - LIMITATION ON SPECIAL EXCEPTIONS AND VARIANCES**

1. Any special exception or variance authorized by the Board of Adjustment shall constitute authority for the issuance of a building permit or a certificate of occupancy if applied for within 180 days from the date of favorable action, unless the Board of Adjustment authorizes a longer period. If the zoning permit or certificate of occupancy shall not have been applied for within this time frame, then the grant of the special exception or variance shall terminate. Such termination shall be without prejudice to subsequent application to the Board in accordance with the regulations regarding applications.

2. No application to the Board of Adjustment for an identical or substantially similar variance or special exception shall be allowed on the same piece of property prior to the expiration of six months from the ruling of the Board Adjustment, unless other property in the same block or within 500 feet thereof, within such six-month period, has been altered or changed by a ruling of this Board. In this case, the change of circumstances shall permit the allowance of such application but shall in nowise have any force to compel the Board of Adjustment, after a hearing, to grant such subsequent application. Such application shall be considered on its merits as in all other cases.

### **31.1812 - VOTE NECESSARY FOR DECISION OF BOARD OF ADJUSTMENT**

The concurring vote of four members of the Board of Adjustment shall be necessary to: (a) reverse any order, requirement, decision or determination of the administrative officer; (b) to decide in favor of the applicant; or (c) authorize a variance from the terms of this Chapter.

### **31.1813 - NOTICE OF PUBLIC HEARINGS**

1. The notice of public hearings before the Board of Adjustment shall be given by publication once in a newspaper of general circulation in the City or the official newspaper, stating the time and place of such hearing, which time shall not be earlier than 10 days from the date of such publication.

2. In addition, the Board of Adjustment shall mail notices of hearing to the petitioner and to all owners of property lying within 500 feet of any point of the lot on which a special exception or variance is desired, and to all other persons deemed by the Board of Adjustment to be affected thereby. These owners and persons shall be determined according to the last approved tax roll of the City. Such notice may be served by depositing the same, properly addressed and postage paid, in any Post Office.

**31.1814 - APPEALS FROM THE BOARD OF ADJUSTMENT**

Any person or persons jointly or severally, aggrieved by any decision of the Board of Adjustment, or any taxpayer, or any official, department, board or bureau of the City, may present to a court of record a petition for a writ of certiorari, as provided by Section 211.011 of the of the Texas Local Government Code, duly verified, setting forth that such decision is illegal, in whole and in part specifying the grounds of the illegality. Such petition shall be presented to the court within 10 days after the filing of the decision of the Board of Adjustment in the office of the City Manager.

**31.1815 - FEE**

The fee for a formal hearing by the Board of Adjustment is set at \$400.00 per application

**Section 31.1900 - ZONING COMMISSION**

**31.1901 - PROVIDED**

The Council shall appoint a Zoning Commission as prescribed by Section 211.007 of the Texas Local Government Code.

**31.1902 - MEMBERSHIP TERMS**

Five members shall be appointed thereto by the City Council, each to serve a term of two years, beginning on the 1st day of June of each odd numbered year and ending on the last day of May of the next succeeding odd numbered year.

**31.1903 – DUTIES**

Said Commission shall have those powers and exercise those duties, set out in Section 211.007 of the Texas Local Government Code.

**31.1904 - APPLICATION TIME LIMIT**

1. No application for the rezoning of any lot, lots or block of land situated in the City shall be received or filed with the zoning commission of the City if within six months prior thereto, an application was received and withdrawn before a full, fair, complete and final hearing was had thereon; or if within six months prior thereto a full, fair, complete and final hearing was had thereon, However, if new, relevant and substantial evidence, which could not have been secured at the time set for the original hearing shall be produced by the applicant, under a sworn affidavit to that effect, then the zoning commission shall have the right to waive the six months provision and proceed to hear and consider such application.

2. No application for the rezoning of any lots or block of land located in the City shall be filed or received by the zoning commission if, within one year prior thereto, the City Council has denied an application for rezoning of the same property.

**Sec. 31.2000 PROCEDURE FOR AMENDMENT AND CHANGES IN ZONING**

1. All applications for changes in the zoning district classifications of property (hereinafter "Rezoning") for Special Use Permits, or for changes in the textual provisions of this ordinance shall be filed with the Zoning Commission. An application for Rezoning or for a Special Use Permit shall be accompanied by a non-refundable filing fee of \$400.00. All applications shall be submitted in an electronic form that is either compatible with the City's computer software or in Adobe Acrobat.
2. No application for the rezoning of any property situated within the City shall be received, filed with the Zoning Commission, or considered, unless the person or persons making such application have permission in writing, signed by the owner or owners of record of the property proposed to be considered for rezoning, for the filing of such an application. Such written permission must accompany any such application for rezoning.
2. No application for rezoning may be filed with the commission and no hearing had thereon, if within one year prior the City Council has denied the same application. If new, relevant and substantial evidence, which could not have been secured at the time set for the original hearing shall be produced by applicant under a sworn affidavit to that effect, the commission may waive the one year provision and consider the application.
2. The commission shall consider all proposed changes and hold a public hearing thereon before submitting its final report to the City Council. The applicant shall provide to the Zoning Commission, at the commencement of the hearing, written certification that the notification sign in Section 31.2000(8) has been posted for the required period of time prior to the hearing. If such written certification is not provided then the hearing shall be suspended.
2. The City shall mail written notice of all public hearings on proposed changes in classification before the Zoning Commission to owners of real property lying within 500 feet of the property on which the change in classification is proposed. Such notice shall be given, not less than 10 days before the dates set for hearing, to all such owners who have rendered their property for City taxes as the ownership is reflected on the last approved City tax roll. Notice may be served by depositing same, properly addressed and postage paid, in the United States mail.
2. All applications for rezoning which have received a final recommendation by the Zoning Commission shall be presented to the City Council within thirty days from the date of the Commission recommendation.
2. After the final report is submitted by the commission as provided above, the City Council shall act upon the application after a public hearing at which interested parties and citizens shall have an opportunity to be heard.
2. Notice of the public hearing before the City Council, giving the time and place, shall be published at least 15 days before the hearing in a newspaper as described above. The applicant shall post a City provided sign on the property in question advising the public of the application and of the Zoning Commission hearing date on the application. A sign must be visible from each street that borders the property and shall be posted within 7 days of the filing date of the application and be maintained until the day after the hearing. Sign location shall be subject to City approval.

9. In case of a written protest against any change in zoning, signed by the owners of 20% or more either of the area of the lots or land included in such proposed change, or of the lots or land immediately adjoining the same and extending 200 feet therefrom, such amendment shall not become effective except by the favorable vote of three-fourths of all of the members of the City Council.
3. A vote of three-fourths of the members of the City Council is also required to overrule a recommendation of the Zoning Commission that the proposed change be denied.

#### **Sec. 31.2100 ZONING REVIEW COMMITTEE**

City Council approving, the Mayor may from time to time appoint a City Zoning Review Committee to consider and to recommend to the City Zoning Commission, zoning ordinance additions, deletions, amendments and other changes as may be requested or recommended to the City or to the Committee by City residents, local businesses, local religious organizations, franchise holders of City services or by City and other Government officials and agencies. The City Manager may refer such requests and recommendations to an existing Committee for its consideration and recommendations.

a. The Zoning Review Committee shall consist of a minimum of seven members selected for their knowledge, interest and experience in the City's zoning structure and application, who shall in turn, select from their number a Chairperson, a Vice Chairperson and a Secretary. Proceedings before the Committee shall be in accordance with the provisions of "Roberts Rules of Order As Amended".

b. The Committee's term of service shall be as determined by the Committee appointing authority, which may continue as an appointed Committee on a "stand-by" basis. City and City Staff support required for timely and effective Committee work shall be considered and implemented by the City Manager.

c. Whenever a period of six years shall have passed with no Zoning Review Committee functioning, City Council shall consider the appointment and activation of a new Zoning Review Committee to undertake, as a minimum, another complete review of the City's then current Zoning Code.

#### **Sec. 31.2200 ENFORCEMENT AND ADMINISTRATION**

Except as otherwise provided in this ordinance, the City Manager for the City of Castle Hills, or designee, shall administer and enforce this ordinance, including the receiving of applications, the inspection of premises and the issuing of building permits and certificates of occupancy. No building permit or certificate of occupancy shall be issued unless the provisions of this ordinance have been met.

#### **Sec. 31.2300 PENALTIES FOR VIOLATIONS**

a. Any person or corporation who shall fail to comply with any of the provisions of this Zoning Code or fail to comply with any of the requirements hereof, or who shall build or alter any building in violation of any detailed statement or plan submitted and approved hereunder, or who commits, takes part, directs, or assists in any such violation or who maintains or sues any building or premises or part thereof in which any violation exists shall be guilty of a misdemeanor, and any such person or corporation upon conviction thereof in the Municipal Court of the City of Castle Hills, Texas, shall be fined as provided in section 1.301(A) of the Castle Hills Code of Ordinances. Each day that such violation shall occur, continue or be permitted to exist shall constitute a separate offense. 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 employed in connection therewith who assists in the commission of any such violation shall be guilty of a separate offense and upon conviction thereof shall be fined as herein provided.

b. In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted or maintained, or any building, structure or land is used, in violation of the general law or of the terms of this ordinance, the City of Castle Hills, in addition to imposing any other penalty, may institute any appropriate action or proceedings in court to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use, to restrain, correct or abate such violation, or to prevent the occupancy of such building, structure or land, to prevent the illegal act, conduct, business or use, in or about such land. The definition of any violation of the terms of this ordinance as a misdemeanor shall not preclude the City of Castle Hills from invoking the civil remedies given it by law in such cases, but same shall be cumulative of and in addition to the penalties prescribed for such violation.

#### **Sec. 31.2400 SEVERABILITY**

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional, such holding shall not affect the validity of the remaining portions of this ordinance.