Farmersville
DISCOVER A TEXAS TREASURE

CITY OF FARMERSVILLE
PLANNING AND ZONING COMMISSION AGENDA
REGULAR CALLED MEETING
October 19, 2020, 7:30 P.M.
205 S. Main St.

WATCH THE LIVE BROADCAST

This meeting will be broadcast live through the City's website and by telephone. Members of the public who wish to watch this meeting, and not speak or participate in the discussion, may watch the live broadcast by

1. Going to the City's website;
2. Clicking on "GOVERNMENT";
3. Clicking on "AGENDAS AND MINUTES";
4. Clicking on the "click here" link that is located to the right of "**LIVE STREAMING.**"

SPEAKING DURING PUBLIC COMMENTS

Members of the public wishing to speak during Public Comments or a public hearing may join the meeting by going online to www.blizz.com, and following the online prompts to input the "Dial-in Phone Number" and the "Meeting ID."

Members of the public wishing to speak during Public Comments or a public hearing may also join the meeting by calling-in to the telephone number listed below, and inserting the Meeting ID listed below: Those members of the public calling in will not be able to participate through video and will only have an audio feed of the meeting on their telephone.

1. **Dial-in Phone Number: (646) 769-9101**
   Please note that if you dial a toll number, your carrier rates will apply.

2. You will be prompted to enter the Meeting ID.

   The Meeting ID for this meeting is 549-766-47

3. Please listen closely to the directions and follow the directions to gain access to the Blizz meeting.

I. PRELIMINARY MATTERS

- Call to Order, Roll Call, Prayer and Pledge of Allegiance

II. PUBLIC COMMENT ON AGENDA ITEMS (FOR NON-PUBLIC HEARING AGENDA ITEMS)

Pursuant to Section 551.007 of the Texas Government Code, any person wishing to address the Planning & Zoning Commission for items listed as public hearings will be recognized when the public hearing is opened. Speakers wishing to address the Planning & Zoning Commission regarding any non-public hearing item on this agenda shall have a time limit of three (3) minutes per speaker, per agenda item. The Chairman may reduce the speaker time limit uniformly to accommodate the number of speakers or improve meeting efficiency.

III. ITEMS FOR DISCUSSION AND POSSIBLE ACTION

A. Consider, discuss and act upon minutes from September 21, 2020.

B. Consider, discuss and act upon a replat of the Farmersville Old Donation Lot 82-A & Lot 82-B, Block T.

C. Consider, discuss and act upon appointing members to the Historic Preservation Ad Hoc Committee.

IV. WORKSHOP

A. Discussion regarding possible changes to the land uses allowed by right or specific use permit together with the appropriate development standards applicable to those land uses within the Light Industrial, Heavy Industrial, and High Impact Industrial Zoning Districts set out in Sections 77-53(e) – (g) of the Farmersville Code together with any related amendments to the use chart set out in Section 77-46, "Schedule of Permitted Uses," and any necessary additions, changes or deletions to Section 77-29, "Definitions," of the Farmersville Code applicable to one or more of the land uses identified in Sections 77-53(e) - (g).

V. ADJOURNMENT

The Planning and Zoning Commission reserves the right to adjourn into Executive Session at any time during the course of this meeting to discuss any matters listed on the agenda, as authorized by the Texas Government Code, including, but not limited to, Sections 551.071 (Consultation with Attorney).

Persons with disabilities who plan to attend this meeting and who may need assistance should contact the City Secretary at 972-782-6151 or Fax 972-782-6604

at least two (2) working days prior to the meeting so that appropriate arrangements can be made. Handicap Parking is available in the front and rear parking lot of the building.

I, the undersigned authority, do hereby certify that this Notice of Meeting was posted in the regular posting place of the City Hall building for Farmersville, Texas, in a place and manner convenient and readily accessible to the general public at all times, and said Notice was posted on October 14, 2020, by 6:30 P.M. and remained so posted continuously at least 72 hours proceeding the scheduled time of said meeting.

Dated this the 14th day of October, 2020.

Sandra Green, TRMC
City Secretary

CITY OF FARMERSVILLE
TEXAS

I. Preliminary Matters

II. PUBLIC COMMENT ON AGENDA ITEMS (FOR NON-PUBLIC HEARING AGENDA ITEMS)

III. ITEMS FOR DISCUSSION AND POSSIBLE ACTION

A. Consider, discuss and act upon minutes from September 21, 2020.

Farmersville
DISCOVER A TEXAS TREASURE

CITY OF FARMERSVILLE
PLANNING AND ZONING COMMISSION MINUTES
REGULAR SESSION MEETING
September 21, 2020, 7:30 P.M.

I. PRELIMINARY MATTERS

- Chairman Joe Helmberger presided over the meeting which was called to order at 7:30 p.m. Commissioners Lance Hudson, Adam White Leaca Caspari (via teleconference) and Rachel Crist (arrived at 7:32) were in attendance. John Klostermann and Michael Hesse were not present. Also, in attendance were staff liaison, Sandra Green; City Manager, Ben White; City Council liaison, Mike Henry; and City Attorney, Alan Lathrom.

- Lance Hudson led the prayer and the pledges to the United States and Texas flags.

II. PUBLIC COMMENT ON AGENDA ITEMS (FOR NON-PUBLIC HEARING AGENDA ITEMS)

- No one came forward to speak in person or teleconference.

III. ITEMS FOR DISCUSSION AND POSSIBLE ACTION

A. Consider, discuss and act upon minutes from August 17, 2020.

- Motion to approve made by Leaca Caspari
- 2nd to approve made by Lance Hudson
- All members voted in favor, except Rachel Crist who abstained

B. Consider, discuss and act upon changing the meeting time of the Planning & Zoning Commission.

- Chairman Helmberger stated he would like to move the meeting time to 6:00 p.m. in the future.

- Motion to approve made by Leaca Caspari
- 2nd to approve made by Adam White
- All members voted in favor

C. Consider, discuss and act upon a replat of the Aston Addition, Lot 3B, 4A & 4B, Block 1.

- Ben White stated DBI Engineering reviewed the plat and they recommend approval subject to the items in their letter being addressed.
- Sandra Green explained one of the lots was shy of the 100 feet depth requirement, but the property had previously received a variance for that.

  - Motion to approve the plat subject to the items listed in DBI Engineering's letter being addressed made by Lance Hudson
  - 2nd to approve made by Rachel Crist
  - All members voted in favor

D. Consider, discuss and act upon a preliminary plat for Deer Crossing.

- Ben White explained that DBI Engineering had reviewed the plat and recommend approval subject to one item be addressed.
- Sandra Green stated the plat included a lot of variances that were previously approved.

  - Motion to approve subject to the item listed in DBI Engineering's letter being addressed made by Lance Hudson
  - 2nd to approve made by Rachel Crist
  - All members voted in favor

E. Consider, discuss and act upon a final plat for Deer Crossing.

- Ben White stated that DBI Engineering completed a review of the plat. They recommended denial of the plat until all the comments listed in their letter could be addressed.

  - Motion to deny the plat subject to all comments on DBI Engineer's letter being addressed made by Lance Hudson
  - 2nd to approve made by Adam White
  - All members voted in favor

F. Consider, discuss an act upon a concept plan for Lakehaven MUD.

- Ben White stated DBI Engineering did review the concept plan and they recommended the approval subject to the items listed in their letter being completed. He said the item that needed to be addressed for the concept plan was the Traffic Impact Analysis.

- Motion to approve subject to all comments be addressed per DBI Engineering's letter made by Leaca Caspari
- 2nd to approve made by Lance Hudson
- All members voted in favor

G. Consider, discuss and act upon a preliminary plat for Lakehaven MUD.

- Ben White said the engineer also reviewed the preliminary plat and they recommended approval subject to the comments on their letter be addressed. He explained the one comment that was listed was the rerouting of storm sewer and sewer force main utilities running across lots to streets or across frontage of lots.
- Joe Helmberger stated it was common to reroute those during construction and final platting and he had not problems with that comment.

  - Motion to approve made by Adam White
  - 2nd to approve made by Lance Hudson
  - All members voted in favor

IV. PUBLIC HEARING

A. Public hearing to consider, discuss and act upon a recommendation to City Council regarding a requested change in zoning on approximately 5.050 acres of land, more or less, from A – Agricultural District Uses to HII – High Impact Industrial District Uses. The property is generally situated at 91 County Road 699, and located in the W.B. Williams Survey, Abstract A-954, of Farmersville, Collin County, Texas.

- Chairman Helmberger opened the public hearing at 7:50 p.m.
- Mary Berry, who resides at 410 County Road 699, read some of the HII – High Impact Zoning District uses in the code. She stated she was speaking out against the rezoning to HII - High Impact. She stated a concrete batch plant is currently there and they can zone to Heavy Industrial with a Specific Use Permit. She does not believe High Impact zoning would be in the best interest of the city. She is concerned that if they zone the area High Impact no one would want to develop residences nearby.
- Joe Helmberger stated that the High Impact Ordinance was not codified correctly and all the prohibited uses were not included in the online version. He read portions of the approved ordinance.
- Allison Mathers, who resides at 109 College Street, stated that when she is working with developers she looks at the zoning map because that is all they can go by when they are buying property. She said then they go to the Comprehensive Plan. She stated that in Chapter 3 of the Comprehensive Plan it stated the purpose of the land use is to make responsible growth. She explained the Comprehensive Plan describes industrial uses as being

residential friendly. There is a high impact to the land and surrounding areas if this land is zoned as HII – High Impact Industrial. She said when you Google "high impact", the City of Farmersville comes up first and she believes the city would be opening Pandora's box and become Collin County's dumping ground for the east side if the HII – High Impact Industrial zoning is approved.

- Randy Smith, who lives at 508 County Road 610, stated he sees problems with this zoning designation. He said the concrete batch plant came first and everything was rushed to approve after that. He said he thinks the city really wants to do business by rushing things through the system. He stated he feels it should be handled by zoning it to regular Industrial with Specific Use Permits. He said he believes the HII – High Impact Industrial Ordinance was created for the batch plants to get rid of Specific Use Permits. He stated the Comprehensive Plan does not call this area out as industrial. He and his brother owns land around the area and it will impact their property and that of others if it is zoned HII – High Impact industrial. He explained that most cities use Specific Use Permits. He explained that if this zoning request is approved there is no going back and it would be grandfathered in.
- Merry Berry stated that when Mr. Anani proposed bringing Big D Concrete to the property on County Road 699 she placed a complaint into TCEQ and it was denied. They told her they cannot tell a batch plant where they can go. Mr. Anani told her it would be a state of the art facility and now she believes Reliable has held to those standards. There are some things she does not like, but her property is not covered in dust. She is still requesting the Planning & Zoning Commission to zone it Industrial with a Specific Use Permit. She stated the batch plant was asked to leave the other city they were conducting business in.
- Chairman Helmberger asked if there was anyone else that wanted to speak for or against the item.
- No one came forward so he closed the public hearing at 8:22 p.m.
- Lance Hudson stated that he believed all the bad requirements were prohibited in the HII – High Impact Ordinance. He asked why the HII – High Impact Ordinance was created and asked if it was solely for the concrete batch plants.
- Ben White stated it was done so it would put limits on allowing batch plants in the future. He indicated because the ordinance was drafted in such a way it would be hard to get this zoning designation in the future.
- Leaca Caspari asked why the city even has a HII – High Impact Industrial zoning district. She believes we can limit it by placing it in the Heavy Industrial zoning district with a Specific Use Permit.
- Ben White stated the thought behind it was to control it and make it harder to get the zoning for batch plants.
- Leaca Caspari asked if the city is going to limit batch plants from coming in.
- Ben White stated he was not saying that, but it allows the City Council to scope that zoning to that specific industry in the future.

- Leaca Caspari stated we have no safe guards or recourse if this is zoned HII – High Impact Industrial. She has looked for the High Impact designation in other cities and she has not found it. She said she feels the High Impact designation could be a potential problem in future.
- Rachel Crist wanted clarification on when they approved the High Impact Ordinance. She recalled a few years ago it was stated that the batch plants would come into the city if that zoning designation was available, but if it was not approved they would stay in the county and we would not collect sales taxes on them.
- Ben White stated the city was interested in getting their usage of water, collecting of sales taxes, and making sure they follow the rules of ordinances. He said that if we had not created the ordinance they would be out in the county building whatever they wanted.
- Leaca Caspari stated they would not have had water.
- Ben White stated they would have dug a well or received their water from Caddo Basin.
- Leaca Caspari stated she does not see how the HII – High Impact Industrial zoning district would benefit the city.
- Lance Hudson asked if a Specific Use Permit would have kept them from coming in to the city.
- Ben White stated that a Specific Use Permit would have kept them from coming in to the city because it would have put a duration of time on them to operate.
- Leaca Caspari asked if they operated in any other city in Texas and were they under a Specific Use Permit.
- Ben White stated they operated in Dallas and they were told their Specific Use Permit was going to be taken away. Here we tried to form a way for them to operate for a long period of time, otherwise they would have stayed in the county and not annexed into the city.
- Rachel Crist asked how they could be operating if they are not zoned.
- Ben White stated they started building in the county and then were annexed into the city.

    - Motion to deny for the HII – High Impact Industrial designation made by Rachel Crist
    - 2nd to approve made by Leaca Caspari
    - Votes went as follows: Rachel Crist, yes; Leaca Caspari, yes; Adam White, yes; Lance Hudson, no; Joe Helmberger, no

B. Public hearing to consider, discuss and act upon a recommendation to City Council regarding a requested change in zoning on approximately 26.60 acres of land, more or less, from A – Agricultural District Uses to HII – High Impact Industrial District Uses. The property is generally situated at 123 County Road 699, and located in the W.B. Williams Survey, Abstract A-954, of Farmersville, Collin County, Texas.

- Chairman Helmberger opened the public hearing at 8:52 p.m.
- Allison Mathers, who resides at 109 College Street, read the information that was on the Code of Ordinance's online, but was handed a copy of the ordinance that was sent to MuniCode that had not been codified correctly. She stated the HII – High Impact Industrial zoning goes against the Texas Treasure that is Farmersville.
- Merry Berry, who resides at 410 County Road 699, stated if you rezone to High Impact it will stay High Impact. She said time brings other people to leadership roles and other industries that we may not know exist. We do not know what other business out there may be classified as High Impact. She said that Heavy Industrial would allow the use they are wanting instead of zoning it HII – High Impact Industrial.
- Randy Smith, who lives at 508 County Road 610, stated part of the new Comprehensive Plan reflects hike and bike trails. He is not sure how it will fit in with a major trail system if concrete batch plants are there. He said the Comprehensive Plan seems to be incompatible with the HII – High Impact Industrial zoning district. He explained the City of McKinney is not in favor of approving Specific Use Permits for batch plants anymore because of issues they have had. He feels the city should require a Specific Use Permit.
- Allison Mathers, who lives at 109 College Street, asked how the company can be operating with Agricultural zoning.
- Alan Lathrom stated the batch plant started building while it was in the county and before it was annexed into the city. Under Chapter 43 of the Local Government Code it states that if they have started operating before they are annexed they have the right to continue operating after they are annexed.
- Lance Hudson stated if they are not rezoned to HII – High Impact Industrial then they could still operate in the city limits.
- Ben White said they could also choose disannexation from the city.
- Chairman Helmberger asked if anyone else wanted to speak for or against the rezoning request.
- No one came forward so he closed the public hearing at 9:13 p.m.
- Leaca Caspari explained how she understands they have a right to operate there since they came into the city after they started operating. She pointed out that the city has a Comprehensive Plan in place and the citizen want to expand our growth, but they also want a quality of life. She said she is not against cement plants, but she believes safe guards need to be in place for the protection of the citizens.
- Lance Hudson stated the batch plant is here and it is not going anywhere. He is concerned they will consider disannexation. He said if they did leave the city limits they would not have restrictions placed on them and sales tax money would not come to the city from their operations.
- Rachel Crist explained that her concern is that if it is zoned HII – High Impact Industrial they could do whatever they wanted to do. She indicated the zoning would stay with the land for any future businesses that might come in on that property.

- Motion to approve the zoning request made by Lance Hudson
- 2nd to approve made by Joe Helmberger
- Votes went as follows: Rachel Crist, no; Leaca Caspari, no; Adam White, no; Lance Hudson, yes; Joe Helmberger, yes

C. Public hearing to consider, discuss and act upon a recommendation to City Council regarding a proposed textual amendment to the Code of Ordinances, City of Farmersville, Texas, as heretofore amended, through the amendment of Chapter 77, "Zoning," by adopting a new article that will create a Historic Preservation Overlay Zoning District to provide for the protection and preservation of individual historic structures and properties as well as the protection and preservation of both potential and designated historic districts together with individual historic structures and properties and contributing structures and properties within such potential and designated historic districts by and through the adoption of ordinances containing by way of illustration, and not limitation: definitions; design guidelines; the establishment of a historic preservation body; a process through which structures and districts are designated as being historic; minimum maintenance requirements; a certificate of appropriateness process for modifications to and renovations of historic structures and contributing structures; prohibitions against demolition of historic structures and contributing structures whether by neglect or otherwise; and, a permitting process for demolition of dangerous and substandard historic structures and contributing structures.

- Chairman Helmberger stated we are not creating a new zoning district with the Historic Preservation Ordinance, but he feels the document needs some work.
- Chairman Helmberger opened the public hearing at 9:33 p.m.
- Allison Mathers, who lives at 109 College Street, stated she wants to extend the ordinance to include more areas than what it currently would cover in just the downtown area. She stated that the proposed Land Use Map needed to be approved first before they decide which areas to include in the historic overlay area. She said that groups of people and organizations should be involved in drafting the ordinance. She indicated it has to be well planned and suggested a committee be formed to look at the ordinance.
- Chairman Helmberger stated we needed a committee to be put together that could tailor the ordinance to Farmersville. He asked if anyone else wanted to speak for or against the item.
- No one came forward so he closed the public hearing at 9:41 p.m.
- Chairman Helmberger stated he would leave his notes regarding the ordinance with Ben White.

- Chairman Helmberger stated that since he works for the same company that created and is presenting the Land Use, Thoroughfare, and Hike & Bike Trail

Maps he is recusing himself from the discussions. He left the meeting at 9:45 p.m. A quorum was still present.

V. WORKSHOP & PUBLIC HEARING

A. Workshop to accept public input from citizens and to consider and discuss proposed amendments to the City of Farmersville's Comprehensive Plan, dated

January 2013, including proposed amendments to:

1. Chapter 3, titled "Land Use," including proposed amendments to the Future Land Use Plan and the Land Use Type Descriptions for land uses identified on the Future Land Use Plan;

2. Chapter 4, titled "Transportation," and particularly Paragraph B, titled "Master Thoroughfare Plan," including proposed amendments to the Master Thoroughfare Plan now identified as the "2020 Major Thoroughfare Plan" together with amendments in the text of Paragraph B of Chapter 4 making the appropriate name changes throughout; and,

3. Chapter 4, titled "Transportation," and particularly Paragraph F, titled "Trail System," including proposed amendments to the "Trail Master Plan" and such other amendments as maybe necessary to Chapter 6, titled "Parks and Open Space," as it relates particularly to Paragraph A, "Summary of Existing Parks" and the "Chaparral Trail Audie Murphy Trailhead."

- Daniel Acevedo from Kimley-Horn stated the Land Use Plan does not designate the zoning of areas. He showed the land use map and explained some of the uses that were shown on the map. He said the map is used to make decisions about future zoning.
- Ben White stated he had Kimley-Horn draw in a bypass for State Highway 78 because the North Central Texas Council of Governments (NCTCOG) is working on a north/south roadway route. He stated that getting ahead of the routes and planning them might get the NCTCOG to go with those routes. We cannot get input from them until they start the process.
- Randy Smith stated these maps had not included the people in the extraterritorial jurisdiction (ETJ) in the past so he wanted to make sure that people know they are now included in the planning of the city.
- Daniel Acevedo stated there is a lot of time and analysis that goes into placing roads. It does not mean that a road has to go directly as it is shown on the map, it just shows connections and not a perfect alignment. They look for distances between connectivity. He said the thoroughfare plan classifies the roads and the size of them. He indicated these maps tend to be updated every 5 – 10 years, and it

would take many years before any of the roads on the map would be completed.

- Kelly Decker, who lives at 2611 County Road 648, stated she saw the Future Land Use Map on Facebook. She said when they moved here they wanted acreage and more of a country feel. She was concerned because the word has not gotten out about the maps.
- Ben White stated that people need to send comments to the city about their concerns regarding the maps so those concerns can be looked in to.
- Allison Mathers, who lives at 109 College Street, stated the 2013 Comprehensive Plan explained the Farmersville Vision was to reach out to the residents and stake holders. She suggested several public meetings be held to review and comment on the maps.
- Ben White stated we could have separate meetings from the Planning & Zoning Commission meetings where citizens could come and give comments on the maps.
- Direction to staff from the Planning & Zoning Commission to hold more public forums so people can comment and give input on the maps.

B. Public hearing to consider, discuss and act upon a recommendation to City Council regarding proposed amendments to the City of Farmersville's Comprehensive Plan, dated January 2013, including proposed amendments to:

1. Chapter 3, titled "Land Use," including proposed amendments to the Future Land Use Plan and the Land Use Type Descriptions for land uses identified on the Future Land Use Plan;

2. Chapter 4, titled "Transportation," and particularly Paragraph B, titled "Master Thoroughfare Plan," including proposed amendments to the Master Thoroughfare Plan now identified as the "2020 Major Thoroughfare Plan" together with amendments in the text of Paragraph B of Chapter 4 making the appropriate name changes throughout; and,

3. Chapter 4, titled "Transportation," and particularly Paragraph F, titled "Trail System," including proposed amendments to the "Trail Master Plan" and such other amendments as maybe necessary to Chapter 6, titled "Parks and Open Space," as it relates particularly to Paragraph A, "Summary of Existing Parks" and the "Chaparral Trail Audie Murphy Trailhead."

- Lance Hudson stated the Commission would pass on the public hearing at this time.

VI. ADJOURNMENT

Meeting was adjourned at 10:49 p.m.

ATTEST:

_____

Sandra Green, TRMC, City Secretary

APPROVE:

_____

Joe Helmberger, Chairman

September 15, 2020

Mr. Ben White, P.E.
City of Farmersville
205 S. Main St.
Farmersville, Texas 75442

RE: Aston Addition, Block 1 Lots 3B, 4A & 4B Replat Review
Dated July 22

The above referenced project has been reviewed according to the ordinances of the City of Farmersville. The comments listed below will need to be addressed:

- Please use correct Title Block for Replats as shown in Sec 65-32.(e).(3)
- Please use correct Approval Certificate as shown in Sec. 65-30.(f).(4)
- Need to include notes about:
  - Utility providers
  - Flood plain
  - "Selling a portion of this addition by metes and bounds…"
- Show all SF-2 setbacks
- Include 15' utility easement
- Subdivision is 'Aston Addition' not 'Astons Addition'

The Aston Addition Replat is recommending for approval pending the above mentioned items being addressed.

Please contact me if you should have any questions or need additional information.

Sincerely,

Jacob Dupuis, P.E.

DANIEL & BROWN INC.
118 MCKINNEY STREET | PO BOX 606 | FARMERSVILLE, TEXAS 75442
OFFICE 972-784-7777 | WWW.DBICONSULTANTS.COM
FIRM REGISTRATION NO: F-002225

DBI
ENGINEERS

September 16, 2020

Mr. Ben White, P.E.
City of Farmersville
205 S. Main St.
Farmersville, Texas 75442

RE: Deer Crossing Preliminary Plat
Dated September 2020

The above referenced project has been reviewed according to the ordinances of the City of Farmersville. The comments listed below will need to be addressed:

- Please use correct Approval Certificate as shown in Sec. 65-30.(f).(4)

The Preliminary Plat is recommended for approval pending the above mentioned items being addressed.

Please contact me if you should have any questions or need additional information.

Sincerely,

Jacob Dupuis, P.E.

DANIEL & BROWN INC.
118 MCKINNEY STREET | PO BOX 606 | FARMERSVILLE, TEXAS 75442
OFFICE 972-784-7777 | WWW.DBICONSULTANTS.COM
FIRM REGISTRATION NO: F-002225

September 16, 2020

Mr. Ben White, P.E.
City of Farmersville
205 S. Main St.
Farmersville, Texas 75442

RE: Deer Crossing Final Plat
Dated September 2020

The above referenced project has been reviewed according to the ordinances of the City of Farmersville. The comments listed below will need to be addressed:

- Please use correct Approval Certificate as shown in Sec. 65-30.(f).(4)
- All public infrastructure will need to be completed.
- All public infrastructure will need to be verified and approved by appropriate entities.
- As-Built drawings will need to be provided to the City for review and approval.

Due to the above mentioned items, it is recommended that the Final Plat be denied until all comments can be addressed.

Please contact me if you should have any questions or need additional information.

Sincerely,

Jacob Dupuis, P.E.

DANIEL & BROWN INC.
118 MCKINNEY STREET | PO BOX 606 | FARMERSVILLE, TEXAS 75442
OFFICE 972-784-7777 | WWW.DBICONSULTANTS.COM
FIRM REGISTRATION NO: F-002225

September 17, 2020

Mr. Ben White, P.E.
City of Farmersville
205 S. Main St.
Farmersville, Texas 75442

RE: Lake Haven MUD
Dated September 17, 2020

The above referenced project has been reviewed according to the ordinances of the City of Farmersville. The following comments have been provided to the developer but not resolved. The developer responses are shown below.

- Concept Plan
  - Traffic Impact Analysis required for development of this size.
    - *We are addressing the TIA requirement via a separate formal letter pertaining to the delivery of such report within the timeframe of 60 days.*

- Preliminary Engineering
  - Storm sewer and sewer force main utilities running across lots should be rerouted to streets or across frontage of lots.
    - *Storm sewer will be looked at in more detail during construction document phase and possibly re-routed as well.*

All other comments and issues have been fixed by the developer. The Concept Plan and Preliminary Plat for Lake Haven MUD are both recommended for approval pending:

- Obtaining the TIA and implementing any requirements necessary

- Re-routing of force main utilities out of lot backyards

I am available for any questions you may have.

Sincerely,

Jacob Dupuis, P.E.

DANIEL & BROWN INC.
118 MCKINNEY STREET | PO BOX 606 | FARMERSVILLE, TEXAS 75442
OFFICE 972-784-7777 | WWW.DBICONSULTANTS.COM
FIRM REGISTRATION NO: F-002225

B. Consider, discuss and act upon a replat of the Farmersville Old Donation Lot 82-A & Lot 82-B, Block T.

Received By
Paula Jackson
5-19-20

20201469

Farmersville
DISCOVER A TEXAS TREASURE

DEVELOPMENT APPLICATION

- ☐ Preliminary Plat
- ☐ Amended Plat
- ☐ Final Plat
- ☐ Minor Plat
- ☑ Replat
- ☐ Development Plat
- ☐ Concept Plan
- ☐ Annexation
- ☐ Specific Use Permit
- ☐ Site Plan
- ☐ Rezoning

Fees:
A retainer fee of $1,000.00 is required for submittal. Once the plans have been reviewed the money will be refunded back to the applicant if all the $1,000.00 is not used and will be billed if the amount exceeds the initial $1,000.00. (Note: All engineering inspection fees will be billed at the time of service.)
The application fee of $ 1000, to be paid to the City of Farmersville, is enclosed with this application.

A. Description of Property

1. Addition Name FARMERSVILLE OLD DONATION
2. Total Acreage 0.464 ACRES
3. Current Zoning Classification(s) SF2
4. Proposed Zoning Classification(s) SF2
5. Total Number of Lots, by Type 2
6. Proposed Use of Property RESIDENTIAL
7. Location of Property 303 WINDOM ST.
8. Geographic (Tax) ID Number R-1045-020-82A-1 R-

B. Applicants: (List those persons you wish to be contacted about this request.)
PLEASE PRINT

1. Owner Hudson + Hudson Homes NATHAN DOUDNEY
Address 2772 NW McCOOK
City, State, Zip BEND, OR 97703
Phone 214 478 3438
Email melodyrealtortx@gmail.com

2. Applicant/Representative MATTHEW BUSBY
Address 116 McKINNEY
City, State, Zip FARMERSVILLE, TX
Phone 214 499 8472
Email mbusby-bsi@yahoo.com

C. Variance Request: ☑ Yes ☐ No If yes, describe: WIDTH OF LOT 82-A WITH EXISTING HOME

"I hereby certify that I am the owner, or duly authorized agent of the owner for the purposes of this application, of the property herein described, that all information submitted herein is true and correct."

Applicant/Owner: [signature] Date: 5/18/2020

BOUNDARY SOLUTIONS *Professional Land Surveyors*
COMMERCIAL AND RESIDENTIAL
PROFESSIONAL LAND SURVEYING

May 4, 2020

City of Farmersville
205 S. Main
Farmersville, Texas 75442
972-782-6604

RE: Letter of Intent

This letter of intent is to submit the attached plat in order to create 2 platted lots.

Respectfully,

Matthew Busby, R.P.L.S.
President

P.O. Box 250 Caddo Mills, TX 75135 Office: 214-499-8472 Fax: 972-782-7611 Email: mbusby_bsi@yahoo.com

Hale Street

PROPERTY OWNER'S CERTIFICATE

STATE OF TEXAS
COUNTY OF COLLIN

WHEREAS, Nathan Doudney, is the owner of a tract of land situated in the W.B. Williams Survey, A-952, City of Farmersville, Collin County, Texas, and being all of that called 0.46 acres of land described in deed to Nathan Doudney as recorded under CC# 20190304000224720 of the Official Public Records of Collin County, Texas, and being further described as follows:

BEGINNING at a 1/2 inch steel rod found on the West line of Windom Street, at the Northeast corner of said 0.46 acres, and at the Southeast corner of that called 0.47 acres of land described in a deed to Mark E. Moss and Alisha Moss as recorded under CC# 20171213001647740 of the Official Public Records of Collin County, Texas;

THENCE South 00 degrees 26 minutes 51 seconds East (Directional Control Line), 110.66 feet along the West line of said Windom Street to a 1/2 inch steel rod found at the Southeast corner of said 0.46 acres, and at the Northeast corner of Lot 81-A of the Replat of Lot 81, Block T of Old Donation as recorded in Volume G, Page 418 of the Plat Records of Collin County, Texas;

THENCE North 89 degrees 22 minutes 38 seconds West, 184.38 feet to a 1/2 inch steel rod found at the Southwest corner of said 0.46 acres, and at the Northwest corner of said Lot 81-A;

THENCE North 00 degrees 18 minutes 11 seconds East, 109.67 feet to a 1/2 inch steel rod found at the Northwest corner of said 0.46 acres, and at the Southwest corner of said 0.47 acres;

THENCE South 89 degrees 40 minutes 50 seconds East, 182.92 feet to the POINT OF BEGINNING, containing 0.46 acres of land.

NOW THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

That, Nathan Doudney, does hereby adopt this plat designating the herein above described property as Replat of Farmersville Old Donation, Lot 82-A & Lot 82-B, Block T, an addition to the City of Farmersville, Texas, and does hereby dedicate, in fee simple, to the public use forever, the streets, rights-of-way, and other public improvements-shown thereon. The streets and alleys, if any, are dedicated for street purposes and any and all related necessary appurtenances. The easements and public use areas, as shown, are dedicated, for the public use forever, for the purposes indicated on this plat. No buildings, fences, trees, shrubs or other improvements or growths shall be constructed or placed upon, over or across the easements as shown, except that landscape improvements may be placed in landscape easements, if approved by the City Council of the City of Farmersville. In addition, utility easements may also be used for the mutual use and accommodation of all public utilities desiring to use or using the same unless the easement limits the use to particular utilities, said use by public utilities being subordinate to the public's and City of Farmersville's use thereof.

The City of Farmersville and public utility entities shall have the right to remove and keep removed all or parts of any buildings, fences, trees, shrubs or other improvements or growths which may in any way endanger or interfere with the construction, maintenance, or efficiency of their respective systems in said easements. The City of Farmersville and public utility entities shall at all times have the full right of ingress and egress to or from their respective easements for the purpose of constructing, reconstructing, inspecting, patrolling, maintaining, reading meters, and adding to or removing all or parts of their respective systems without the necessity at any time of procuring permission from anyone.

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

WITNESS, my hand this the _____ day of _____, 20____.

BY:

_____
Nathan Doudney
Owner

STATE OF TEXAS
COUNTY OF COLLIN

BEFORE me, the undersigned authority, a Notary Public in and for the State of Texas, on this day personally appeared Nathan Doudney, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purpose and considerations therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this _____day at _____, 20____.

_____
Notary Public in and for the State of Texas

_____
My Commission Expires On:

SURVEYOR'S CERTIFICATE

KNOW ALL MEN BY THESE PRESENTS:

That I, Matthew Busby, do hereby certify that I prepared this plat from an actual and accurate survey of the land and that the corner monuments shown thereon as set were properly placed under my personal supervision in accordance with the Subdivision Ordinance of the City of Farmersville.

_____ 20____

PRELIMINARY & FOR REVIEW ONLY.
THIS DOCUMENT SHALL NOT BE RECORDED FOR ANY PURPOSE.
Matthew Busby
R.P.L.S. No. 5751

STATE OF TEXAS
COUNTY OF COLLIN

BEFORE me, the undersigned authority, a Notary Public in and for the State of Texas, on this day personally appeared Matthew Busby, Land Surveyor, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purpose and considerations therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this _____day of _____, 20____.

_____
Notary Public in and for the State of Texas

_____
My Commission Expires On:

UTILITIES TO BE PROVIDED BY:
WATER: Farmersville
ELECTRIC: Farmersville
SEWER: Farmersville

SPS = STEEL ROD SET
SFF = STEEL ROD FOUND

O DENOTES A 5/8" STEEL ROD SET CAPPED "BOUNDARY SOLUTIONS" UNLESS OTHERWISE NOTED

SCALE 1"=25'

0' 25' 50'

Notes:
1) Purpose of this plat is to create 2 platted lots.
2) Subdivision is located in Farmersville ISD.
3) Subject tract located within Zone "X" as scaled from F.I.R.M. Panel 48085C0340J, dated June 2, 2009. Zone "X" being defined as "areas determined to be outside the 0.2% annual chance floodplain."
4) Verify exact location of underground utilities prior to construction.
5) Bearings based on Texas Plane Coordinate System, Texas North Central Zone 4202, NAD83.

NOTICE: Selling a portion of this addition by metes and bounds is a violation of City ordinance and State law, and is subject to fines and withholding of utilities and building permits.

Subject tract is located within the Farmersville Independent School District (F.I.S.D.).

Property is located in the City of Farmersville, Texas.

VICINITY MAP
(Not to Scale)

APPROVAL BLOCK:

"RECOMMENDED FOR APPROVAL"

_____ _____
Chairman, Planning & Zoning Commission Date
City of Farmersville, Texas

"APPROVED FOR CONSTRUCTION"

_____ _____
Mayor, City of Farmersville, Texas Date

"ACCEPTED"

_____ _____
Mayor, City of Farmersville, Texas Date

The undersigned, the City Secretary of the City of Farmersville, Texas, hereby certifies that the foregoing Replat of Farmersville Old Donation, Lot 82-A & Lot 82-B, Block T, an addition to the City of Farmersville, Texas was submitted to the City Council on the _____ day of _____, 20_____, and the Council, by formal action, then and there accepted the dedication of streets, alleys, parks, easement, public places, and water and sewer lines as shown and set forth in and upon said plat and said Council further authorized the Mayor to note the acceptance thereof by signing his/her name as hereinabove subscribed.

Witness my hand this _____ day of _____, A.D., 20____.

_____
City Secretary
City of Farmersville, Texas

REPLAT
FARMERSVILLE OLD DONATION
LOT 82-A & LOT 82-B , BLOCK T

BEING A REPLAT OF FARMERSVILLE OLD DONATION
LOT 82A, BLOCK T

Being all of that called 0.46 acres of land described in deed to Nathan Doudney as recorded under CC# 20190304000224720 of the Official Public Records of Collin County, Texas.

TOTAL ACRES = 0.464 ACRES
W.B. WILLIAMS SURVEY, A-952
CITY OF FARMERSVILLE
COLLIN COUNTY, TEXAS

OWNER:
Nathan Doudney
2772 Nw Mccook Court
Bend, OR 97703

SURVEYOR:
Boundary Solutions
116 McKinney Street
Farmersville, TX 75442
214-499-8472

B.S.I. Job# 2003-007

DBI
ENGINEERS

October 14, 2020

Mr. Ben White, P.E.
City of Farmersville
205 S. Main St.
Farmersville, Texas 75442

RE: Farmersville Old Donation Replat Review
Dated July 22

The above referenced project has been reviewed according to the ordinances of the City of Farmersville. The following items will need to be addressed prior to approval.

- Please use the correct signature block as described in Sec. 65-30. – Final Plat.

The Farmersville Old Donation Replat is recommended for approval pending the above mentioned items being corrected.

Please contact me if you should have any questions or need additional information.

Sincerely,

Jacob Dupuis

Jacob Dupuis, P.E.

DANIEL & BROWN INC.
118 MCKINNEY STREET | PO BOX 606 | FARMERSVILLE, TEXAS 75442
OFFICE 972-784-7777 | WWW.DBICONSULTANTS.COM
FIRM REGISTRATION NO: F-002225

Farmersville

DISCOVER A TEXAS TREASURE

FARMERSVILLE CITY COUNCIL

SITTING AS THE

FARMERSVILLE ZONING BOARD OF ADJUSTMENT
REGULAR SESSION MINUTES
For

July 14, 2020, 5:30 P.M.

I. PRELIMINARY MATTERS

- Mayor Wiebold called the meeting to order at 5:30 p.m. Council members Dwain Mathers, Jim Hemby, Craig Overstreet, Mike Henry and Terry Williams were all present. City staff members Sandra Green and City Attorney, Alan Lathrom was also present.

II. PUBLIC TESTIMONY REGARDING AGENDA ITEMS

- No one came forward in person or teleconference

III. PUBLIC HEARING

A. Public hearing to consider, discuss and act upon a request for a variance from the requirements of Section 77-66 (c)(8), "Height and Yard Requirements," of the Farmersville Zoning Ordinance to allow an accessory building to exceed the maximum height of 10 feet by an additional 5 feet 3 inches thereby allowing the peak of the roof of such accessory building to be a maximum of 15 feet 3 inches in height provided that all other requirements of the Farmersville Code are met. The property is generally located at 1231 Willow Lane, Farmersville, Texas 75442.

- Mayor Wiebold, Mike Henry and Craig Overstreet recused themselves from hearing the item and left the room because they all live within 200 feet of the property.
- Mayor Pro-Tem Dwain Mathers opened the public hearing at 5:32 p.m. and asked if anyone wanted to speak for or against the item.
- Kiel Cathey, who resides at 1231 Willow Lane, came forward and explained he wanted to build a detached garage that would be 15 feet 3

inches tall. He stated the outside of the garage would match the existing house and the roof pitch would match what the code requires. He explained it would be a side entry garage because the subdivision restrictions do not allow them to have front facing garages.

- Sandra Green stated the reason for the variance was because he was going over the 10 feet height maximum. She stated he would have an engineered foundation and the structure would have the same appearance as the main structure. She said the Homeowner's Association had sent an email stating they had reviewed his plans and they approved of the design.
- Dwain Mathers asked if anyone else wanted to speak for or against the item.
- No one came forward so he closed the public hearing at 5:36 p.m.

    - Motion to approve the variance made by Terry Williams
    - 2nd to approve was Jim Hemby
    - All council members voted in favor

- Mayor Wiebold, Craig Overstreet, and Mike Henry returned to the Council Chambers.

B. Public hearing to consider, discuss and act upon a request for a variance from the requirements of Section 77-52(d)(3) of the Farmersville Code to allow the minimum lot width on one of the new lots proposed to be established by the replatting of the property situated at 303 Windom, which property is currently platted as one lot - Lot 82, Block T of the Farmersville Old Donation – and zoned for "SF-2 – Single Family Dwelling - 2" zoning district uses, to be reduced from the minimum required lot width of 60 feet to approximately 50.61 feet on proposed Lot 82-A while retaining the minimum required lot width of 60 feet on proposed Lot 82-B provided that all other requirements of the Farmersville Code are met. The property is generally located at 303 Windom, Farmersville, Texas 75442.

- Mayor Wiebold opened the public hearing at 5:38 p.m. and asked if anyone wanted to speak for or against the item.
- Lance Hudson, who lives at 201 Summit and is a developer for Hudson & Hudson Homes, stated they purchased the lot and wanted to split it up and build a new house on one lot and remodel the existing house on the other lot.
- Mike Henry asked if the smaller lot had sufficient side yards.
- Lance Hudson stated he believed the smaller lot has at least 10 feet on both sides of the existing house.
- Mike Henry asked what size house he would build on the new lot being created.
- Lance Hudson stated he would like to build a house around 2,200 square feet on the new lot. He said the existing house is only 800 square feet and he is thinking about adding on to it to make it around 1,200 square feet.
- Cassandra Kapity who resides at 218 Windom came forward and stated she wanted clarification on what he was doing to the house in front of her property. She just wanted to make sure it was not going to be duplexes.
- Lance Hudson stated it would not be and it would be two single family houses.

- Mayor Wiebold closed the public hearing at 5:42 p.m.
    - Motion to approve the variance made by Mike Henry
    - 2nd to approve was Jim Hemby
    - All council members voted in favor

IV. ADJOURNMENT

Meeting was adjourned at 5:43 p.m.

APPROVE:

Bryon Wiebold, Mayor

ATTEST:

Sandra Green, City Secretary

CITY OF FARMERSVILLE TEXAS

Farmersville

DISCOVER A TEXAS TREASURE

FARMERSVILLE CITY COUNCIL

SITTING AS THE

FARMERSVILLE ZONING BOARD OF ADJUSTMENT
REGULAR SESSION MINUTES
For

September 22, 2020, 7:30 P.M.

I. PRELIMINARY MATTERS

- Mayor Wiebold called the meeting to order at 7:30 p.m. Council members Dwain Mathers, Craig Overstreet, Mike Henry and Terry Williams were all present. Jim Hemby was not in attendance. City staff members Ben White, Sandra Green and City Attorney, Alan Lathrom were also present.

II. PUBLIC TESTIMONY REGARDING AGENDA ITEMS

- No one came forward in person or teleconference to speak.

III. PUBLIC HEARING

A. Public hearing to consider, discuss and act upon a request for a variance from the requirements of Section 77-52(d)(3) of the Farmersville Code to allow the minimum front yard setback for the existing structure on the northern approximately one/half (½) of the property situated at 303 Windom, which property is currently platted as one lot - Lot 82, Block T of the Farmersville Old Donation – and zoned for "SF-2 – Single Family Dwelling - 2" zoning district uses, to be reduced from the minimum required front yard setback of 30 feet to approximately 18 feet, which northern approximately one/half (½) of the property is proposed to be replatted as Lot 82-A while retaining the minimum required front yard setback of 30 feet on the southern of the property which is proposed to be replatted as Lot 82-B provided that all other requirements of the Farmersville Code are met save and except to the extent previous variances have been approved. The property is generally located at 303 Windom, Farmersville, Texas 75442.

- Mayor Wiebold opened the public hearing at 7:31 p.m. and asked if

anyone wanted to speak for or against the item.

- Lance Hudson, applicant, stated he was originally granted a variance to divide the property because where the current house sat the lot would only be 50 feet wide instead of 60 feet. He said he is now asking for a variance for the front building line to be 18 feet instead of the required 30 feet since he is remodeling the existing house and not tearing it down.
- Mike Henry asked if he tore down the house would he go back to the 30 feet setback.
- Lance Hudson stated he would, but he had no intention of tearing the house down.
- Terry Williams asked if he had completed any remodeling on the house yet.
- Lance Hudson stated he has not at this point.
- Craig Overstreet asked if the front yard setback was the only variance he was asking for.
- Lance Hudson explained this was the only variance he was requesting at the meeting, but there was a previous variance that was already granted.
- Mayor Wiebold asked if there was anyone else that wanted to speak for or against the agenda item.
- No one came forward so he closed the public hearing at 7:34 p.m.

    - Motion to approve the variance made by Mike Henry
    - 2nd to approve was Terry Williams
    - All council members voted in favor

IV. ADJOURNMENT

Meeting was adjourned at 7:34 p.m.

APPROVE:

Bryon Wiebold, Mayor

ATTEST:

Sandra Green, TRMC, City Secretary

CITY OF FARMERSVILLE TEXAS

C. Consider, discuss and act upon appointing members to the Historic Preservation Ad Hoc Committee.

IV. Workshop

A. Discussion regarding possible changes to the land uses allowed by right or specific use permit together with the appropriate development standards applicable to those land uses within the Light Industrial, Heavy Industrial, and High Impact Industrial Zoning Districts set out in Sections 77-53(e) – (g) of the Farmersville Code together with any related amendments to the use chart set out in Section 77-46, "Schedule of Permitted Uses," and any necessary additions, changes or deletions to Section 77-29, "Definitions," of the Farmersville Code applicable to one or more of the land uses identified in Sections 77-53(e) - (g).

Sec. 77-53. - Non-residential and mixed-use zoning district regulations.

(a) *NS — Neighborhood Service District.*

(1) *Purpose.* The NS district is primarily intended to provide areas for low density retail, office and service uses compatible in scale, character, and intensity with adjacent residential neighborhoods. Automotive repair and automotive service businesses are generally not appropriate in the NS district.

(2) *Permitted uses.* See section 77-46, Schedule of permitted uses for a complete listing.

(3) *Area, yard and bulk requirements.*

Description		Requirements
Minimum Lot Area		5,000 sq. ft.
Minimum Lot Width		None
Minimum Lot Depth		None
Minimum Front Yard		25 feet
Minimum Side Yard	*Interior Lot*	None
	Corner Lot	15 feet
Minimum Rear Yard		None
Maximum Lot Coverage		60%
Maximum Height		Two stories, 40 feet

(4) See article IV., Development standards for additional requirements and exceptions.

(b) *GR — General Retail District.*

(1) *Purpose.* The GR district is primarily intended to provide areas for neighborhood, local and community shopping facilities for the sales of goods and services included convenience stores, shopping centers and limited automotive repair and automobile services.

(2) *Permitted uses.* See section 77-46, Schedule of permitted uses for a complete listing.

(3) *Area, yard and bulk requirements.*

Description		Requirements
Minimum Lot Area		10,000 sq. ft.
Minimum Lot Width		None
Minimum Lot Depth		None
Minimum Front Yard		25 feet
Minimum Side Yard	*Interior Lot*	None
	Corner Lot	15 feet
Minimum Rear Yard		None
Maximum Lot Coverage		50%
Maximum Height		Two stories, 40 feet

(4) See article IV., Development standards for additional requirements and exceptions.

(c) *C — Commercial District.*

(1) *Purpose.* The C district is primarily intended to provide a location for a broad range of commercial and service-related uses, such as contract construction, landscape contractors, plumbing shops paint and body shops and automotive repair services, and other similar commercial uses.

(2) *Permitted uses.* See section 77-46, Schedule of permitted uses for a complete listing.

(3) *Area, yard and bulk requirements.*

Description		Requirements
Minimum Lot Area		10,000 sq. ft.
Minimum Lot Width		None
Minimum Lot Depth		None
Minimum Front Yard		30 feet
Minimum Side Yard	*Interior Lot*	None
	Corner Lot	20 feet
Minimum Rear Yard		None
Maximum Lot Coverage		40%
Maximum Height		Two stories, 40 feet

(4) See article IV., Development standards for additional requirements and exceptions.

(d) *CA — Central Area District.*

(1) *Purpose.* The CA district is primarily intended to serve as a pedestrian oriented center for retail, office, governmental, cultural, entertainment and residential uses in downtown Farmersville and adjacent neighborhoods. It is designed to ensure that development, redevelopment, and renovation within the district are consistent with the historical character of the city's original business district and surrounding area. The standards of this district apply to specific characteristics of the city's downtown area and are not appropriate for other locations and districts.

(2) *Permitted uses.*

a. See section 77-46, Schedule of permitted uses for a complete listing.

b. A residence or residential use may be established in a building as an accessory or incidental use only after issuance of a certificate of occupancy and establishment of the primary use of the building; and

c. A building in the CA District may be used for residential purposes provided however that such residential use shall be limited solely to:

1. A maximum of 40 percent of the overall square footage of the first floor and placed on that portion of the first floor at the farthest portion of the building away from the building's store front with the remaining 60 percent of the first floor actually being used for retail or other commercial use; and

2. The second floor and above of the building.

(3) *Area, yard and bulk requirements.*

Description	Requirements
Minimum Lot Area	5,000 square feet for one-family dwelling (detached)
	4,000 square feet for zero lot line
	2,000 square feet for one-family dwelling (attached)
	3,000 square feet for two-family dwelling
	1,500 square feet per unit for multiple family dwellings (1—3 stories)

	900 square feet per unit for multiple-family dwellings (over three stories)
Minimum Lot Width	20 feet for one-family dwelling (attached)
	50 feet for two-family dwellings
	60 feet for multiple-family dwellings
Minimum Lot Depth	100 feet for one-family dwelling (detached)
	80 feet for zero lot line
	100 feet for one-family dwelling (attached)
	120 feet for multiple-family dwellings
Minimum Front Yard	None
Maximum Front Yard	30 feet from the centerline of any street on which such structure fronts
Minimum Side Yard	10% of lot width; 5 feet minimum for one-family (detached) and two-family dwellings
	15 feet for one-family dwelling (attached)
	10 feet for zero lot line
	None for non-residential uses

Minimum Rear Yard	10 feet for residential uses; none for non-residential uses (see Section 4.4)
Maximum Lot Coverage	None
Maximum Height	None if all code provisions are met
Maximum Floor Area Ratio	10:1
Minimum Dwelling Size	750 square feet

(4) See article IV., Development standards for additional requirements and exceptions.

(e) *LI — Light Industrial District.*

(1) *Purpose.* The LI district is primarily intended for the conduct of light manufacturing, assembling and fabrication, and for warehousing, wholesaling and service operations.

(2) *Permitted uses.* See section 77-46, Schedule of permitted uses for a complete listing.

(3) *Area, yard and bulk requirements.*

Description	Requirements
Minimum Lot Area	15,000 sq. ft.
Minimum Lot Width	None
Minimum Lot Depth	None
Minimum Front Yard	30 feet

Minimum Side Yard	*Interior Lot*	None
	Corner Lot	20 feet
Minimum Rear Yard		None
Maximum Lot Coverage		None
Maximum Height		None; 40 feet when within 40' of a residential property line

(4) See article IV., Development standards for additional requirements and exceptions.

(f) *HI — Heavy Industrial District.*

(1) *Purpose.* The HI district is primarily intended to provide areas for manufacturing firms engaged in processing, assembling, warehousing, research and development, and incidental services.

(2) *Permitted uses.* See section 77-46, Schedule of permitted uses for a complete listing.

(3) *Area, yard and bulk requirements.*

Description	Requirements
Minimum Lot Area	15,000 sq. ft.
Minimum Lot Width	None
Minimum Lot Depth	None

Minimum Front Yard		30 feet
Minimum Side Yard	*Interior Lot*	None
	Corner Lot	20 feet
Minimum Rear Yard		None
Maximum Lot Coverage		None
Maximum Height		None; 40 feet when within 40' of a residential property line

(4) See article IV., Development standards for additional requirements and exceptions.

(g) *HII — High Impact Industrial District.*

(1) *Purpose.* The HII district is primarily intended to provide areas for manufacturing firms engaged in high impact industrial activity that is generally incompatible with residential, commercial and lower impact industrial uses and sensitive natural areas due to, among other things, traffic, noise levels, emissions, lighting and odors while allowing office and limited commercial uses which are harmonious with such high impact industrial uses.

(2) *Permitted uses.* See section 77-46, Schedule of permitted uses for a complete listing.

(3) *Area, yard and bulk requirements.*

Description	Requirements
Minimum Lot Area	15,000 sq. ft.
Minimum Lot Width	None

Minimum Lot Depth		None
Minimum Front Yard		30 feet
Minimum Side Yard	Interior Lot	None
	Corner Lot	20 feet
Minimum Rear Yard		20'
Maximum Lot Coverage		None
Maximum Height		None, generally; Except 40 feet height limitation if any part is located within 40 feet of a residential property line

(4) *Applicable development standards.* All uses in the HII — High Impact Industrial District shall meet or exceed all of the minimum requirements established in article IV, "Development Standards," of this zoning ordinance for the HI — Heavy Industrial District including without limitation, except as otherwise specifically provided herein to the contrary, the requirements set forth in sections 77-61—77-80. Notwithstanding the foregoing, section 71-71(h) shall not generally apply to uses in the HII — High Impact Industrial District. However, any areas that are not used for buildings, facilities, structures, parking and roadways shall be devoted to living landscape, which shall at a minimum include grass, ground cover, plants, shrubs, or trees.

(5) *Prohibited uses.* Uses that are not expressly enumerated herein as permitted uses are prohibited. Those uses that are prohibited shall include, but are not limited to, the following:

a. Refining of petroleum or its products, including tar distillation;

b. Distillation of bones; fat rendering; glue, soap, or fertilizer manufacture;

c. Dumping, disposal, incineration, or reduction of garbage, sewage, offal, dead animals, or refuse;

d. Stockyard or slaughtering of animals;

e. Smelting of iron, copper, tin, zinc, or any other ore;

f. Manufacture of explosives or fireworks;

g. Coal distillation or coke ovens;

h. Creosote treatment;

i. Steel mills or furnaces;

j. Coal- or coke-fired kilns;

k. Used tire storage;

l. Extraction of raw materials; and

m. Concert halls.

(Ord. No. 2018-0508-001, § 3, 5-8-2018; Ord. No. O-2018-1023-002, § 2B, 10-23-2018)

Sec. 77-46. - Schedule of permitted uses.

(a) *Explanation of use chart.*

(1) *Permitted by-right uses.* "P" in a cell indicates that the use is permitted by right in the respective zoning district. Permitted uses are subject to all other applicable regulations of this chapter.

(2) *Uses requiring a specific use permit.* "S" in a cell indicates that, in the respective zoning district, the use is allowed only if issued a specific use permit, in accordance with the procedures of section 77-44, Specific Use Permits. Uses requiring a specific use permit are subject to all other applicable regulations of this chapter.

(3) *Prohibited uses.* A blank cell indicates that the use is prohibited in the respective zoning district.

(4) *Use-specific regulations.* Regardless of whether a use is allowed by right, or permitted with a specific use permit, there may be supplemental regulations that are applicable to the use. The existence of these regulations is noted through a cross-reference in the last column of the table. Cross-references refer to section 77-49, Use-Specific Regulations. An asterisk [*] in a cell indicates that the use, whether permitted by right or as a special use, is permitted subject to use-specific regulations in that district.

(5) *Allowed land uses in overlay districts.* Except as otherwise provided by this Code for a specific overlay district:

a. Any land use permitted by right in the applicable underlying base zoning district may be permitted within an overlay district, subject to any use-specific regulations required by this section and any additional requirements of the specific overlay district.

b. Any land use requiring a specific use permit in the applicable underlying base zoning district is only allowed if a specific use permit is issued for the use.

c. Any land use prohibited in the underlying base zoning district is also prohibited in an overlay district. A specific overlay district may include additional prohibited land uses.

(6) *Allowed land uses in planned development districts.* Land uses in a planned development district are permitted as follows:

a. If the PD development plan references a base zoning district:

1. Any land use permitted by right in the applicable underlying base zoning district, as amended, may be permitted.

2. Any land use requiring a specific use permit in the applicable underlying base zoning district, as amended, is only allowed if a specific use permit is issued for the use.

3. Any land use prohibited in the underlying base zoning district, as amended, is also prohibited in the PD district.

b. The PD district may list the permitted and prohibited uses separately.

c. A combination of the above options.

(b) *Legend for use chart.*

P	Use is permitted in district indicated
S	Use is permitted in district upon approval of a Specific Use Permit
	Use is prohibited in district indicated
*	Use is permitted in the district indicated if the use complies with use-specific regulations in the corresponding numeric end note in section 77-49, Use-Specific Regulations

(c) *Residential uses.*

Zoning District Legend		Residential Districts								Non-Residential and Mixed-Use Districts							
P	Permitted Use	A — Agricultural District	ED — Estate Development	SF-1 — Single Family Dwelling-1 District	SF-2 — Single Family Dwelling-2 District	SF-3 — Single Family Dwelling-3 District	2F — Two Family Residence (Duplex) District	MF-1 — Multifamily Residence-1	MF-2 — Multifamily Residence-2	NS — Neighborhood Service District	GR — General Retail District	C — Commercial District	LI — Light Industrial District	HI — Heavy Industrial District	HII — High Impact Industrial District	CA — Central Area District [1]	Use-Specific Regulations
S	Special Use Permit																
	Prohibited Use																
*	Special Conditions Apply (see section 77-49,																

Use-Specific Regulations)																
Type of Use																
Bed and breakfast inn	S	S	S	S	S	S	S	S							S	
Boarding house or rooming house										S	P	P				
Garage apartment	P	P	P	P											S	
Guest house	P	P	P	P											S	
Hotel	S									S	P	P			S	
HUD-Code manufactured home			S	S												
Industrialized housing (or modular home)																
Mobile Home																

Motel											S*	S*			3.9.9
Multiple-family dwelling							P	P							S
One-family dwelling (attached)					S		P	P							S
One-family dwelling (detached)	P	P	P	P	P	P	P	[]							
Residence hotel											S	S			
Two-family dwelling (duplex)						P	P	P	P	P	P				S
Zero lot line dwelling				S	P	P	P	P							

[1] Property in the Central Area District shall be used only in the manner and for the purposes provided for by this division, provided that a residence or residential use in such district by specific use permit shall be subject to the limitations of section 77-53(d).

(d) *Accessory and incidental uses.*

Zoning District	Residential Districts	Non-Residential and Mixed-Use Districts	Use-Specific

Legend																Regulations
P	Permitted Use															
S	Special Use Permit															
	Prohibited Use															
*	Special Conditions Apply (see section 77-49, Use-Specific Regulations)															
Type of Use		A — Agricultural District	ED — Estate Development	SF-1 — Single Family Dwelling-1 District	SF-2 — Single Family Dwelling-2 District	SF-3 — Single Family Dwelling-3 District	2F — Two Family Residence (Duplex) District	MF-1 — Multifamily Residence-1	MF-2 — Multifamily Residence-2	NS — Neighborhood Service District	GR — General Retail District	C — Commercial District	LI — Light Industrial District	HI — Heavy Industrial District	HII — High Impact Industrial District	CA — Central Area District [1]	
Accessory building		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Farm accessory building		P	P	P	P	P	P	P	P	P	P	P	P	P	P	S	
Fuel pumps (accessory use)											P*	P*			P		3.9.7

Home occupation	P	P	P	P	P	P	P	P							S	
Parking lot/garage (accessory)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Stable (private)	P	S										P	P			
Swimming pool (private)	P	P	P	P	P	P	P	P	P	P	P	P	P		S	3.9.12
Temporary field office	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Tennis courts	P	P	P	P	P	P	P	P	P	P	P	P	P		S	3.9.11

(e) *Agricultural uses.*

Zoning District Legend		Residential Districts								Non-Residential and Mixed-Use Districts							Use-Specific Regulations
P	Permitted Use	A — Agricultural District	ED — Estate Development	SF-1 — Single Family Dwelling-1 District	SF-2 — Single Family Dwelling-2 District	SF-3 — Single Family Dwelling-3 District	2F — Two Family Residence (Duplex)	MF-1 — Multifamily Residence-1	MF-2 — Multifamily Residence-2	NS — Neighborhood Service District	GR — General Retail District	C — Commercial District	LI — Light Industrial District	HI — Heavy Industrial District	HII — High Impact Industrial District	CA — Central Area District [1]	
S	Special Use Permit																

	Prohibited Use						District									
*	Special Conditions Apply (see section 77-49, Use-Specific Regulations)															
Type of Use																
Farm, ranch, garden, or orchard	P	P	P	P	P	P	P	P	P	P	P	P	P			
Feed store										P	P	P	P	P		
Nursery, major	S										P*	P	P			3.9.10
Nursery, minor										P	P	P	P		S	
Stable (commercial)	P	S														
Veterinarian clinic and/or kennel,										S	P	P	P			

indoor																
Veterinarian clinic and/or kennel, outdoor	S											P	P			

(f) *Automobile and related uses.*

Zoning District Legend	Residential Districts								Non-Residential and Mixed-Use Districts							
P Permitted Use S Special Use Permit Prohibited Use * Special Conditions Apply (see section 77-49, Use-Specific Regulation	A — Agricultural District	ED — Estate Development	SF-1 — Single Family Dwelling-1 District	SF-2 — Single Family Dwelling-2 District	SF-3 — Single Family Dwelling-3 District	2F — Two Family Residence (Duplex) District	MF-1 — Multifamily Residence-1	MF-2 — Multifamily Residence-2	NS — Neighborhood Service District	GR — General Retail District	C — Commercial District	LI — Light Industrial District	HI — Heavy Industrial District	HII — High Impact Industrial District	CA — Central Area District [1]	Use-Specific Regulations

s)																
Type of Use																
Auto parts and accessory sales (indoor)										P	P	P	P	P	P	
Auto parts and accessory sales (outdoor)												P	P	P		
Automobile repair, major											S	P	P	P		
Automobile repair, minor										S	P	P	P	P	S	
Automobile sales, used												S	S	P		
Automobile sales/leasing, new										S	P	P	P	P		
Car wash, full service										S	P	P	P	P		
Car wash, self-service											S	P	P	P		

Convenience store with gas pumps									S	P	P	P	P	P	S	
Convenience store without gas pumps									P	P	P	P	P	P		
Motor vehicle towing, motor vehicle recovery, and motor vehicle storage												S	P	P		
Motorcycle sales/service											P	P	P	P	S	
Recreational vehicle sales and service, new/used											P	P	P	P		
Salvage yard													S	P		
Trailer sales/rental										S	P	P	P	P		
Truck sales (heavy truck)											S	P	P	P		

(g) *Commercial and professional uses.*

Zoning District Legend	Residential Districts								Non-Residential and Mixed-Use Districts							
P Permitted Use S Special Use Permit Prohibited Use * Special Conditions Apply (see section 77-49, Use-Specific Regulations) Type of Use	A — Agricultural District	ED — Estate Development	SF-1 — Single Family Dwelling-1 District	SF-2 — Single Family Dwelling-2 District	SF-3 — Single Family Dwelling-3 District	2F — Two Family Residence (Duplex) District	MF-1 — Multifamily Residence-1	MF-2 — Multifamily Residence-2	NS — Neighborhood Service District	GR — General Retail District	C — Commercial District	LI — Light Industrial District	HI — Heavy Industrial District	HII — High Impact Industrial District	CA — Central Area District [1]	Use-Specific Regulations
Building maintenance service and sales											P	P	P	P		
Clinic, medical or dental									P	P	P	P	P	P	P	
Contractor's shop and storage yard											P	P	P	P		

Dry cleaning plant												P	P	P		
Equipment and machinery sales and rental, major											P	P	P	P		
Manufactured home display and sales													S	S		
Medical or scientific research lab									P	P	P	P	P	P	P	
Office showroom/warehouse											P	P	P	P	S	
Office, professional, general administrative									P	P	P	P	P		P	
Open storage and outside display												P	P	P		
Print shop, major											P	P	P	P	S	
Propane storage and distribution												P	P	P		

(h) *Educational, institutional, and public uses.*

Zoning District Legend	Residential Districts								Non-Residential and Mixed-Use Districts							
P Permitted Use S Special Use Permit Prohibited Use * Special Conditions Apply (see section 77-49, Use-Specific Regulations) Type of Use	A — Agricultural District	ED — Estate Development	SF-1 — Single Family Dwelling-1 District	SF-2 — Single Family Dwelling-2 District	SF-3 — Single Family Dwelling-3 District	2F — Two Family Residence (Duplex) District	MF-1 — Multifamily Residence-1	MF-2 — Multifamily Residence-2	NS — Neighborhood Service District	GR — General Retail District	C — Commercial District	LI — Light Industrial District	HI — Heavy Industrial District	HII — High Impact Industrial District	CA — Central Area District [1]	Use-Specific Regulations
Adult day care center	S	S	S	S	S	S	S	S	P	P	P	P	P		P	
Art gallery or museum									P	P	P	P	P		P	
Banquet/meeting hall											S*				S*	3.9.4
Cemetery or mausoleum	S	S	S	S	S	S	S	S	S	S	S	S	S		S	
Church, rectory, or other place of	P	P	P	P	P	P	P	P	P	P	P	P	P		P	

worship																
College, university or private school	S								P	P	P	P			P	
Day care center	S	S	S	S	S	S	S	P	P	P	S	S	S		S	
Fire station and public safety building	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Fraternal organization, lodge, or civic club	S								P	P	P	P			P	
Hospital										S	P	P			S	
Nursing/convalescent home	S						S	S	S	S	S	S			S	
Post office, government and private									P	P	P	P	P	P	P	
Public building, shop or yard of local, state or federal government	S	S	S	S	S	S	S	S	S	S	P	P	P	P	S	
Rehabilitation care facility	S	S	S	S	S	S	S	S								

Rehabilitation care institution	S										P	P				
School, private or parochial (primary or secondary)	P	P	P	P	P	P	P	P	P	P	P	P			P	
School, public	P	P	P	P	P	P	P	P	P	P	P	P			P	
School, trade or commercial	S									P	P	P	P	P	P	

(i) *Entertainment and recreational uses.*

Zoning District Legend	Residential Districts								Non-Residential and Mixed-Use Districts							
P Permitted Use S Special Use Permit Prohibited Use * Special Conditions Apply (see section 77-49, Use-Specific Regulations)	A — Agricultural District	ED — Estate Development	SF-1 — Single Family Dwelling-1 District	SF-2 — Single Family Dwelling-2 District	SF-3 — Single Family Dwelling-3 District	2F — Two Family Residence (Duplex) District	MF-1 — Multifamily Residence-1	MF-2 — Multifamily Residence-2	NS — Neighborhood Service District	GR — General Retail District	C — Commercial District	LI — Light Industrial District	HI — Heavy Industrial District	HII — High Impact Industrial District	CA — Central Area District [1]	Use-Specific Regulations

Type of Use																
Amenity center (private)	P	P	P	P	P	P	P	P							S	
Amusement, commercial (indoors)	S									P	P	P	P	P	S	
Amusement, commercial (outdoors)	S										S	S	S	S	S	
Community center (public)	S	S	S	S	S	S	S	S	P	P	P	P	P		P	
Dancehall or nightclub										S	S	S	S	S	S	
Day camp	P		S							P	P	P	P			
Fairgrounds/exhibition area	S									S	S	S	S	S	S	
Game room												S*		S		3.9.8
Golf course and/or country club	P		S	S	S	S	S	S	P	P	P	P	P		S	
Gun or archery range (indoor)	S									S	S	P	P	P		
Park or playground	P	P	P	P	P	P	P	P	P	P	P	P	P		P	

(public)																
Play field or stadium (public)	P	S	S	S	S	S	S	S	P	P	P	P	P	P	P	
Recreational vehicle (RV) parks and campgrounds	S										S	P	P	P		
Swim and tennis club	S	S	S	S	S	S	S	S							S	
Theater (drive-in)	S										S	S	S		S	
Theater (indoor)	S									S	P	P	P		P	

(j) *Industrial and wholesale uses.*

Zoning District Legend		Residential Districts								Non-Residential and Mixed-Use Districts							
P	Permitted Use	A — Agricultural District	ED — Estate Development	SF-1 — Single Family Dwelling-1 District	SF-2 — Single Family Dwelling-2 District	SF-3 — Single Family Dwelling-3 District	2F — Two Family Residence (Duplex) District	MF-1 — Multifamily Residence-1	MF-2 — Multifamily Residence-2	NS — Neighborhood Service District	GR — General Retail District	C — Commercial District	LI — Light Industrial District	HI — Heavy Industrial District	HII — High Impact Industrial District	CA — Central Area District [1]	Use-Specific Regulations
S	Special Use Permit																
	Prohibited Use																
*	Special Conditions Apply																

(see section 77-49, Use-Specific Regulations)																
Type of Use																
Bakery and confectioners works (wholesale)										P	P	P	P		P	
Concrete/asphalt batching plant													S	P		
Concrete/asphalt batching plant, temporary	*	*	*	*	*	*	*	*	*	*	*	*	*	P	*	3.9.6
High impact use													S	P		
Manufacturing, heavy												S	P	P		
Manufacturing, light												P	P	P		
Mini-warehouse/self-storage									S	S	P	P	P	P		
Sand and gravel storage												P	P	P		
Warehouse/distribution center											S	P	P	P		

Wholesale office storage or sales facility											P	P	P	P	S	

(k) *Retail and service uses.*

Zoning District Legend	Residential Districts								Non-Residential and Mixed-Use Districts							
P Permitted Use S Special Use Permit Prohibited Use * Special Conditions Apply (see section 77-49, Use-Specific Regulations) Type of Use	A — Agricultural District	ED — Estate Development	SF-1 — Single Family Dwelling-1 District	SF-2 — Single Family Dwelling-2 District	SF-3 — Single Family Dwelling-3 District	2F — Two Family Residence (Duplex) District	MF-1 — Multifamily Residence-1	MF-2 — Multifamily Residence-2	NS — Neighborhood Service District	GR — General Retail District	C — Commercial District	LI — Light Industrial District	HI — Heavy Industrial District	HII — High Impact Industrial District	CA — Central Area District [1]	Use-Specific Regulations

Alternative financial institution										S*	S*	S*	S*		S*	3.9.1
Antique shop and used furniture									P	P	P	P	P		P	
Artisan's workshop									S	P	P	P	P	P	P	
Bakery and confectioner s works (retail)									P	P	P	P	P		P	
Banks, savings and loan, or credit union										P	P	P	P		P	
Barber shop/beauty salon and personal service shops									P	P	P	P	P		P	
Big box retail development										S	S					
Body art studio												S*	S*	S*		3.9.5
Building materials									P	P	P	P	P		P	

and hardware sales, inside storage																
Building materials and hardware sales, outside storage											S	P	P		S	
Cleaning and laundry, self-service									P	P	P	P	P		P	
Dry cleaning or laundry, minor									P	P	P	P	P		P	
Equipment and machinery sales and rental, minor											P	P	P	P		
Farmer's market										S	S	S	S			
Flea market, inside											P	P				
Flea market, outside												S				

Florist shop									P	P	P	P	P		P	
Furniture, home furnishing, and equipment stores										P	P	P	P		P	
Grocery store or supermarket									P	P	P	P	P		P	
Health/fitness center										P	P	P	P		P	
Licensed massage therapy									S	P	P	P	P		P	
Mortuary or funeral parlor									S	S	P	P	P		P	
Pawn shop											P	P	P	P		
Pet grooming										P	P	P	P		P	
Pet shop										P	P	P	P		P	
Portable building sales											S	P	P			

Private club										P	P	P	P		P	
Repair shop, household equipment and appliances										P	P	P	P	P	P	
Restaurant (drive-in type)										P	P	P	P		P	
Restaurant or cafeteria									S	P	P	P	P		P	
Restaurant or food shop, take-out and delivery									P	P	P	P	P		P	
Retail stores and shops									S	P	P	P	P		P	
Sexually oriented businesses or establishments												S		S		
Shopping center									S	P	P	P	P			
Small engine repair shop										P	P	P	P	P	S	

Studio for dance, gymnastics, and/or martial arts										S	P	P	P	P		P	
Studio for photographer, musician, and artist										S	P	P	P	P		P	
Studio for radio and television	S										P	P	P	P		P	

(l) *Transportation, utility, and communications uses.*

Zoning District Legend	Residential Districts								Non-Residential and Mixed-Use Districts							
P Permitted Use S Special Use Permit Prohibited Use * Special Conditions Apply (see section 77-49, Use-Specific	A — Agricultural District	ED — Estate Development	SF-1 — Single Family Dwelling-1 District	SF-2 — Single Family Dwelling-2 District	SF-3 — Single Family Dwelling-3 District	2F — Two Family Residence (Duplex) District	MF-1 — Multifamily Residence-1	MF-2 — Multifamily Residence-2	NS — Neighborhood Service District	GR — General Retail District	C — Commercial District	LI — Light Industrial District	HI — Heavy Industrial District	HII — High Impact Industrial District	CA — Central Area District [1]	Use-Specific Regulations

Regulations)																
Type of Use																
Airport landing field	S										S	P	P	P		
Antenna and/or antenna support structure, commercial	*	*	*	*	*	*	*	*	*	*	*	*	*	S	*	3.9.2
Antenna and/or antenna support structure, non-commercial	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	S	S*	3.9.3
Parking lot/garage (commercial)									S	P	P	P	P	P	P	
Private utility, other than listed	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	
Railroad or bus passenger station										P	P	P	P	P	P	
Railroad team track, freight depot or docks												P	P	P	S	
Shops, offices, and storage area for public or private utility										P	P	P	P	P	P	

Telephone line and exchange	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Transportation and utility structures/facilities	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Truck terminal												P	P	P	
Utility distribution/transmission lines	P	S	S	S	S	S	S	S	P	P	P	P	P	P	P

(Ord. No. 2018-0508-001, § 3, 5-8-2018; Ord. No. 2018-0828-001, § 2, 8-28-2018; Ord. No. O-2018-1023-002, § 3A, 10-23-2018)

Sec. 77-29. - Definitions.

For the purpose of this chapter, certain terms and words are to be used and interpreted as defined hereinafter. Words used in the present tense shall include the future tense; words in the singular number include the plural and words in the plural number include the singular, except where the natural construction of the writing indicates otherwise. The word shall is mandatory and not discretionary. The following are this chapters' definitions.

Accessory building means a building, either attached or detached from the main structure, for a subordinate use incidental to the principal building and use located on the same lot. Accessory buildings shall include, but not be limited to, parking garages, farm structures, garages for automobile storage, carports, tool houses, greenhouses, home workshops, children's playhouses, storage houses or garden shelters.

Accessory use means a use that is subordinate to, serves, and is customarily incidental to the primary use of the main building or to the primary use of the premises; is located on the same lot or tract of land; and, which otherwise meets all requirements of this chapter and all applicable building and fire codes, as each of the foregoing may be amended.

Adult day care center means a facility that provides services under an adult day care program on a daily or regular basis, but not overnight, to four or more elderly or persons with disabilities who are not related by blood, marriage, or adoption to the owner of the facility. Adult day care centers must be licensed by the state department of human services.

Airport landing field means a place where an aircraft can land and take off, usually equipped with hangars, facilities for refueling and repair and various accommodations for passengers.

(1) *Heliport.* An area of land or water or a structural surface which is used, or intended for use, for the landing and taking off of helicopters, and any appurtenant areas which are used, or intended for use, for heliport buildings and other heliport facilities.

(2) *Helistop.* The same as a heliport, except that no refueling, maintenance, repairs or storage or [of] helicopters is permitted.

Alley means a public space or thoroughfare which affords only secondary means of access to property abutting thereon, which has been deeded or dedicated to the public for public use.

Alternative financial institution means a payday advance/loan business or a motor vehicle title loan business. An alternative financial institution does not include state or federally chartered banks, community development financial institutions, savings and loans, credit unions, or regulated lenders licensed in accordance with Chapter 342 of the Texas Finance Code.

Amenity center (private) means a facility or area that is an integral part of a residential project or planned development and that is used by the residents of the project or development for a place of meeting, recreation, or social activity, but not primarily to render a service that is customarily carried on as a business. Such facilities include but are not limited to swimming pools, saunas, hot tubs, game courts, playgrounds, community clubhouse, cabana, pavilion or roofed areas, leasing office, laundry facilities, and other similar uses. This use need not be located on the same lot as the property it serves.

Amusement, commercial (indoors) means an amusement enterprise wholly enclosed in a building which is treated acoustically so that noise generated by the enterprise is not perceptible at the bounding property line and including, but not limited to a bowling alley, billiard parlor, or skating rink.

Amusement, commercial (outdoors) means an outdoor area or structure, open to the public, which provides entertainment or amusement primarily by and for participants for a fee or admission charge. Typical uses include batting cages, miniature golf, go-kart tracks, and carnivals.

Antenna means an instrument or device consisting of wires, poles, rods, or reflecting discs, designed for transmitting or receiving any portion of the radio, microwave, or electromagnetic spectrum.

Antenna, stealth means a commercial antenna that is designed to be non-obtrusive, or virtually transparent or invisible to the surrounding neighborhood. Stealth antennas include, but are not limited to:

(1) Antennas within a building's attic space,

(2) Antennas on the roof of a minimum three-story building and not visible from the property line of the lot on which the antenna is located,

(3) Antennas on a public utility structure, such as a water tower or high transmission line support tower, and painted to match the structure,

(4) Antennas located within a structure such as a flagpole, church steeple, subdivision monument, clock tower, or similar architectural feature, and antennas located on an athletic field light pole

Antenna and/or antenna support structure, commercial means an antenna and its support structure used for commercial broadcasting or telecommunication purposes. This definition shall also include a satellite dish exceeding 12 feet in diameter and a microwave-transmitting tower. All radiating equipment must comply with Federal Communications Commission (FCC), Environmental Protection Agency (EPA), Occupational Health and Safety Administration (OSHA), and all other applicable State and Federal regulatory agency requirements and guidelines for human safety, as they exist or may be amended. Definition includes ancillary ground equipment.

Antenna and/or antenna support structure, non-commercial means an instrument or device consisting of wires, poles, rods, or reflecting discs and its support structure not exceeding 40 feet in height above the ground elevation at the base of the support structure, designed for transmitting or receiving any portion of the radio, microwave, or electromagnetic spectrum. This definition shall also include a satellite dish antenna not to exceed 12 feet in diameter.

Antenna support structure means any tower, mast, pole, tripod, box frame, or other structure utilized for the purpose of transmission, retransmission, and/or reception of electromagnetic, radio, television, or microwave signals.

Antique shop and used furniture means a retail establishment engaged in the selling of works of art, furniture or other artifacts of an earlier period, with all sales and storage occurring inside a building.

Apartment house means any building or portion thereof, which is designed, built, rented, leased, or let to be occupied as three or more dwelling units or apartments, or which is occupied as a home or place of residence by three or more families living in independent dwelling units.

Area of lot means the area of a lot shall be the net area of the lot and shall not include portions of streets and alleys.

Art gallery or *museum* means a building serving as a repository for a collection of natural, scientific, artistic, or literary objects of interest, and designed to be used for viewing, with or without an admission charge, and which may include as an accessory use the sale of goods.

Artisan's workshop means an establishment used for the preparation, display, and sale of individually crafted artwork, jewelry, furniture, sculpture, pottery, leather-craft, textile articles, and related items.

Auto parts and accessory sales (indoor) means the use of any building or other premise for the display and sale of new or used parts for automobiles, panel trucks or vans, trailers, or recreation vehicles.

Auto parts and accessory sales (outdoor) means the use of any land area for the display and sale of new or used parts for automobiles, panel trucks, or vans, trailers, or recreation vehicles.

Automobile repair, major means general repair or reconditioning of engines, air conditioning systems and transmissions for motor vehicles, collision services including body, frame or fender straightening or repair, customizing, painting, vehicle steam cleaning, undercoating and rustproofing, those uses listed under "automobile repair, minor," and other similar uses.

Automobile repair, minor means an establishment used for the dispensing or sales of automobile fuels, lubricants, tires, and automobile accessories; the minor repair or replacement of parts, tires, paintless dent repair, and performing state inspections and making minor repairs necessary to pass said inspection; automobile detailing; window tinting, and the sales and installation of automobile radios. Uses listed under "automobile repair, major" or any other similar uses are not included. Vehicles, which are inoperative or are being repaired, may not remain parked outside for a period greater than seven calendar days.

Automobile sales/leasing, new means sales, rental, and/or leasing of new automobiles or light load vehicles, and may include, as accessory uses: automobile sales, used; automobile repair, major; and automobile storage.

Automobile sales, used means sales of used automobiles or light load vehicles.

Bakery and confectioners works (retail) means a place for preparing, cooking, baking, and selling of products on the premises.

Bakery and confectioners works (wholesale) means a place for preparing, cooking, baking, and selling of products intended for off-premises distribution.

Banks, savings and loan, or credit union means an establishment for the custody, loan, exchange or issue of money, the extension of credit, and/or facilitating the transmission of funds.

Banquet/meeting hall means an establishment that is leased on a temporary basis before the day of the event by individuals or groups who reserve the facility to accommodate functions, including, but not limited to, banquets, weddings, anniversaries, receptions, business and organizational meetings, and other similar functions, to which the general public is not admitted. Such establishments may include kitchen facilities for the preparation of food or catering of food and areas for dancing, dining, and other entertainment activities that customarily occur in association with banquets, weddings, or receptions.

Basement means a building story which is partly underground, but having at least one-half of its height below the average level of the adjoining ground. A basement shall be counted as a story in computing building height.

Barber shop/beauty salon and personal service shops means establishments primarily engaged in providing services generally involved in the care of the person or his apparel including, but not limited to, barber and beauty shops, tanning salons, ear piercing shops, cosmetic tattooing shops, and reducing salons.

Bed and breakfast inn means an owner (or operator) occupied residence with up to five bedrooms available for overnight guests. A bed and breakfast inn may provide for guest stays up to 14 consecutive days, however, it shall not offer weekly rental rates. Kitchen and dining facilities may be included to provide meals for guests only; however, no food preparation shall be permitted in guest bedrooms. A bed and breakfast inn shall not include restaurants, banquet facilities, or similar services.

Big box retail development means any retail building for a single, primary tenant that exceeds 70,000 square feet in size. A big box retail development may contain multiple secondary tenants with interior access to the primary tenant space. A big box retail development may be freestanding or may be an in-line tenant in a larger center. The square footage of a big box retail development shall include all primary and ancillary uses with interior access to the primary tenant space including inventory storage, automotive repair, and open storage areas.

Block means an area enclosed by streets and occupied by or intended for buildings and is used as a term of measurement. The term "block" also means the distance along a side of a street between the nearest two streets which intersect the street on the side.

Board means the zoning board of adjustment as provided for in section 77-25.

Boarding house or *rooming house* means a residence structure other than a hotel where lodging and/or meals for four or more persons are provided for compensation.

Body art studio means an establishment whose services include tattooing and/or body piercing. Tattooing shall mean the placing of designs, letters, figures, symbols, or other marks upon or under the skin of any person, using ink or other substances that result in the permanent coloration of the skin by means of the use of needles or other instruments designed to contact or puncture the skin. Body piercing shall mean the creation of an opening in an individual's body to insert jewelry or another decoration.

Bottling works means a manufacturing facility designed to place a product into a bottle for distribution.

Building means any structure built for the occupancy of persons, animals, or movable property of any kind. When subdivided in a manner sufficient to prevent the spread of fire, each portion so subdivided may be deemed a separate building.

Building ends means those sides of a building having the least dimensions as compared to the front or rear of a building. As used in this chapter, a building end shall be interpreted as being the most narrow side of a building regardless of whether its front is upon a street, faces the rear of the lot or is adjacent to the side lot line or another building.

Building line means a line parallel or approximately parallel to the street line at a specified distance therefrom making the minimum distance from the street line that a building may be erected.

Building maintenance service and sales means a facility or area for contracting services such as building repair and maintenance, the installation of plumbing, electrical, air conditioning and heating equipment, janitorial services, and exterminating services. The retail sale of supplies is permitted as an accessory use.

Building materials and hardware sales, inside storage means an establishment for the sale of materials and hardware customarily used in the construction of buildings and other structures, without any outside storage or display of materials or merchandise.

Building materials and hardware sales, outside storage means an establishment for the sale of materials and hardware customarily used in the construction of buildings and other structures, including outside storage or display of materials or merchandise.

Car wash, full service means a facility where a customer can have a motorcycle, automobile and light load vehicle washed in exchange for financial consideration.

Car wash, self-service means a facility, typically coin operated, used by the customer to wash motorcycles, automobiles and light load vehicles.

Carport means a structure open on a minimum of three sides, designed or used to shelter vehicles.

Cemetery or mausoleum means property used for the interment of the dead.

Certificate of occupancy and compliance means an official certificate issued by the city through the enforcing official as specified in [this chapter], which indicates conformance with or approved conditional waiver from the zoning regulations and authorizes legal use of the premises for which it is issued.

Church, rectory, or other place of worship means a building for regular assembly religious worship which is used primarily for such purpose and those accessory activities which are customarily associated therewith, and the place of residence for ministers, priests, nuns or rabbis on the premises. This use does not include home meetings or other religious activities conducted in a privately occupied residence.

City manager means the city's chief administrative officer.

Cleaning and laundry, self-service means a facility where patrons wash, dry, or dry-clean clothing and other fabrics in machines operated by the patron.

Clinic, medical or dental means an establishment for one or more physicians, surgeons, or dentists to treat sick or injured outpatients who do not remain overnight.

College, university or *private school* means an institution established for educational purposes offering courses for study beyond the secondary education level, but excluding trade schools and commercial schools.

Community center (public) means a building or complex of buildings that house cultural, recreational, athletic, library or entertainment facilities owned and/or operated by a governmental agency or private non-profit agency.

Concrete/asphalt batching plant means a facility or area, which is not temporary in nature, for mixing concrete or asphalt.

Concrete/asphalt batching plant, temporary means a temporary manufacturing facility for the on-site production of concrete or asphalt during construction of a project, and to be removed when the project is completed.

Construction yard (temporary) means a storage yard or assembly yard for building materials and equipment directly related to a construction project and subject to removal at completion of construction.

Contractor's shop and storage yard means a building, part of a building, or land area for the storage of construction materials, tools, products, and vehicles.

Convenience store with gas pumps means a retail establishment that sells food and other consumable and non-consumable products for off-premise use or consumption. This definition shall also include the dispensing or sales of motor vehicle fuels, lubricants, and accessories, but shall not include automobile repair or the sale of replacement parts.

Convenience store without gas pumps means a retail establishment that sells food and other consumable and non-consumable products for off-premise use or consumption.

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

Coverage means the percent of a lot or tract covered by the roof or first floor of a building. Roof eaves to the extent of two feet from the walls of a building shall be excluded from coverage computations.

Dancehall or *nightclub* means an establishment offering to the general public facilities for dancing and entertainment for a fee, and subject to licensing and regulation by the city.

Day camp means a facility arranged and conducted for the organized recreation and instruction of children, including outdoor activities on a daytime basis.

Day care center means a facility or area providing care, training, education, custody, treatment or supervision for seven or more children for less than 24 hours per day. The term "day care center" shall not include overnight lodging, medical treatment, counseling, or rehabilitative services and does not apply to kindergartens, prekindergartens, and schools listed elsewhere in this chapter.

Depth of lot means the mean horizontal distance between the front and rear lot lines.

District means a section of the city for which the regulations governing the area, height, or use of the land and buildings are uniform.

Drive-in or drive-through service means and refers to a retail or commercial facility whose employees provide goods or services to patrons without requiring the patrons to leave their automobiles. Drive-in or drive-through service may be an accessory use or the primary use of the retail or commercial facility as more particularly provided in the land use charts contained in section 77-46, and as hereafter amended. Any drive-in or drive-through service shall provide the appropriate number of required stacking spaces.

Dry cleaning plant means an industrial facility where fabrics are cleaned with substantially non-aqueous organic solvents on a commercial or wholesale basis.

Dry cleaning or laundry, minor means a custom cleaning shop or pick-up station not exceeding 6,000 square feet of floor area, including, but not limited to, dry cleaning plants having no more than 1,500 square feet of floor area for dry cleaning equipment.

Dwelling unit means a building or portion of a building which is arranged, occupied, or intended to be occupied as living quarters and includes facilities for food preparation and sleeping.

Equipment and machinery sales and rental, major means a building or open area, other than a right-of-way or public parking area, used for display, sale, rental or storage of heavy equipment. Heavy equipment includes, but is not limited to, tractors, farm machinery, bulldozers, street graders, paving devices, or other equipment with a gross vehicle weight (GVW) greater than 25,000 pounds.

Equipment and machinery sales and rental, minor means a building or structure used for the inside display, sale, rental, or storage of light machinery, including, but not limited to, bicycles, lawn mowers, tools, and other small machinery.

Fairgrounds/exhibition area means an area where outdoor fairs, circuses, rodeos, or exhibitions are held.

Family means any number of individuals living together as a single housekeeping unit, in which not more than three individuals are unrelated by blood, marriage, or adoption.

Farm accessory building means a structure, other than a dwelling, on a farm as herein defined, for the housing, protection or storage of the usual farm equipment, animals and crops.

Farm, ranch, garden, or *orchard* means an area of five acres or more which is used for growing of usual farm products, vegetables, fruits, trees, and grain and for the raising thereon of the usual farm poultry and farm animals such as horses, cattle and sheep and including the necessary accessories used for raising, treating and storing products raised on the premises, but not including the commercial feeding of offal and garbage to swine and other animals and not including any type of agricultural or husbandry specifically prohibited by ordinance or law.

Farmer's market means the retail sale of farm produce by individual vendors within a covered lease space, for the primary purpose of selling fruits, vegetables, herbs, spices, edible seeds, nuts, live plants, flowers, and honey. Sale of any type of meat, fish, or poultry, eggs, refrigerated dairy products, and home canned or packaged items shall be prohibited.

Feed store means an establishment for the selling of corn, grain, and other food stuffs for animals and livestock, and including other implements and goods related to agricultural processes, but not including farm machinery.

Fire station and public safety building means a building housing fire apparatus and, usually, firefighters, or a building housing a law enforcement agency of a unit of local government.

Flea market, inside means a building or structure wherein space is rented to vendors on a short-term basis for the sale of merchandise. The principal sales shall include new and used household goods, personal effects, tools, art work, small household appliances, and similar merchandise, objects, or equipment in small quantities. The term flea market shall not be deemed to include wholesale sales establishments or rental services establishments, but shall be deemed to include personal services establishments, food services establishments, retail sales establishments, and auction establishments.

Flea market, outside means an outdoor site where space is rented to vendors on a short-term basis for the sale of merchandise. The principal sales shall include new and used household goods, personal effects, tools, art work, small household appliances, and similar merchandise, objects, or equipment in small quantities. The term flea market shall not be deemed to include wholesale sales establishments or rental services establishments, but shall be deemed to include personal services establishments, food services establishments, retail sales establishments, and auction establishments.

Floodplain means an area of land subject to inundation by a 100-year frequency flood, as shown on the city's floodplain map.

Floor area means the total square feet of floor space within the outside dimensions of a building including each floor level, but excluding carports, residential garages, and breezeways.

Floor area ratio (FAR) means the floor area of a main building on a lot, divided by the lot area.

Florist shop means an establishment for the display and retail sale of flowers, small plants, and accessories.

Foundation. A man-made structure element on which a structure is erected, with the ability to transfer the applied loads of the structure to the ground.

Foundation fascia. Covering of a foundation wall or stem wall.

Fraternal organization, lodge, or *civic club* means an organized group having a restricted membership and specific purpose related to the welfare of the members, such as Elks, Masons, Knights of Columbus, or a labor union.

Fuel pumps mean any facility, equipment, or fixture, including a canopy, used for retail dispensing of motor vehicle fuels.

Furniture, home furnishing, and *equipment stores* means retail stores selling goods used for furnishing the home including, but not limited to, furniture, floor coverings, draperies, glass and chinaware, domestic stoves, refrigerators, and other household electrical and gas appliances.

Gaming device means coin-operated machines or devices, which are operated by or with a coin or other United States currency, metal slug, token, electronic card, or check, specifically including eight-liners (an electronic, electromechanical or mechanical contrivances which have eight lines on which a player can win — three across, three down and two diagonally — by matching symbols) that dispenses credits, tickets, coupons,

merchandise, commodities or some other representation of value and which may play music in connection with or in addition to dispensing skill or pleasure. The primary use of any building, structure, facility or space that houses two or more coin-operated machines or devices, as described above, shall be deemed to be a game room use. In addition, any business that receives 50 percent or more of its gross revenues from the provision, exhibition and/or operation of coin-operated machines or devices, as described above, shall also be deemed a game room use.

Game room means any premise, building, structure, facility or space to deal, operate, carry on, conduct, maintain, or expose for play any game, sports book, promotion, sweepstakes, or other activity electronic or otherwise that may or may not confer upon the patrons or participants the right, chance, or ability to win and or claim prizes.

Garage apartment means a dwelling unit erected in conjunction with a garage when the main structure is an owner occupied detached dwelling unit.

General commercial plant means establishments other than personal service shops for the treatment and/or processing of products as a service on a for-profit basis including, but not limited to, newspaper printing, laundry plant, or cleaning and dying plant.

Golf course and/or country club means a land area and buildings used for golf, including fairways, greens, tee boxes, driving range, putting green, and associated maintenance and retail facilities. This definition shall also include clubhouses, dining rooms, swimming pools, tennis courts, and similar recreational or service uses available only to members and their guests.

Grocery store or supermarket means a retail establishment, singular retailer, or wholesale user primarily selling food, pharmaceutical medication, household merchandise, clothing, and a variety of other retail goods that may or may not have membership requirements, emphasize bulk sales, discount sales, and department stores.

Ground level. The final grade elevation of a lot.

Guest house means an accessory building used to house guests of the owner(s) of the main residential structure, and which is never rented or offered for rent.

Gun or archery range (indoor) means any indoor facility open to the public and occupying all or a portion of a building where firearms and/or archery are discharged for testing or recreation purposes.

Health/fitness center means a public or private facility operated to promote physical health and fitness. Activities may include exercise, physical therapy, training, and education pertaining to health and fitness. Uses or combinations of uses or facilities would typically include, but are not limited to, game courts, weight lifting and exercise equipment, aerobics, swimming pools and spas, and running or jogging tracks.

Height means the vertical distance of a building measured from the average established grade at the street line or from the average natural front yard ground level, whichever is higher, to the:

(1) Highest point of the roof's surface, if a flat surface;

(2) Deck line of mansard roofs; or

(3) Mean height level between eaves and ridge for hip and gable roofs and, in any event, excluding chimneys, cooling towers, elevator bulkheads, penthouses, tanks, water towers, radio towers, ornamental cupolas, domes or spires, and parapet walls not exceeding ten feet in height. If the street grade has not been officially established, the average front yard grade shall be used for a base level.

High impact use means a facility or area for activities or products which have the potential to be dangerous, extremely obnoxious, or cause substantial environmental impacts on or beyond the boundaries of the property on which the activity or use is conducted. High impact uses include but are not limited to the following activities:

(1) Manufacture and/or bulk storage and testing of explosives, fireworks, or munitions.

(2) Refining petroleum and the storage and distribution of natural and liquid gas or other petroleum derivatives in bulk including terminals, tank farms or other similar facilities.

(3) Manufacture, storage, compounding or handling radioactive materials or wastes.

(4) Manufacture, blending or mixture of pesticides, certain acids, and fertilizer.

(5) Stockyards, feed pens, livestock sales with barns and/or shipping facilities. Rendering of animal fats, slaughtering or processing of animals and industrial manufacturing processes using the following raw materials: bones, garbage, offal and dead animals.

(6) Refining of raw materials, such as, but not limited to chemicals, rubber, wood or wood pulp, into other products.

(7) The extraction of raw materials, such as sand or gravel mining.

(8) Forging, casting, melting, refining, extruding, rolling, drawing and/or alloying metals.

(9) Jet engine or other engine testing.

(10) Refuse disposal services including but not limited to landfills, incinerators, and other locations which receive garbage and refuse generated offsite for storage, treatment or disposal.

(11) Asphalt or concrete batch plant.

(12) Boiler works.

Historically significant area means one or more places or areas designated by the city for its historical, cultural, or architectural importance and significance before April 1, 2019. The areas included within the CA—Central Area District, the Farmersville Commercial Historic District, and the Farmersville Main Street America Program Area are Historically Significant Areas designated by the City before April 1, 2019 or as authorized by V.T.C.A., Local Government Code Ch. 3000.

Home occupation means an occupation carried on in the home by a member of the occupant's family without the employment of additional persons, use of a sign to advertise the occupation, offering any commodity or service for sale on the premises, use of equipment other than that customarily found in a household and which does not create obnoxious noise or other obnoxious conditions to abutting residential property, such as emission of odor, increased traffic or generation of light or smoke, and where the use is carried on in the main structure only and there is not a separate entrance for the use. The term "home occupation" shall specifically exclude the operation of a repair garage, plumbing shop or similar activity.

Hospital means an institution providing primary health services and medical or surgical care to persons, primarily in-patients, suffering from illness, disease, injury, deformity, and other abnormal physical or mental conditions, and including, as an integral part of the institution, related facilities such as laboratories, helistops, outpatient facilities, or training facilities as licensed by the state.

Hotel means a building or group of buildings used as a temporary dwelling place for individuals in exchange for financial consideration where customary hotel services such as linen, housekeeping service, and telephone are provided. Hotel room units are accessed through doorways into an internal hallway, courtyard, or lobby. Financial consideration for hotel room units is generally calculated on a nightly basis.

Housing development means any development involving the provision of housing as the primary land use and the inclusion of secondary facilities, such as streets and sidewalks.

HUD-Code manufactured home means a structure constructed on or after June 15, 1976, according to the rules of the U.S. Department of Housing and Urban Development, transportable in one or more sections, which in the traveling mode is eight body feet or more in width, or 40 body feet in length, or when erected on site is 320 or more square feet, and which is built on a permanent chassis and designed as a dwelling with or without permanent foundation when connected to the required utilities, and includes plumbing, heating, air conditioning and electrical systems. The term "HUD-Code manufactured home" does not include a recreational vehicle, or mobile home as defined in the Texas Manufactured Housing Standards Act, Vernon's Ann. Civ. St., art. 5221f.

Industrialized housing (or modular home) Per Section 1202 of the Texas Occupations Code or as may be amended:

(1) Industrialized housing is a residential structure that is:

a. Designed for the occupancy of one or more families;

b. Constructed in one or more modules or constructed using one or more modular components built at a location other than the permanent site; and

c. Designed to be used as a permanent residential structure when the module or the modular component is transported to the permanent site and erected or installed on a permanent foundation system.

(2) Includes the structure's plumbing, heating, air conditioning, and electrical systems.

(3) Industrialized housing does not include:

a. A residential structure that exceeds four stories or 60 feet in height;

b. Housing constructed of a sectional or panelized system that does not use a modular component; or

c. A ready-built home constructed in a manner in which the entire living area is contained in a single unit or section at a temporary location for the purpose of selling and moving the home to another location.

Licensed massage therapy means a health care service by a licensed massage therapist, as defined by state law. The term "massage therapy" means the manipulation of soft tissue for therapeutic purposes and includes, but is not limited to, effleurage (stroking), petrissage (kneading), strokes, and Swedish gymnastics, either by hand or with mechanical or electrical apparatus for the purpose of body massage. Massage therapy may include the use of oil, salt glows, heat lamps, hot and cold packs, tub, shower, or cabinet baths. Equivalent terms for massage therapy are massage, therapeutic massage, and massage technology, myotherapy or any derivation of those terms. The terms "therapy" and "therapeutic" do not include diagnosis, the treatment of illness or disease, or any service or procedure for which a license to practice medicine, chiropractic, physical therapy, or podiatry is required by law.

Living unit means the rooms occupied by a family, which must include cooking facilities.

Loading space means an off-street space or berth used for the loading or unloading of vehicles.

Lot area means the net horizontal area of a lot excluding portions of streets and alleys and easements for streets and alleys.

Lot, corner, means a lot or parcel of land abutting upon two or more streets at their intersection, or upon two parts of the same street forming an interior angle of less than 135 degrees.

Lot coverage means the percentage of the total area of a lot occupied by the base (first story or floor) of buildings located on the lot.

Lot depth means the horizontal distance measured perpendicularly between two points on the front lot line and two points on the rear lot line which creates an area that meets the minimum width and depth requirements for the zoning district. The term "lot depth" shall not include easements, which impair the use of the lot surface as a yard.

Lot, flag or *panhandle* means a lot having access to a street by means of a parcel of land having a depth greater than its frontage, and having a width less than the minimum required lot width, but not less than 12 feet.

Lot, interior means a lot other than a corner lot.

Lot line, front means the narrower side of the lot abutting a street. Where two lot lines abutting streets are of equal length, the owner shall have a choice in designating which shall be the lot frontage. For a lot which has a boundary line which does not abut the front street line, is not a rear lot line and lies along the same general directional orientation as the front and rear lot lines, such line shall be considered a front lot line in establishing a minimum setback line.

Lot line, rear means the lot line farthest from, but most nearly parallel to, the front lot line. For triangular lots, the point opposite the front lot line shall be considered the rear lot line and have a value of zero.

Lot line, side means any lot line which is not the front or rear lot line.

Lot lines means the lines bounding a lot as defined in this section.

Lot of record means a lot which is part of a subdivision, the plat for which has been recorded in the county clerk's office.

Lot, plot or *tract* means land occupied, or to be occupied, by a building and its accessory buildings, and including such open spaces as are required under this chapter and having its principal frontage upon a public street or officially approved place.

Lot, through means a residential lot, other than a corner lot, abutting more than one street and having access to more than one street. Through lots are prohibited by this chapter.

Lot width means the horizontal distance measured between side lot lines, perpendicular to the front lot line, and measured from the point on the building line which is closest to the front lot line.

Main building means the buildings on a lot which are occupied by the primary use.

Manufactured home display and sales means the open display, storage, and sale of HUD-Code manufactured homes.

Manufacturing, Heavy means a facility or area for generally mass producing goods usually for sale to wholesalers or other industrial or manufacturing uses. A heavy manufacturing use is one which employs the following or similar types of processes:

(1) The milling of grain as retail sales and service.

(2) Producing animal food, and tanning animal hides.

(3) Production of large durable goods such as but not limited to motorcycles, cars, manufactured homes, or airplanes.

(4) Canning or bottling of food or beverages for human consumption using a mechanized assembly line.

(5) Manufacturing of paint, oils, pharmaceuticals, cosmetics, solvents, and other chemical products; and use of a foundry for metals.

(6) Production of items made from stone, clay, metal or concrete.

(7) Tire recapping or retreading.

Manufacturing, light means a facility or area for producing goods without the use of chemical processing of materials and determined not to be a hazard or nuisance to adjacent property or the community at large, due to the possible emission of excessive smoke, noise, gas, fumes, dust, odor, or vibration, or the danger of fire, explosion, or radiation. Light manufacturing activities include but are not limited to the following activities:

(1) Assembly, finishing, and/or packaging of small items from component parts made at another location. Examples include but are not limited to cabinetmaking or the assembly of clocks, electrical appliances, or medical equipment.

(2) Production of items made from materials derived from plants or animals, including but not limited to leather, pre-milled wood, rubber, paper, wool, or cork; or from textiles or plastics.

(3) Electrical component manufacturing.

(4) Reproduction, cutting, printing or binding of written materials, drawings, or newspapers on a bulk basis using lithography, offset printing, blue printing and other similar methods.

(5) Machine or welding shop — a facility where material is processed by machining, cutting, grinding, welding or similar processes.

(6) Spray painting or motor vehicle conversion.

Masonry construction

(1) *Primary materials.* Unless otherwise provided for in this chapter, exterior construction materials are fired brick, natural and manufactured stone, granite, marble, architectural concrete block, and three-step stucco process for all structures.

(2) *Other materials.* Other exterior construction materials for nonresidential structures are tilt wall concrete panels and sealed and painted concrete block.

Medical or scientific research lab means a facility or area for conducting medical or scientific research, investigation, testing, or experimentation, but not facilities for the manufacture or sale of products, except as incidental to the main purpose of the laboratory. This definition also includes labs for the manufacture of dentures and prostheses.

Mini-warehouse/self-storage facility means a facility or area where enclosed storage space, divided into separate compartments no larger than 500 square feet in size, is provided for use by individuals to store personal items or by businesses to store materials for operation of a business establishment at another location. Related activities, such as retail sale of packing and moving materials and the rental of moving equipment, including vans and trucks, are allowed as incidental uses.

Mobile home means a structure that was constructed before June 15, 1976, transportable in one or more sections, which in the traveling mode is eight feet or more in body width and 40 feet or more in length, or when erected on site is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes plumbing, heating, air conditioning and electrical systems.

Model home (temporary) means a single family dwelling in a developing subdivision located on a legal lot of record that is limited to temporary use as a sales office for the subdivision and to provide an example of the dwellings which have been built or which are proposed to be built in the same subdivision.

Mortuary or *funeral parlor* means a place for the storage of human bodies prior to their burial or cremation, or a building used for the preparation of the deceased for burial and the display of the deceased, and ceremonies connected therewith before burial or cremation.

Motel means a building or group of buildings used as a temporary dwelling place for individuals in exchange for financial consideration where customary hotel services such as linen, housekeeping service, and telephone are provided. Each motel room unit has direct access to the outside. Financial consideration for motel room units is generally calculated on a nightly basis.

Motor vehicle means every device in, on or by which any person or property is or may be transported, carried, propelled, or drawn including by way of illustration, and not limitation, cars, busses, mopeds, motorcycles, trucks, tractors, trailers, and watercraft.

Motorcycle sales/service means the display, sale and servicing, including repair work of motorcycles.

Multiple-family dwelling means any building or portion thereof, which is designed, built, rented, leased or let to be occupied as three or more dwelling units or apartments or which is occupied as a home or place of residence by three or more households living in independent dwelling units.

Nonconforming use or *structure* means a building, structure, or use of land lawfully occupied at the time of the effective date of the ordinance, or amendments thereto, from which this article is derived, or annexed into the city and which does not conform to the use regulations of the district in which it is situated.

Nursery, major means an establishment for the cultivation and propagation, display, storage, and sale (retail and wholesale) of large plants, shrubs, trees, and other materials used in indoor or outdoor plantings; and the contracting for installation and/or maintenance of landscape material as an accessory use. Outdoor display and storage is permitted.

Nursery, minor means a retail business for the display and/or sale of trees, shrubs, flowers, ornamental plants, seeds, garden and lawn supplies, and other materials used in indoor and outdoor planting, without outside storage or display.

Nursing/convalescent home means an institutional facility licensed by the state providing in-patient health care, personal care or rehabilitative services over a long period of time generally exceeding 30 days to persons chronically ill, aged or disabled who need on-going health supervision but not including hospitals. This use excludes the provision of surgical or emergency medical services and the provision of care for alcoholism, drug addiction, mental disease, or communicable disease.

Occupancy means the use or intended use of the land or building by owners, proprietors, or tenants.

Office, professional/general administrative means a room or group of rooms used for the provision of executive, management, or administrative services. Typical uses include administrative offices and services, including real estate, insurance, property management,

investment, personnel, travel, secretarial services, telephone answering, and business offices of public utilities, organizations and associations, but excluding medical offices.

Office, medical or dental. See clinic, medical or dental.

Office, showroom/warehouse means an establishment that primarily consists of sales offices and sample display areas for products and/or services delivered or performed off-premises. Catalog and telephone sales facilities are appropriate. Incidental retail sales of products associated with the primary products and/or services are permitted. Warehousing facilities shall be incidental to the primary use and shall not exceed 50 percent of the total floor area. This designation does not include contract construction or a contractor's shop and storage yard.

One-family dwelling (attached) means a dwelling that is part of a structure containing three or more dwellings, which is joined to another dwelling at one or more points, by a party wall or abutting separate wall, which is designed for occupancy by one household and is located on a separate lot delineated by front, side and rear lot lines. This definition includes the term "townhome."

One-family dwelling (detached) means a dwelling designed and constructed for occupancy by one household, which is located on a lot or separate building tract, and having no physical connection to a building located on any other lot or tract.

Open space means area included in any side, rear or front yard or any unoccupied space on the lot that is open and unobstructed to the sky, except for the ordinary projections of cornices, eaves, or porches.

Open storage and outside display means as a primary use, over 50 percent of a property area used for outdoor storage or display of commodities, materials, goods, equipment, vehicles, or merchandise in its normal day-to-day business activities. This definition excludes new and used sale or lease of automobiles, motorcycles recreational vehicles, boats, or watercrafts.

Outdoor structure means open to the public and which provides entertainment or amusement for a fee or admission charge including, but not limited to, batting cages, miniature golf, go-kart tracks and carnivals.

Owner (or operator) occupied residence means the structure, house, or home is the primary or principal residence of the owner or operator.

Park or playground (public) means an open recreation facility or park owned and operated by a public agency for the general public, including a baseball field, golf course, football field or stadium.

Parking garage, residential means an enclosed all-weather surfaced area used for parking a vehicle, not on a public street or alley, together with an all-weather surfaced driveway connecting the area with a street, permitting free ingress and egress without encroachment on the street.

Parking lot/garage (accessory) means an area or structure for the temporary storage of motor vehicles.

Parking lot/garage (commercial) means an area or structure where a fee is charged for parking motor vehicles and which serves as the primary use on the lot.

Patio home means a one-family dwelling on a separate lot, with open space setbacks only on three sides, commonly developed in a cluster configuration.

Pawn shop means an establishment where money is loaned on the security of personal property pledged in the keeping of the owners (pawnbroker).

Pet grooming means an establishment that provides grooming services for dogs, cats and other small domesticated animals inside a heated and air conditioned building; but which establishment does not provide indoor or outdoor pens in which such animals are housed or boarded on a daily basis or overnight or are otherwise bred, trained, or sold for commercial purposes. Pet grooming may be an accessory use to a pet shop.

Pet shop means an establishment offering small animals, fish, or birds for sale as pets and where all such creatures are housed within the building.

Planning and zoning commission means the agency appointed by the city council as an advisory body to it and which is authorized to recommend changes in the zoning and other functions as delegated to it by the city council.

Plat means a plan for a subdivision of land creating building lots or tracts and showing all essential dimensions and other information essential to comply with the city's subdivision standards and state law. It is subject to approval by the planning and zoning commission and the city council and is filed with the county plat records.

Play field or *stadium (public)* means an athletic field or stadium owned and operated by a public agency for the general public, including a baseball field, golf course, football field, or stadium.

Plot means a single unit or parcel of land, or a parcel of land that can be identified and referenced on a recorded plat or map.

Portable building sales means an establishment which displays and sells structures which are capable of being carried and transported to another location, not including mobile homes or HUD-Code manufactured homes.

Post office, government and private means the local branch of the United States Postal Service or private commercial venture engaged in the distribution of mail and incidental services.

Premises means land together with any building or structures situated thereon.

Primary use means the principal or predominant use of any lot or building.

Principal building means same as main building.

Print shop, major means an establishment specializing in long-run printing operations including, but not limited to, book, magazine, and newspaper publishing using engraving, die cutting, lithography, and thermography processes.

Print shop, minor means an establishment specializing in short-run operations to produce newsletters, flyers, resumes, maps, construction documents and plans, and similar materials using photocopying, duplicating, and blue printing processes. This definition shall include mailing and shipping services, but excludes the on-site storage of heavy load fleet vehicles.

Private club means a club where alcoholic beverages are stored, possessed and mixed on club premises and served for on-premises consumption only to members of the club and their families and guests, by the drink or in sealed, unsealed or broken containers of any legal size.

Private street means a private vehicular accessway shared by and serving two or more lots, which is not dedicated to the public and is not publicly maintained. Private streets and alleys may be established only under the terms of chapter 65, Subdivisions. The term "private street" shall be inclusive of private alleys.

Private utility, other than listed means a nonpublic utility requiring special faculties, in residential areas or on public property, for such purposes as heating, cooling, or communications, not customarily provided by the municipality or public utilities.

Propane storage and distribution means facilities for the receipt, storage, and distribution of propane gas in tanks larger than five gallons.

Public building, shop or *yard of local, state* or *federal government* means facilities such as office buildings, maintenance yards or shops required by branches of local, state, or federal governments for service to an area such as a highway department or city service center.

Railroad or *bus passenger station* means any premises of the transient housing or parking of motor-driven buses and trains and the loading and unloading of passengers.

Railroad team track, freight depot or *docks* means a facility or place for the loading and unloading of materials on trains.

Recreational vehicle (RV) parks and campgrounds means an area for locating, establishing, or maintaining one or more sites for occupancy by recreational vehicles of the general public as temporary living quarters for recreation or vacation purposes. The area is intended for use on a temporary basis by campers, vacationers, and travelers.

Recreational vehicle sales and service, new/used means sales and/or leasing of new and/or used recreational vehicles or boats, including, as an accessory use, repair work of recreational vehicles and boats.

Rehabilitation care facility means a facility which provides residence and care to not more than nine persons regardless of legal relationship who have demonstrated a tendency towards alcoholism, drug abuse, mental illness, or antisocial or criminal conduct living together with not more than two supervisory personnel as a single housekeeping unit.

Rehabilitation care institution means a facility which provides residence and care to ten or more persons, regardless of legal relationship, who have demonstrated a tendency toward alcoholism, drug abuse, mental illness, or antisocial or criminal conduct together with supervisory personnel.

Repair shop, household equipment and appliances means the maintenance and rehabilitation of appliances customarily used in the home including, but not limited to, washing and drying machines, refrigerators, dishwashers, trash compactors, ovens and ranges, countertop kitchen appliances, vacuum cleaners and hairdryers.

Residence means the same as dwelling, and when used with district means an area of residential regulations.

Residence hotel means a multidwelling unit, extended stay lodging facility consisting of efficiency units or suites with a complete kitchen suitable for long-term occupancy. Customary hotel services such as linens, maid service, telephone, and upkeep of furniture shall be provided. Meeting rooms, clubhouse, and recreational facilities intended for the use of residents and their guests are permitted. This definition shall not include other dwelling units as defined by this section.

Residential community center, private (accessory) means a facility or area that is an integral part of a residential project or planned development and that is used by the residents of the project or development for a place of meeting, recreation, or social activity, but not primarily to render a service that is customarily carried on as a business. Such facilities include but are not limited to swimming pools, saunas, hot tubs, game courts, playgrounds, community clubhouse, cabana, pavilion or roofed areas, leasing office, laundry facilities, and other similar uses. This use need not be located on the same lot as the property it serves.

Residential district means a district where the primary purpose is residential use.

Restaurant or *cafeteria* means an eating establishment where customers are primarily served at tables or self-served and food is consumed on the premises, which may include a drive-in window.

Restaurant (drive-in type) means an eating establishment where primarily food or drink is served to customers in motor vehicles, or where facilities are provided on the premises, which encourages the serving and consumption of food in automobiles on or near the restaurant premises.

Restaurant or food shop, take-out and delivery means a food establishment that is open to the public, where food and beverages are prepared primarily for carry-out by the consumer or delivery by the establishment and not for consumption on the premises. This classification may include ice cream shops, pizza delivery, specialty food and beverage shops, or baked goods shops.

Retail or *service, incidental* means a retail or service use that is clearly incidental and supportive to the primary use. Said use shall be operated for the benefit or convenience of the employees, visitors, or customers of the primary use. Incidental shall mean an area that constitutes not more than 15 percent of the main use.

Retail stores and shops means an establishment engaged in the sale or rental of goods and merchandise to the general public for personal or household use or consumption and rendering services incidental to the sale or rental of such goods or merchandise.

Right-of-way and *track* means used by a railroad, but not including railroad stations, siding, team tracks, loading facilities, dock yards, or maintenance areas.

Salvage yard means a yard or building where automobiles or machinery are stored, dismantled and/or offered for sales as whole units, as salvaged parts, or as processed metal.

Sand and gravel storage means a facility where sand and gravel are stored for sale or use by private entity.

School, private or parochial (primary or secondary), means a school operated by a private or religious agency or corporation other than an independent school district, having a curriculum generally equivalent to a public elementary or secondary school.

School, public means a school operated by an independent school district and providing elementary or secondary curriculum.

School, trade or commercial, means establishments, other than public or parochial schools, private primary or secondary schools, or colleges offering training or instruction in a trade, art, or occupation.

Sexually oriented businesses or *establishments* are as defined and regulated in Ord. No. 98-12.

Shopping center means a group of commercial, primarily retail and service establishments, that are planned, constructed, and managed as a total entity with customer and employee parking provided on-site, provision for goods delivery separated from customer access, and provisions for aesthetically appropriate design and protection from the elements.

Shops, offices, and *storage area for public* or *private utility* means the pole yard, maintenance yard, or administrative office or public of private utilities.

Sign means an outdoor advertising device that is a structure or that is attached to or painted on a building or that is leaned against a structure or a display on premises intended to accomplish the purposes customarily assigned to signs. Regulations of size, type, construction standards are set forth in Ord. No. 2000-07, or its successor ordinance, if any.

Significantly important building means a building which is:

(1) Located in a historically significant area;

(2) Located in an area designated as a historic district on the National Register of Historic Places;

(3) Designated as a Recorded Texas Historic Landmark;

(4) Designated as a State Archeological Landmark or State Antiquities Landmark;

(5) Listed on the National Register of Historic Places or designated as a landmark by a governmental entity;

(6) Located in a World Heritage Buffer Zone; or

(7) Located in an area designated for development, restoration, or preservation in a main street city under the main street program established under V.T.C.A. Government Code § 442.014; or as otherwise provided in V.T.C.A. Government Code Ch. 3000.

Small engine repair shop means shop for repair of lawnmowers, chain saws, lawn equipment, and other machines with one-cylinder engines.

Stable (commercial) means a facility for boarding horses, renting horses to the public or conducting riding lessons. A minimum of ten acres is required for this use.

Stable (private) means an accessory building for quartering horses, when the stable building is set back from all adjacent property lines at least 100 feet, and when the site contains a minimum area of one acre for each animal quartered.

Stacking space means a designated area that provides the ability for motor vehicles to queue on site prior to receiving a service. Each required stacking space shall be a minimum of nine feet in width and 20 feet in length and shall not be located within or interfere with any other circulation driveway, parking space, fire lane, or maneuvering area.

Story means the height between the successive floors of a building, or the distance from the floor to the roof. For the purpose of computing building height pursuant to this chapter, the average height for a story shall be defined as 12 feet, six inches.

Street means any thoroughfare or public driveway, other than an alley, of more than 30 feet in width, which has been dedicated or deeded to the public for public use.

Street line means a boundary line between a lot, tract, or parcel of land and a contiguous street right-of-way. A street line is the same as a front property line or right-of-way line.

Structural alterations means any change in the supporting member of a building, such as bearing walls, columns, beams, or girders.

Structure means a combination of materials that are used to form a construction that is built and/or installed on, above or below the surface of land or water. (Means that which is built or constructed vertically above ground level).

Studio for dance, gymnastics, and/or martial arts means a building or portion of a building used as a place of work for a gymnast, dancer and/or martial artist or for instructional classes in gymnastics, dance and/or martial arts.

Studio for photographer, musician, and *artist* means a building or portion of a building as a place of work by a photographer, musician, or artist.

Studio for radio and *television* means a building or portion of a building used as a place for radio or television broadcasting.

Swim and tennis club means a private recreational club with restricted membership, usually of less area than a country club, but including a clubhouse and swimming pool, tennis courts and similar recreational facilities, none of which are available to the general public.

Swimming pool (private) means a swimming pool constructed for the exclusive use of the residents of a one-family, two-family, or multiple-family dwelling and located and fenced in accordance with city regulations. A private swimming pool shall not be operated as a business nor maintained in a manner to be hazardous or obnoxious to adjacent property owners.

Telephone line and exchange means a line for the transmission of telephone signals and a central office in which telephone lines are connected to permit communication.

Temporary field office means a building or structure of either permanent or temporary construction, used in connection with a development or supervisory and/or administrative functions related to development, construction or the sale of real estate properties within the active development or construction project.

Theater (drive-in) means an open lot with its appurtenant facilities devoted primarily to the showing of motion pictures or theatrical productions on a paid admission basis to patrons seated in automobiles.

Theater (indoor) means a building or part of a building devoted to the showing of motion pictures, or for dramatic, musical or live performance.

Thoroughfare means the same as street.

Tow truck means a vehicle for hire:

(1) Designed to lift, pull, or carry another vehicle by means of a boom, wheel-lift or spectacle lift, integrated boom and wheel-lift (a.k.a. self-loader, snatcher, quick pick or repo truck), flatbed (a.k.a. rollback or slide), lift flatbed, or other mechanical apparatus; and

(2) Having a manufacturer's gross vehicle weight rating of at least 10,000 pounds that may be used to move disabled, improperly parked, impounded, repossessed, or otherwise indisposed motor vehicles.

Towing or wrecker service means a facility or area in which tow trucks are employed in the hauling of motorized vehicles and for the storage of vehicles that have been towed, repossessed, or otherwise in the care and custody of the operator of the lot, but not disassembled or junked.

Townhome. See one-family dwelling (attached).

Tract means an area, parcel, site, piece of land, or property which is the subject of a zoning or development application.

Trailer sales or rental means the display and offering for sale or rent of trailers designed to be towed by a vehicle. Such trailers offered or displayed in the GR District shall not exceed 20 feet in overall length.

Transportation and utility structures/facilities mean permanent facilities and structures operated by companies engaged in providing transportation and utility services including, but not limited to, sewage pumping stations, telephone exchanges, water reservoirs, and water pumping stations.

Travel trailer means a mobile vehicle, designed and used as a temporary place of dwelling, and of such size and design so as to be subject to licensing for towing on the highway by a passenger motor vehicle or other vehicle, and not requiring a special permit for moving on the highways as contrasted to a mobile home.

Truck parking lot means an area for parking vehicles weighing more than 6,500 pounds.

Truck sales (heavy truck) means the display, sale, or rental of new or used heavy load vehicles in operable condition.

Truck terminal means an area and building where cargo is stored and where trucks, including tractors and trailer units, load and unload cargo on a regular basis, and may include facilities for the temporary storage of loads prior to shipment.

Two-family dwelling (duplex) means a single structure designed and constructed with two living units under a single roof for occupancy by two households living independently of each other.

Utility distribution/transmission lines means facilities which serve to distribute and transmit electrical power, gas and water, including but not limited to electrical transmission lines, gas transmission lines and metering stations.

Variance means an adjustment in the application of the specific regulations of this chapter to a particular parcel of property which, because of special conditions or circumstance peculiar to the particular parcel, is necessary to prevent the property from being deprived of rights and privileges enjoyed by other parcels in the same vicinity and zoning district.

Vehicle recovery means the recovery of any vehicle to another place, generally speaking with a tow truck.

Vehicle storage means a holding facility for the storage of operable or inoperable vehicles awaiting adjustment or settlement of insurance claims, repossessed motor vehicles, or motor vehicles that have been impounded for other various reasons. Dismantling of vehicles is not permitted.

Veterinarian clinic and/or kennel, indoor means an establishment, not including outside pens/kennels, where animals and pets are admitted for examination and medical treatment, or where domesticated animals are housed, groomed, bred, boarded, trained, or sold for commercial purposes.

Veterinarian clinic and/or kennel, outdoor an establishment with outdoor pens/kennels, where animals and pets are admitted for examination and medical treatment, or where domesticated animals are housed, groomed, bred, boarded, trained, or sold for commercial purposes.

Warehouse/distribution center means a building or area for storage, wholesale, and/or distribution of manufactured products, supplies, and equipment. This definition excludes the bulk storage of materials that are flammable or explosive or that create hazardous or commonly recognized offensive conditions.

Wholesale office storage or sales facility means a wholesale, storage, and distribution use, not generally open to the public, in which merchandise is displayed and sold at wholesale to business representatives for resale, rather than to the general public for direct consumption, including the storage of goods for sale, and not including "truck terminal". An establishment should have a minimum 75 percent of its total floor area devoted to storage and warehousing, but not accessible to the general public. The remaining area may include retail and wholesale areas, sales offices, and display areas for products sold and distributed from the storage and warehouse areas. Wholesalers that do not have auxiliary storage as a part of the use shall be considered offices.

Yard means an open space, other than a court, on the lot in which a building is situated and which is not obstructed from a point 40 inches above the general ground level of the graded lot to the sky, except as provided by roof overhang or similar special architectural features.

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

Yard, rear, means an open, unoccupied space, except for accessory building as herein permitted, extending across the rear of a lot from one side lot line to the other side lot line and having a depth between the building and the rear lot line as specified the district in which the lot is situated. (See appendix illustration 3 on file in the city secretary's office.)

Yard, side, means an open, unoccupied space or spaces on one side or two sides of the same lot with a main building, and being situated between the building and a side line of the lot extending through from the front yard to the rear yard. Any lot line, not the rear line or a front line, shall be deemed as a side line. (See appendix illustration 3 and 4 on file in the city secretary's office.)

Zero lot line dwelling means detached single-family dwellings on lots without a side yard requirement on one side of the lot.

Zoning administrator means the city manager or other person designated as the one responsible for the administration and enforcement of the city zoning and building codes.

Zoning district map means the official certified map upon which the boundaries of the various zoning districts are drawn and which is an integral part of this chapter.

Zoning ordinance means this chapter.

(Ord. No. 2018-0508-001, § 3, 5-8-2018; Ord. No. O-2020-0114-001, § 2, 1-14-2020)

V. Adjournment