

## Article 2. Zoning Districts and Uses

### 2.1 ZONING DISTRICTS ESTABLISHED

The following zoning districts are established and are applied to property within the City as set forth on the Zoning District Map.

<b>ABBREVIATED DESIGNATION</b>	<b>ZONING DISTRICT</b>
R-1	One-Family Residence District -1
R-2	One-Family Residence District -2
R-3	One-Family Residence District -3
R-4	One-Family Residence District -4
R-5	One-Family Residence District -5
R-6	One-Family Residence District -6
D-1	Two-Family Residence District
D-2	Two-Family Residence District
MF-1	Multiple-Family Residence District -1
MF-2	Multiple-Family Residence District -2
MF-3	Multiple-Family Residence District -3
MF-4	Multiple-Family Residence District -4
I-RU	Institutional-Religious Uses District
O	Office District
LR-1	Local Retail District -1
LR-2	Local Retail District -2
C	Commercial District
LI	Light Industrial District
HI	Heavy Industrial District
PD	Planned Development District

Note: An “FP” prefix to any district designation as it appears on the Zoning District Map designates a sub-district subject to the flood plain provisions of Section 5.1.

### 2.2 ZONING DISTRICT MAP

#### A. Zoning Map Incorporated

1. The boundaries of the zoning districts are delineated upon the Zoning District Map that is incorporated as part of this zoning ordinance.
2. Three original, official and identical copies of the Zoning District Map are hereby adopted bearing the signature of the Mayor and attestation of the City Secretary. The official originals of the Zoning District Map shall be filed and maintained as follows:
  - a. One copy shall be filed in the office of the City Secretary, retained as the original record of the City and shall not be changed in any manner. A new original shall be filed in the office of the City Secretary following each amendment to the Zoning District Map.

B. Rules of Interpretation

- b. One copy shall be filed with the Building Official and shall be maintained up-to-date by posting all changes and subsequent amendments for observation in issuing Building Permits, Certificates of Occupancy and Compliance and for enforcing this Chapter.
- c. One copy shall be filed with the Planning Director for reference purposes and shall be maintained up-to-date by posting all changes and subsequent amendments.

**B. Rules of Interpretation**

The boundary lines of zoning districts shown on the Zoning District Map are usually located along streets, alleys, property lines, or extensions thereof. Where uncertainty exists as to the the boundary of a zoning district as shown on the Zoning District Map, the following rules shall apply.

1. Zoning district boundaries indicated as approximately following the centerlines of streets, highways or alleys shall be construed to follow such centerlines.
2. Zoning district boundaries indicated as approximately following platted lot lines shall be construed as following such lines.
3. Zoning district boundaries indicated as approximately following the boundary lines of the city limits shall be construed as following such boundary lines.
4. Zoning district boundaries indicated as following railroad rights-of-way shall be construed to be the centerline of such right-of-way or, if no centerline is established, the boundary shall be interpreted to be midway between the boundaries of the right-of-way.
5. Zoning district boundaries indicated as following shorelines shall be construed to follow such shorelines. In the event of a change in the shoreline, the zoning district boundary shall be construed as following the relocated shoreline. Notwithstanding the foregoing, if the zoning district boundary is shown to follow a shoreline, but the property line of the property on which the body of water is located extends beyond the shoreline located on the property, the zoning district boundary shall be construed as extending to the property line of said property.
6. Zoning district boundaries indicated as approximately following the centerlines of streams, rivers, lakes or other bodies of water shall be construed to follow such center lines. Notwithstanding the foregoing, if the zoning district boundary is shown to follow the centerlines of a stream, river, lake or other body of water, and the centerline later changes, but the property line of the property located on the stream, river, lake or other body of water extends beyond the the adjusted centerline, the zoning district boundary shall be construed as extending to the property line of said property.
7. Zoning distrcet boundaries indicated as parallel to or extensions of features indicated in Section 2.2B.1 through 2.2B.5 shall be so construed. Distances not specifically indicated on the Zoning District Map shall be determined from the graphic scale on the Zoning District Map.
8. Whenever any street, alley or other public way is vacated by official action of the City Council, or whenever such area is franchised for building purposes, the zoning district line adjoining each side of such street, alley or other public way shall be automatically extended to the centerline of such vacated street, alley or

A. Classification of New and Unlisted Uses

way, and all area so involved shall then and henceforth be subject to all regulations of the extended zoning districts.

9. Where physical features of the ground differ from information shown on the Zoning District Map, or the application of Section 2.2B.1 through Section 2.2B.8 cannot resolve the uncertainty of how or if a property is zoned, the property shall be deemed to be located where the majority of the area of the property is located.

## 2.3 INTERPRETATION OF THE ZONING ORDINANCE

The City Manager and his designees are hereby authorized and directed to enforce the provisions of this Chapter and shall have the authority to render interpretations of this Chapter. Interpretations shall be in conformance with the intent and purpose of this Chapter and no interpretation shall have the effect of waiving requirements specifically provided for in this Chapter. Interpretations or determinations made by the City Manager or his designee may be appealed as provided in Section 6.1C.

## 2.4 PERMITTED USES

### A. Classification of New and Unlisted Uses

The classification of any form of land use which is not defined in this Chapter or which is defined in this Chapter but has not been classified by placement in the Permitted Use Tables in Section 2.4.C (i.e., a “new or unlisted use”) shall be defined and/or classified as follows:

1. The Director of Community Services or designee shall refer the question of any new or unlisted use to the Commission requesting an interpretation as to the zoning classification into which such use should be placed accompanied by a statement of facts listing the following:
  - a. the general description of the use;
  - b. whether the contains a residential component;
  - c. with respect to non-residential components of the use, a general description of the types of sales, processing, or manufacturing and the goods to be sold, processed, or manufactured;
  - d. if intended as a type of office use, a general description of the services to be provided;
  - e. whether the use requires a storage component, the amount or nature of such storage, and whether the storage areas is enclosed or open;
  - f. anticipated number of employees;
  - g. transportation requirements, including the nature of the public street access required for the use, and the types of vehicles which such use will likely require for its operations
  - h. the amount of noise, odor, fumes, dust, toxic material and vibration likely to be generated by the use; and
  - i. the general requirements for public utilities such as water and sanitary sewer which the use will need for its operations.
2. The Commission shall consider the nature and described performance of the proposed use and its compatibility with the uses permitted in the various districts and determine the zoning district or districts within which such use should be

B. Use of a Residential Property for Non-Residential Purposes

permitted or permitted upon grant of a specific use permit.

3. The Commission shall forward its findings and recommendations to the City Council as to the classification proposed for any new or unlisted use. The City Council shall consider the recommendation of the Commission and make a final determination concerning the classification of such use.

**B. Use of a Residential Property for Non-Residential Purposes**

It is unlawful to use any building, structure or property located in the R-1, R-2, R-3, R-4, R-5, R-6, D-1, D-2, MF-1, MF-2, MF-3, MF-4 zoning or in residential use PD districts for a non-residential purpose except as a home occupation or as otherwise authorized in this Chapter or other City ordinance.

**C. Use Table**

1. **Classification of Uses.** The uses for property within the City are classified as “Permitted,” “Specific Use Permit Required,” or “Not Permitted.” Uses for which classifications have been established are set forth in the Use Table set forth in Section 2.4.C.2.

**2. Use Table Key**

**a. Use Permitted (X)**

An “X” indicates that a use is allowed in the respective zoning district subject to a use standard, if applicable. Such use is also subject to all other applicable requirements of this Chapter.

**b. Specific Use Permit Required (S)**

An “S” indicates a use may be permitted in the respective zoning district only where approved by the City Council in accordance with Section 6.5, Specific Use Permit. Specific uses are subject to all other applicable requirements of this Chapter, including all applicable use standards, except where such use standards are expressly modified by the City Council as part of the specific use permit approval.

**c. Temporary Use (T)**

A “T” indicates a use may be permitted in the respective zoning district but for a limited duration, as determined by the Comprehensive Zoning Ordinance or the Director of Planning or his designee.

**d. Use Not Permitted**

A blank cell indicates that a use is not allowed in the respective zoning district.

**e. Use Standard**

The column of the Use Table marked “Use Stds” indicates a cross-reference to a provision of this Chapter where compliance with additional development and use regulations may be required prior to a use being permitted or permitted following the grant of a Specific Use Permit.

C. Use Table

USE	R-1	R-2	R-3	R-4	R-5	R-6	D-1	D-2	MF-1	MF-2	MF-3	MF-4	I-RU	O	LR-1	LR-2	C	LI	HI	Use Stds
Key: X = Use Permitted S = Specific Use Permit Required T = Temporary Use Blank Cell = Use Not Permitted																				
<b>Agricultural Type Uses</b>																				
Animal Clinic or Hospital (No outside runs, play area or pens allowed)																S	S	X	X	
Animal Clinic, Hospital or Kennel w/ outside runs, play area or pens																		S	X	
Community Garden															S	X	X	X	X	
Farm or Ranch	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Farmers Market															S	X	X	X		
Greenhouse or Plant Nursery (Commercial)																	S	S	X	
<b>Commercial Type Uses</b>																				
Alcohol Sales (Wholesale)																		X	X	
Bakery (Wholesale)																	X	X	X	
Bakery (Retail)														X	X	X	X	X	X	
Beauty Salon														S	X	X	X	X	X	
Brewery																S		X	X	
Brewpub																		X	X	
Building Material Sales																	X	X	X	
Cabinet and Upholstery Shop																	X	X	X	
Catering Services																	X	X	X	
Dry Cleaning and Laundry Plant																	X	X	X	
Feed Store																	X	X	X	
Food Processing																		X	X	
Heavy Construction Equipment Rental																		S	X	
Heavy Machinery Sales and Storage																		X	X	
Job Printing or Newspaper Printing																	X	X	X	
Lab, Medical or Dental														S	S	X	X	X	X	
Lab, Scientific or Research														S	S	S	X	X	X	
Lawn Mower Sales, Service, and Repair (Small Engine)																S	X	X	X	
Manufacture or Light Compounding or Fabrication																		X	X	
Milk Depot, Dairy or Ice Cream Plant																	X	X	X	
Paint Shop																	X	X	X	
Petroleum Products Storage -Wholesale																		X	X	
Plumbing Shop																	X	X	X	
Radio/TV/Cable Broadcast Studio																	X	X	X	
Self-Storage Facility																		S	X	
Trailer Rental or Sales																	S	S	X	
Transfer, Storage & Baggage Terminal																	X	X	X	
Wholesale Office and Showroom																	X	X	X	
<b>Educational &amp; Institutional Uses</b>																				
Adult Day Care													S	S	S	S	S	S		
Art Gallery or Museum														S	X	X	X	X	X	
Benevolence Storage and Distribution													S							
Cemetery or Mausoleum	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	X	X	
Crematorium																			X	

C. Use Table

USE	R-1	R-2	R-3	R-4	R-5	R-6	D-1	D-2	MF-1	MF-2	MF-3	MF-4	I-RU	O	LR-1	LR-2	C	LI	HI	Use Std's	
<b>Key:</b> X = Use Permitted S = Specific Use Permit Required T = Temporary Use Blank Cell = Use Not Permitted																					
Community Center (Public)	X	X	X	X	X	X	X	X	X	X	X	X		X	X	X	X	X	X		
Day Camp													S	S	S	S		X			
Driving School																S		X	X		
Fraternal Organization, Lodge or Civic Club														S		X	X	X	X		
Home for Care of Alcoholic, Narcotic, or Psych											S			S			X	X	X		
Hospital (Acute Care)													X	X	X	X	X	X	X		
Hospital (Chronic Care)														S	S	S	X	X	X		
Institutions of Religious or Philanthropic Nature					S	S	S	S	S	S	S	S	X	S	S	S	X	X	X		
Library (Public)	X	X	X	X	X	X	X	X	X	X	X	X		X	X	X	X	X	X		
Local Government Public Facilities	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X		
Mortuary or Funeral Home														S	S	S	S	X	X		
Nursing or Residence Home for Aged					S	S	S	S	S	S	S	S	S	S	S	S	X	X	X		
Park or Playground	X	X	X	X	X	X	X	X	X	X	X	X		X	X	X	X	X	X		
Rectory, Monastery or Convent	S	S	S	S	S	S	S	S	X	X	X	X	X	X	X	X	X	X	X		
School, Business or Trade														S	X	X	X	X	X		
School, Nursery, Kindergarten (or Day Care)			S	S	S	S	S	S	S	S	S	S	S	X	X	X	X	S			
School, Denominational (or Day Care)	S	S	S	S	S	S	X	X	X	X	X	X	S	X	X	X	S	S	S		
School, College or University			S	S	S	S	S	S	S	S	S	S		X	X	X	S	S	S		
School, Private Primary or Secondary			S	S	S	S	S	S	S	S	S	S	S	X	X	X	S	S	S		
School, Public	X	X	X	X	X	X	X	X	X	X	X	X		X	X	X	X	X	X		
Temporary Use of Civic or Philanthropic Nature	By Resolution of City Council																				
Test Preparatory School															X	X					
Worship Facility	S	S	S	S	S	S	S	S	X	X	X	X	X	X	X	X	X	X	X		
<b>Manufacturing and Industrial Uses</b>																					
Light Manufacturing or Industrial Uses as outlined by Article 4 <a href="#">Performance Standards</a> as meeting performance standards for light industrial classification																			X	X	4.5
Heavy Manufacturing or Industrial Uses as outlined by Article 4 as meeting performance standards for heavy industrial classification																				X	4.5
<b>Natural Resource Storage and Extraction</b>																					
Extraction and Storage of Sand, Caliche, Stone or Gravel																	S	S	S		
Mining or Storage or Mining Wastes																			S	S	
<b>Recreational and Entertainment Uses</b>																					
Amusement, Commercial (Indoors)																S	S	S	S		
Amusement, Commercial (Outdoors)																	S	S	S		
Country Club (Private) with Golf Course	S	S	S	S	S	S	S	S	S	S	S	S		X	X	X	X	X	X		
Golf Course (Public)	X	X	X	X	X	X	X	X	X	X	X	X		X	X	X	X	X	X		
Park or Playground (Public)	X	X	X	X	X	X	X	X	X	X	X	X		X	X	X	X	X	X		
Playfield or Stadium (Public)	X	X	X	X	X	X	X	X	X	X	X	X		X	X	X	X	X	X		
Private Club												S		S	S	S	S	S	S	2.6	
Shooting Range (Indoor)																			S	S	
Stable																	S	X	X		
Swim or Tennis Club	S	S	S	S	S	S	S	S	S	S	S	X		X	X	X	X	X	X		
Temporary Carnival or Circus	By Resolution of City Council																				

C. Use Table

USE	R-1	R-2	R-3	R-4	R-5	R-6	D-1	D-2	MF-1	MF-2	MF-3	MF-4	I-RU	O	LR-1	LR-2	C	LI	HI	Use Std's
Key: X = Use Permitted S = Specific Use Permit Required T = Temporary Use Blank Cell = Use Not Permitted																				
Theater, Drive-In																	S	S	S	
Theater, Indoor															S	S	S	S	S	
<b>Residential Uses</b>																				
Boarding or Rooming House									S	S	S	S					X			
Home Occupation	X	X	X	X	X	X	X	X												
Multiple-Family Dwelling or Apartment									X	X	X	X								
One-Family Detached	X	X	X	X	X	X	X	X	X	X	X	X								
One-Family Attached						X	X		X	X	X	X								
Two-Family Dwelling							X	X	X	X	X	X								
Live/Work Units															S	S	X	X	X	
Guest/Servants Quarters	S	S																		2.9
<b>Retail and Service Type Uses</b>																				
Antique Shop															X	X	X	X	X	
Bank or Financial Institution														S	X	X	X	X	X	
Beer and Wine Package Sales Establishment <sup>1</sup>	Beer and Wine Sales Overlay Zones (BW) Only																			
Bicycle sales and service															X	X	X	X	X	
Check Cashing businesses, Payday Advance/Loan businesses or Car Title Loan businesses																S				2.5
Consignment Store																	X	X	X	
Dry Cleaners (Full Service)															X	X	X	X	X	
Dry Cleaning/Laundry Pickup Station														X	X	X	X	X	X	
Gun (Firearm) Sales																S		X	X	
Florist															X	X	X	X	X	
Furniture Store (New)															S	S	X	X		
Garden and Nursery Sales															S	S	S	S	S	
Hookah/Vapor Lounge																				
Hotel														S			S	S	S	2.5B
Household Appliance Repair																X	X	X	X	
Household Appliance Sales															X	X	X	X	X	
Laundromat (Self Service)															S	S	X	X	X	
Massage Business														S	S	X	X	X	X	
Mortuary or Funeral Parlor														S	S	X	X	X	X	
Offices, Medical & Dental Offices and Clinics														X	X	X	X	X	X	
Offices, Professional and Administrative														X	X	X	X	X	X	
Optical Store														X	X	X	X	X	X	
Outside Sales (Permanent)																S	S	S	S	
Outside Sales (Temporary)															T	T				
Paint, Wallpaper and Related															X	X	X	X	X	
Pawn Store																	X	X	X	
Pet Store, Small Animals and Related, No Outside Runs															X	X	X	X	X	
Pet Store with Outside Runs																	S	S	X	
Pharmacy															X	X	X	X	X	
Prepackaged Retail Sales (Drive Through)																				
Printing or copy center														X	X	X	X	X	X	

C. Use Table

USE	R-1	R-2	R-3	R-4	R-5	R-6	D-1	D-2	MF-1	MF-2	MF-3	MF-4	I-RU	O	LR-1	LR-2	C	LI	HI	Use Std's
Key: X = Use Permitted S = Specific Use Permit Required T = Temporary Use Blank Cell = Use Not Permitted																				
Reflexology (Hand and Foot Massage)															S	X	X	X	X	
Restaurant, General														S	X	X	X	X	X	
Restaurant, with Drive-through Service															S	S	X	X	X	
Restaurant, with Drive-in Service																S	S	S	S	
Restaurant, Qualifying															X	X	X	X	X	2.6
Retail, General															X	X	X	X	X	
Retail, Personal Services															X	X	X	X	X	
Retail, Warehouse																S	X	X	X	
Retail Store Consisting Primarily of Specialty and Novelty Items																S	S	S	S	
Small Handtool and Hand Carried Equipment (Indoor Display and Storage)																S	X	X	X	
Studio for Photographer, Musician, Artist or Health															X	X	X	X	X	
Supermarket															S	S	X	X	X	
Temporary Real Estate Office (model home)	Approved administratively on a case-by-case basis																			Temp.
Tobacco Sales (Including E-Cigarette)																X	X	X	X	
Tattoo Studio																S	S	S		2.5C
Tool, Equipment, Trailer Rental																	S	S	X	
Travel Agencies														X	X	X	X	X	X	
Used Merchandise																	X	X	X	
<b>Sexually Oriented Business</b>																				
Adult Arcade																		S	S	2.5D
Adult Bookstore or Adult Video Store																		S	S	2.5D
Adult Cabaret																		S	S	2.5D
Adult Motel																		S	S	2.5D
Adult Motion Picture Theater																		S	S	2.5D
Adult Theater																		S	S	2.5D
Escort Agency																		S	S	2.5D
Nude Modeling Studio																		S	S	2.5D
Sexual Encounter Center																		S	S	2.5D
<b>Special Industrial Processes</b>																				
Batching Plant (Permanent) Asphalt or Concrete																		S	X	4.5
Batching Plant Temporary On-Site	Allowed in any Zoning District, not to exceed 60 days																			4.5
Batching Plant Temporary Off-Site	Allowed in any Zoning District, not to exceed 60 days (Requires Resolution of City Council)																			4.5
Bottling Plant																		X	X	4.5
Cement or Hydrated Lime Manufacture																			X	4.5
Dump or Sanitary Fill Area																		S	X	4.5
Gas Wells and Gas Compressor Stations																				2.7
Inside Paper Sorting and Bailing for Recycling																		S	X	4.5
Meat Packing Plant																		S	X	4.5
Recycling Plant (non-putrescent materials only)																		X	X	4.5
Smelter or Refinery																			X	4.5
Welding or Machine Shop																	S	X	X	4.5
<b>Transportation Related Uses</b>																				
Airport Landing Field																			X	

C. Use Table

USE	R-1	R-2	R-3	R-4	R-5	R-6	D-1	D-2	MF-1	MF-2	MF-3	MF-4	I-RU	O	LR-1	LR-2	C	LI	HI	Use Stds
<b>Key:</b> X = Use Permitted S = Specific Use Permit Required T = Temporary Use Blank Cell = Use Not Permitted																				
Bus Station or Terminal																	X	X	X	
Hauling or Storage Company (no outdoor storage)																			X	X
Heliports																		S	X	
Motor Freight Terminal																				X
Railroad Freight Terminal																	S	S	X	
Railroad Passenger Station																X	X	X	X	
Railroad Track or Right-of-Way	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Switching Yard																			X	
<b>Utility, Accessory &amp; Incidental Uses</b>																				
Accessory Building	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	2.9
Community Center (Private)										X	X				X	X	X	X	X	
Electrical Generating Plant																	S	X	X	
Electrical Substation	S	S	S	S	S	S	S	S	S	S	S	S	S	X	X	X	X	X	X	
Electrical Transmission Line	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
Field or Construction Office (Temporary)	Subject to Approval and Control by the Building Official																			
Fire Station or Similar Public Safety Building	X	X	X	X	X	X	X	X	X	X	X	X		X	X	X	X	X	X	
Gas Transmission Line	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
Gas Metering Station	X	X	X	X	X	X	X	X	X	X	X	X	S	X	X	X	X	X	X	
Lift Station (Sewage)	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
Local Utility Distribution Lines	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
Municipal Water Tower	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
Private Utility Shop or Storage																	X	X	X	
Public Building, Shop or Yard of Local, State or Federal Government							S	S	S	S	S	S		S	S	S	X	X	X	
Telecom (Cellular) Tower	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	
Sewage Treatment Plant																	S	S	X	
Sign- Off Premise (Billboard)																			X	
Telephone Exchange, Switching Relay and Transmitting Equipment	X	X	X	X	X	X	X	X	X	X	X	X	S	X	X	X	X	X	X	
Water Reservoir, Pumping Station or Well	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
<b>Vehicle Related Uses</b>																				
Boat Sales																		S	S	X
Car Wash																	S	S	S	S
Commercial Parking Lot for Automobiles															S	S	S	X	X	X
Commercial Parking Lot for Trucks																			S	X
Gasoline Service Station																S	S	S	S	
Enclosed Vehicle Storage Facility																			S	X
Off-Street Parking Incidental to Main Use	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
Tires and Wheel Accessories																S	S	X	X	
Towing Impound Yard																				
Vehicle Maintenance (diagnostic, lube, brakes, state inspections, glass repair, paintless dent repairs, installation of accessories)																X	X	X	X	
Vehicle Parts and Accessory Sales (Indoor)															X	X	X	X	X	
Vehicle Rental																	S	S	X	

A. Check Cashing, Payday Advance/Loan, and Car Title Loan Businesses

USE	R-1	R-2	R-3	R-4	R-5	R-6	D-1	D-2	MF-1	MF-2	MF-3	MF-4	I-RU	O	LR-1	LR-2	C	LI	HI	Use Stds
Key: X = Use Permitted S = Specific Use Permit Required T = Temporary Use Blank Cell = Use Not Permitted																				
Vehicle Repair (general repair and reconditioning, paint and body, engine rebuild, undercoating, mufflers, exhaust, custom shop)																			S	X
Vehicle Sales and Leasing (New)																	S	S	X	
Vehicles Sales and Leasing (Used)																	S	S*	S	
Wrecking and/or Salvage Operation																			S	
*Use is allowed with a Specific Use Permit (SUP), except in the Eastside Business District. <sup>1</sup> In no case shall a Pre-Packaged Retail Sales (Drive Through) which is also a Beer and Wine Package Sales Establishment be permitted in any zoning district, it being the intent of this ordinance to expressly prohibit the use and development of all Pre-Packaged Retail Sales (Drive Through) uses within the City.																				

**2.5 LAND USES REQUIRING SPECIAL PERFORMANCE STANDARDS**

**A. Check Cashing, Payday Advance/Loan, and Car Title Loan Businesses**

Approval of a specific use permit is required prior to the development and use of property for a check cashing business, payday advance/loan business, car title loan business and all related activities subject to the following:

1. No check cashing business, payday advance/loan business or car title loan business may be located within 1,000 feet of another check cashing business, payday advance/loan business.
2. No check cashing business, payday advance/loan business or car title loan business may be located within 500 feet of the right of way of US Interstate 35 East, US Interstate 635 (LBJ Freeway) President George Bush Tollway or the Dallas North Tollway.
3. For the purposes of this Section 2.5.A, the measurement of the distances described in paragraphs 1 and 2, shall be made in a straight line, without regard to intervening structures or objects.
  - a. With respect to paragraph 1, from the nearest portion of the property line of the property where the existing business is located to the nearest portion of the property line of the property where the new business is proposed; and
  - b. With respect to paragraph 2, from the nearest portion of the right-of-way line of US Interstate 35 East, US Interstate 635 (LBJ Freeway), President George Bush Tollway, or the Dallas North Tollway to the property line of the property where the new business is proposed.

**B. Hotel/Motel**

Approval of a specific use permit is required prior to the development and use of property for a hotel or motel subject to the following:

1. Following receipt of a recommendation from the Commission, the City Council finding that:

B. Hotel/Motel

- a. The type of hotel or motel use proposed is compatible and consistent with, and will have no adverse effect on, existing uses located on developed properties in the area;
        - b. The proposed use is equal to or exceeds development and operation standards of other hotels or motels or other uses in the area; and
        - c. The proposed hotel or motel use will not adversely affect the future ability to locate additional uses that are allowed within the zoning district within the area of the proposed hotel or motel use.
2. To better ensure that a proposed hotel/motel development is equal to or exceeds the standards established by existing structures in the area, the characteristics of the surrounding area, and with future development plans of the neighboring properties, following the recommendation of the Commission, the City Council may require the application for specific use permit include, but not necessarily be limited to, the following information:
  - a. A market study designed to determine the viability of a hotel or motel in a specific area and the impact on surrounding areas;
  - b. Information such as franchise agreements and operation plans; and
  - c. Security measures and plans.
3. To better ensure that a proposed hotel/motel development is equal to or exceeds the standards established by existing structures in the area, the characteristics of the surrounding area, and with future development plans of the neighboring properties, following the recommendation of the Commission, the City Council may include the following as conditions to be satisfied in a specific use permit granted for a hotel or motel use:
  - a. The specification of the materials for the exterior walls and roof of the hotel or motel structure;
  - b. The installation of additional landscaping, such as, shrubs, trees, or earthen berms, in accordance with a landscape plan;
  - c. The inclusion of plans, specifications, and other materials as necessary to depict the proposed hotel or motel development of sufficient detail to allow a determination that the facility will be equal to or exceed standards of the area and that it will be compatible with existing and future development; and
  - d. Installation of a fire protection system, if not otherwise required by other City ordinances.
4. A hotel or motel shall be located on a lot with an area of not less than four acres; provided, however, a hotel or motel may be developed on a lot with an area of less than four acres upon a finding by the City Council, following receipt of the recommendation of the Commission and after review of submitted data and facts, that the proposed hotel or motel is an appropriate use, design and lay-out for the building site and area.

C. Tattoo Studio Regulations

5. A specific use permit may be granted for a hotel or motel which provides access from other than a central interior corridor upon a finding of the City Council, following receipt of the recommendation of the Commission, and after review of submitted data and facts, that the proposed design of the hotel or motel is appropriate for the area.

**C. Tattoo Studio Regulations**

Approval of a specific use permit is required prior to the development and use of property for a tattoo studio, which shall be subject to the following:

1. No specific use permit shall be granted for use of property for a tattoo studio if the premises where the tattoo studio is to be operated is located within 1,000 feet of any worship facility, public or private school or the zoning district boundary of any R-1 through I-RU zoning district.
2. The distance referenced in paragraph 1, above, shall be measured in a straight line, without regard to intervening structures or objects, from the nearest portion of the building or structure used as a part of the premises where a tattoo studio is to be operated, to the nearest property line of the premises of a worship facility or school, or to the nearest boundary of an affected residential district, or residential lot.
3. The 1,000-foot separation distance required by paragraph 1, above, may be reduced or waived by the City Council upon the City Council's finding that operation of the tattoo studio would not be detrimental or injurious to the public health, safety or general welfare, or otherwise offensive to the neighborhood.
4. This Section 2.5.C. does not apply to a medical facility licensed under state law or an office or clinic of a person licensed by the Texas Medical Board.
5. A business primarily operated as a barber shop, beauty shop, skin care or cosmetics salon, nail salon, or similar business which provides the service of applying permanent cosmetics or makeup solely as an incidental use of the business shall be exempt from this Section 2.5.C, if the property may otherwise be developed and used as a barber shop, beauty shop, skin care or cosmetics salon, nail salon, or similar business in accordance with the Use Table (Section 2.4.C.).
6. Tattoo studios shall at all times be in full compliance with all requirements of state laws and regulations applicable to tattooing and operation of a tattoo studio.

**D. Sexually Oriented Businesses**

Approval of a specific use permit is required prior to the development and use of property for a sexually oriented business; provided, however, no specific use permit shall be granted for such use until a permit for the proposed sexually oriented business pursuant to Chapter 26, Article IV of the Code of Ordinances, as amended.

**E. Garden and Nursery Sales (Outdoors)**

A. Compliance with Additional Regulations

The following standards shall be used in the design, location and sighting of Garden and Nursery Sales (Outside). A comprehensive site plan shall be submitted for approval by the Building Official prior to permit approval. Garden and Nursery Sales (Outside) sites shall comply with the following:

1. *Location* - The site shall be adjoining the building in which the primary business is conducted. No sales shall be located in front of the building. The site shall be located in such a manner so that it will not impede or hinder traffic flow.
2. *Screening* - The sales area shall be screened from public view by a minimum six-foot-high, maximum eight foot high screening fence. No merchandise may be stacked above the fence. No merchandise may be displayed outside the sales area. Fencing shall be of a material consistent with the exterior of the building. Visual openings may be allowed in the fence provided the opening does not exceed four inches in width with a minimum of eight feet between openings. Visual openings in the fence shall be constructed of wrought iron with no space larger than six feet, measured in any direction. Tree limbs may extend above the required fence.
3. *Roof* - A roof shall be required over the sales area. The roof shall be consistent with materials and construction methods approved by the Building Code.
4. *Accessibility* - The sales area shall have ingress and egress only through the main building.
5. *Deliveries and Customer Pick-up* - An opening ten feet wide, equipped with a gate, may be allowed only on the side or the rear of the sales area for deliveries and customer pick-up of merchandise. This opening may not be used as an entrance to the sales area, except as indicated in this section.
6. *Drainage* - A 12 inches high concrete curb shall be placed on all sides of the sales area to prevent drainage of chemicals into the public storm sewer system. An onsite drainage system with a dilution basin shall be installed when required by the Plumbing Code.
7. *Exceptions* - Exceptions to these operation standards may be requested by the applicant. Exceptions must be submitted on a site plan and approved by the Commission and City Council.

## 2.6 ALCOHOLIC BEVERAGE SALES IN RESTAURANTS AND PRIVATE CLUBS

### A. Compliance with Additional Regulations

The sale of alcoholic beverages in a restaurant or private club on any property within the City, whether by right or pursuant to a specific use permit, shall be in compliance with this section.

### B. Definitions

Whenever used in this section, the following words and phrases shall have the meaning set forth below unless specifically defined otherwise:

E. Structural and Building Requirements

1. *Private Club*: An association of persons, whether incorporated or unincorporated under the laws of the State of Texas, that is the holder of a valid and subsisting private club permit issued by the Texas Alcoholic Beverage Commission and whose stated purpose is for the promotion of some common object and whose members must be passed upon by a committee made up of members of the club.
  2. *Qualifying Restaurant*: An existing or proposed eating establishment whose gross sale of food and non-alcoholic beverages shall constitute at least 50% of the establishment's combined gross sales of food, non-alcoholic and alcoholic beverages quarterly.
  3. *Restaurant*: Unless specifically indicated otherwise, the term "restaurant" shall mean a qualifying restaurant where the operator is the holder of a mixed beverage permit or a private club permit.
  4. *Holder of a Mixed Beverage Permit*: Holder of a mixed beverage permit issued by the Texas Alcoholic Beverage Commission pursuant to Chapter 28 of the Texas Alcoholic Beverage Code.
- C. Continuation of Existing Private Clubs.** All existing and legal private clubs are declared legal and valid and may continue to operate as legal and valid operations after the effective date of this ordinance.
- D. Eleemosynary Corporations:** No application for a specific use permit for an applicant claiming to be an eleemosynary corporation, may be considered or approved until, based on data and information provided by the applicant, the City Attorney has determined the applicant is an eleemosynary corporation as defined in Section 2.6B.5.

**E. Structural and Building Requirements**

1. No qualifying restaurant may be located in a hotel unless such hotel:
  - a. Has at least 200 sleeping rooms; or
  - b. Has at least 160 sleeping rooms and meeting space in excess of 2,000 square feet.
2. Exterior signs or signs visible from the restaurant's exterior that advertise the sale of alcoholic beverages are prohibited.
3. No qualifying restaurant shall be located within 300 feet of a church, school (public or private), or public hospital. The method for measuring distance shall be as determined in Texas Alcoholic Beverage Code §109.33(b), as amended.

**F. Food Service**

1. Qualifying restaurants shall provide regular food service for their customers.
2. All qualifying restaurants shall receive from the sale of food at least 50% of the restaurant's gross sales at that location which sales figures shall be accurately reflected on a quarterly basis, subject to verification by the City in accordance with Section 2.6J.
3. A qualifying restaurant may provide service in an attached patio or garden subject to approval of a specific use permit by the City Council.

G. Application Time Limit

4. Only attached patios or gardens that occupy an area greater than or equal to 50% of the total floor area occupied by the enclosed portion of a qualifying restaurant shall be included in the calculation of minimum required parking.
5. No drive-in, curb-service or service of any kind outside the building or attached patio or garden, except as provided in paragraph 3, above, shall be permitted.
6. The qualifying restaurant shall designate a portion of its total combined floor area for food preparation and storage adequate to service customers in a manner that permits and allows the qualifying restaurant to maintain the prescribed food to alcoholic beverage sales ratio prescribed herein.
7. A private club or mixed beverage serving area located in a hotel or motel will be allowed in an area totally separate from the restaurant area subject to the following:
  - a. The qualifying restaurant must be located within the same building as the hotel or motel.
  - b. Not less than 2,000 square feet of floor area shall be occupied by qualifying restaurant facilities (total qualifying restaurant operations).
  - c. The floor area devoted to the sale of alcoholic beverages within the qualifying restaurant does not exceed the floor area devoted to food service.
  - d. The qualifying restaurant will designate a portion of its total combined floor area for food preparation and storage adequate to service customers in a manner that permits and allows the qualifying restaurant to maintain the prescribed food to alcoholic beverage sales ratio prescribed in this Chapter.
  - e. The sale and consumption of alcoholic beverages may be permitted within the restaurant area.
  - f. Pursuant to Texas Alcoholic Beverage Code §28.01 (b), the holder of a mixed beverage permit for a qualifying restaurant in a hotel zoned pursuant to this Chapter may deliver mixed beverages, including wine and beer, to individual rooms of the hotel or to any other location in the hotel building or grounds, except a parking area on the licensed premises or another alcoholic beverage establishment, without regard to whether the place of delivery is part of the licensed premises. A permittee in a hotel may allow a patron or visitor to enter or leave the licensed premises, even though the patron or visitor possesses an alcoholic beverage, if the beverage is in an open container and appears to be possessed for present consumption.

**G. Application Time Limit**

In the event an application for a building permit for a qualifying restaurant is not made within one year from the granting of the specific use permit for service of alcoholic beverages in a qualifying restaurant, the City Council may direct the Commission to call a public hearing for the purpose of considering the rezoning and termination of such Specific Use Permit.

### **H. Application and Submission Requirements**

The following information shall be submitted to the City at the time an application for building permit, a certificate of occupancy (if no building permit is required), and/or a specific use permit, if required, for service of alcoholic beverages in a qualifying restaurant is made:

1. A site plan comparable in graphic content to that normally required for development in a PD district and that also includes a drawing indicating the distance from all uses stated in Section 2.6E.3.
2. A floor plan showing location, square footage, and arrangement of areas designated for:
  - a. Private club or sale of alcoholic beverages;
  - b. Eating;
  - c. Kitchen and food preparation;
  - d. Bar/holding area (not to exceed 20% of the restaurant);
  - e. Dancing and/or live entertainment;
  - f. All other proposed uses within the restaurant.

### **I. Remodeling and Alterations**

Any proposed remodeling or change to the original floor plan and bar layout of the original approved site plan, which requires issuance of a building permit, shall be reviewed and subject to approval of the Director. If changes to the original approved plans are determined to constitute an amendment to the specific use permit, if approval of a specific use permit was originally required, approval by the City Council shall be required following the procedures required for an amendment to the zoning regulations for the property.

### **J. Food Sales Compliance**

1. The operator of the qualifying restaurant shall be responsible for complying with Section 2.6.G.2 and shall maintain and keep records necessary to demonstrate such compliance.
2. Upon notice from the City Manager or the City Manager's designee, the operator of a qualifying restaurant shall make available for inspection any and all records necessary to confirm compliance with Section 2.6.G.2. as soon as practicable, but in no event later than 30 days after receipt of the notice from the City Manager.

### **K. Alcohol Awareness Program**

The applicant for a specific use permit to allow the sale of alcoholic beverages in a qualifying restaurant shall submit an alcohol awareness program with the specific use permit application. Any such alcohol awareness program shall be commensurate with the size and character of the restaurant operation for which the specific use permit is being requested. The submitted alcohol awareness program shall be used as criteria in considering the Specific Use Permit.

**L. Non-Compliance**

Violation of any provision of the terms of this section and/or any additional regulations set forth in a specific use permit regarding the sale of alcoholic beverages in a qualifying restaurant shall be cause for the City Council to direct the Commission to hold a public hearing to make a recommendation whether such specific use permit or certificate of occupancy should be amended, changed or revoked.

**M. Amusement Devices**

Installation and use of gaming or amusement devices, such as billiard (pool) tables, pinball, or any other coin-operated or electronic game machines shall comply with the City's ordinances governing such operations.

**N. Hours of Operation**

Applicable state law shall be strictly enforced relative to the hours of operation of the service of alcoholic beverages in a qualifying restaurant.

**O. Brewpubs.** A qualifying restaurant may operate as a brewpub if the qualifying restaurant is located within a zoning district where a brewpub is otherwise a permitted use.

**P. Private Clubs Operating Pursuant to a Lawful Zoning Ordinance Prior to October 6, 1986**

Private Clubs lawfully operating prior to October 6, 1986, pursuant to a City ordinance authorizing such Private Club use shall have the option to operate with either a private club permit or a mixed beverage permit. All such clubs and restaurants shall comply with the definition of qualifying restaurants whose gross sale of food shall constitute at least 50% of the establishment's quarterly gross sales. The operator of such Private Club shall notify the City prior to the change in use from Private Club to a Mixed Beverage Permit by making application for a Certificate of Occupancy.

**Q. Eleemosynary Corporations**

Eleemosynary corporations shall not be required to comply with Sections 2.6F.1, 2.6F.4, 2.6F.6 and 2.6M; provided, however, eleemosynary corporations:

1. shall be allowed to operate only with a private club license and not with a mixed beverage permit, and
2. shall at all times provide food service during the time that alcohol beverages are served and consumed.

**2.7 GAS WELLS**

**A. Gas Wells Allowed**

Natural gas wells and all related gas exploration activity, other than a transmission pipeline, shall be allowed subject to approval of a specific use permit in accordance with Section 6.5 and issuance of a Gas Well Permit pursuant to Ch. 34, Art. X of the Code of Ordinances, as amended, and only within the following zoning districts:

1. Planned Development No. 22
2. Planned Development No. 24
3. Planned Development No. 25

B. Specific Use Permit Required

4. Planned Development No. 50
5. Planned Development No. 61
6. Planned Development No. 72
7. Planned Development No. 77
8. Planned Development No. 78
9. Planned Development No. 81 (excluding the Mixed-Use Residential District)
10. Planned Development No. 88 (Commerce Sub District only)

**B. Specific Use Permit Required**

An application for a specific use permit for a gas well site shall include, at a minimum, the following additional documents and information:

1. A proposed transportation route for equipment, chemicals, and waste products used on the gas well site, which shall also include all ingress and egress from the site to public streets.
2. Location and description of all improvements and structures within 600 feet of the gas well site measured as required by Section 2.7.C.8.
3. A site plan of the proposed operation site showing the location of all improvements and equipment, including the location of the proposed gas well and other facilities including, but not limited to, tanks, pipelines, compressors, separators and storage tanks of storage sheds, and outside storage areas.
4. Location of the 100-year flood limits where applicable.
5. Preliminary drainage plan.
6. The X, Y, and Z (elevation) coordinates in reference to the NAD 83 Texas State Plane Coordinate System for the proposed Gas Well site.
7. Copies of all appropriate Texas Railroad Commission approved forms, such as the W-1 and P-4 related to the gas well.
8. A signed right-of-way maintenance and repair agreement with the City.
9. A copy of the Storm Water Pollution Prevention Plan (SWPPP) for the gas well site.
10. A copy of the Spill Prevention, Control and Countermeasure Plan (SPCC) for the site.
11. A Tree Survey and Preservation Plan that identifies all trees that are six caliper inches in diameter or larger on the site. This plan shall also address where new vegetative screening shall be installed within the site.
12. A copy of the Hazardous Materials Management Plan for the site.
13. A copy of the Emergency Response Plan for the site.
14. A map showing the location of all existing and proposed gas pipelines serving the site and the location of the existing or proposed connection to the high volume gas transmission gas line.

**C. Distance Requirements**

It shall be unlawful to drill, re-drill, deepen, re-enter, activate or convert any well, the center of which, at the surface of the ground, is located:

C. Distance Requirements

1. Within 600 feet of any playground, athletic field, swimming pool, water slide and playground, concession stand, pavilion or picnic area within a public park, or any other park facilities or similar improvements as determined by the City Manager or his designee.
2. Within 600 feet of any residence, worship facility, public building, hospital building or school or for which a building permit has been issued prior to the date of the application for a Gas Well Permit is filed with the City.
3. Within 300 feet of any retail or commercial building, hospital building (including parking structures) or for which a building permit has been issued prior to the date the application for a Gas Well Permit is filed with the City.
4. Within 200 feet of any commercial or industrial building not designed for human occupancy (such as a pump house or switching station) or for which a building permit has been issued prior to the date the application for a Gas Well Permit is filed with the City.
5. Within 300 feet of an existing active water well.
6. Within 100 feet of any property line or right of way. Replatting the property may be required to meet this requirement.
7. Within 200 feet of any river, creek, stream or existing body of water.
8. The measurement of all distances shall be calculated from the proposed well bore, in a straight line, without regard to intervening structures or objects, to the closest point of the object listed above in Sections 2.7C.1 through 2.7C.4. A Registered Professional Land Surveyor shall prepare the above calculations.
9. Tank batteries, separators, and gas lift compressors shall be located at least 300 feet from any playground, athletic field, picnic area within a public park, or from any residence, worship facility, public building, hospital building or school, or any other building used, or designed for and intended to be used, for human occupancy, for which a building permit has been issued on the date the application for a Gas Well Permit is filed. The distance shall be calculated from the closest tank batteries, separators or compressors, in a straight line, without regard to intervening structures or objects, to the closest part of the playground, athletic field, picnic area, residence, worship facility, public building, hospital building or school, or any other building used or designed and intended to be used to human occupancy.
10. Gas compressors, other than gas lift compressors, shall be fully enclosed. All gas compressors, including gas lift compressors, shall be designed and/or installed with sufficient soundproofing so that no gas compressor shall produce a sound level greater than 5 dB(a) when measured at a distance of 300 feet from the compressor. Enclosed gas compressors shall be located at least:
  - a. 600 feet from playground, athletic field, picnic area within a park, or from a residence, worship facility, public building, hospital or school;
  - b. 200 feet from any nonresidential structure intended for human occupancy;
  - c. 100 feet from any nonresidential structure not intended for human occupancy (such as a pump house or switching station).

A. Satellite Antennas

- 11.** Notwithstanding the provisions of this section, gas wells or compressor stations may be located less than 600 feet but no closer than 300 feet from an existing residence if the owner of such residence provides written consent signed and acknowledged by a notary public agreeing to allow such well to be drilled within the proposed distance from the owner's property. Written consent is required from the owners of all residential property located less than 600 feet of a proposed well bore prior to an application, and shall be included in the application for a specific use permit submitted to the Planning Division.
- 12.** Notwithstanding the provisions of this section, gas wells or compressor stations may be located less than 300 feet but no closer than 200 feet from an existing retail or commercial structure if the owner of such property provides written consent signed and acknowledged by a notary public agreeing to allow such well to be drilled within the proposed distance from the owner's property. Written consent is required from the owners of all retail and commercial property located less than 300 feet of a proposed well bore prior to an application, and shall be included in the application for a specific use permit submitted to the Planning Division
- 13.** Notwithstanding the provisions of this section:
  - a.** New residential units may be built no closer than 600 feet from an existing gas well or existing fully enclosed compressor station;
  - b.** New nonresidential buildings intended for human occupancy may be built no closer than 200 feet from an existing gas well or existing fully enclosed compressor station; and
  - c.** New nonresidential buildings not intended for human occupancy may be built no closer than 100 feet from an existing gas well or existing fully enclosed compressor station.

## **2.8 ANTENNAS**

### **A. Satellite Antennas**

- 1.** A ground mounted satellite antenna may be installed in any zoning district with a building permit provided it meets the following criteria:
  - a.** The antenna shall not exceed ten feet in height from the ground to the highest point of the station.
  - b.** The antenna shall not exceed ten feet in diameter.
  - c.** The antenna shall be located in the rear yard and comply with all building setbacks for the applicable zoning district.
  - d.** The antenna shall be screened on at least three sides by a solid fence or wall or dense screening hedge to a minimum height of six feet as approved by the Director. The screening shall be of a material that is compatible with the building materials in the area.
  - e.** The antenna shall meet all building and electrical codes, including proper grounding and wind load design.
  - f.** The antenna shall not be portable or movable.
- 2.** A roof mounted satellite antenna may be installed in any R-1 through MF-4 district with provided it meets the following:

- a. Only one roof top unit shall be allowed per premise.
  - b. Roof top units shall be limited to 30 inches maximum dimension.
  - c. Screening for roof units shall not be necessary unless specifically required by the City.
  - d. The antenna shall comply with building and electrical codes as specified for ground mounted units above.
3. One roof mounted satellite antenna may be installed in any R-1 through MF-4 district, with a building permit, provided that:
- a. The antenna does not exceed ten feet in diameter or ten feet above the tallest portion of the roof;
  - b. The antenna is not located within 500 feet of residential property or developed City owned park; and that the antenna is screened from public street rights-of-way on at least three sides.
  - c. Any antenna structure attached to the building that exceeds the height of the eaves shall be construed to be roof mounted.
4. Antenna installations in compliance with this section may be installed in any zoning district as an accessory use. Variances to the above standards may be considered and granted by the Board of Adjustment.

## **B. Mounted Antennas**

### **1. General**

- a. A mounted antenna is an arrangement of wires or metal rods, including housings for the arrangements, used in transmission, retransmission and/or reception of radio, television, electromagnetic, or microwave signals.
- b. An apparatus constructed of solid, mesh, or perforated materials of any configuration that is used to receive and/or transmit microwave signals from a terrestrial or orbitally located transmitter or transmitter relay (i.e., satellite dishes) shall not be considered a mounted antenna.
- c. Antennas that vary from the requirements of this section shall not be considered a mounted antenna and shall require approval of a specific use permit prior to installation.
- d. Mounted antennas may be installed in an O, LR-1, LR-2, C, LI and HI district with a building permit and in a PD district with site plan approval and a building permit provided it complies with Section 2.8.B.2.
- e. Mounted antennas may only be installed within any R-1 through MF-4 district following approval of a specific use permit and with a building permit. Mounted antennas may be installed within the I-RU district with a building permit; provided, however, if the subject property is located adjacent to any R-1 through D-2 district, then the mounted antenna may only be installed following approval of a specific use permit. A site plan drawing shall be submitted and reviewed as a component of the specific use permit application.
- f. All commercial signs, flags, lights and attachments other than those required for communications operations, structural stability, or as required for flight visibility by the Federal Aviation Administration (FAA) and Federal

Communication Commission (FCC) shall be prohibited on any antenna or antenna support structure.

## **2. Mounted Antenna Standards**

- a.** The mounted antenna, including mounting equipment, shall not exceed 15 feet in length measured from the point on the structure at which the antenna is mounted.
- b.** Mounted antennas shall only be attached to electrical transmission towers, multi-story buildings, or water towers at a height of not less than 75 feet above grade; provided, however, the mounted antenna may be placed at any height within any structure if totally enclosed by the architectural elements of the structure such that no part of the antenna is visible from the exterior of the structure.
- c.** An exterior mounted antenna must be painted or have a surface finish compatible with the structure to which it is attached.
- d.** No more than three mounted antennas shall be attached to any building or water tower.
- e.** Only one mounted antenna is permitted per electrical transmission tower.
- f.** The antenna shall comply with all building and electrical codes.
- g.** The mounted antenna shall include mounting equipment, devices, and platforms necessary to attach and secure the antenna to a structure.

## **3. Auxiliary Structures**

- a.** A mounted antenna auxiliary structure, which houses electronic equipment needed for operation of the antenna and the associated communication system, and which is located at ground level adjacent to an elevated water storage tank, electrical transmission tower or multi-story building or adjacent to or on a rooftop of a multi-story building shall be permitted as an accessory use to a mounted antenna when meeting the criteria below.
- b.** Only one auxiliary structure is permitted per mounted antenna site.
- c.** Auxiliary structures installed on a rooftop of a building shall be screened so that they are not visible from all street rights-of-way and neighboring properties.
- d.** The auxiliary structure shall not exceed a maximum of seven feet in height and 55 square feet in area.
- e.** All auxiliary structures shall be setback a minimum of 50 feet from any street right-of-way or located behind the established building line and shall comply with all other property setbacks for the zoning district in which the auxiliary structure is located.
- f.** The following standards may be imposed by the City Manager or appointed designee to ensure that an auxiliary structure is compatible architecturally with adjacent structures, with the characteristics of the surrounding area, and is consistent with future development plans of the neighboring properties.

C. Communication Antenna and Tower Regulations

- i. The exterior walls of an auxiliary structure shall be comprised of materials as determined and approved by the City Manager or appointed designee
- ii. The City Manager or appointed designee may require an auxiliary structure be screened by landscaping such as a dense screening hedge of shrubs (i.e., red tip photinias) or by a masonry screening fence or wall to a minimum height of six feet or by a combination of earthen berm, landscaping and masonry walls.
- iii. All auxiliary structures must be setback a minimum of 20 feet from any adjoining R-1 through MF-4 district and all fans, air conditioning units, and similar equipment shall be installed on the auxiliary structure wall located farthest from any R-1 through MF-4 district.
- iv. All required landscape screening shall be supplied with an underground automatic irrigation system.

**C. Communication Antenna and Tower Regulations**

**1. Applicability**

This Section 2.8.C. shall apply to the location and operation of all telephonic, radio, television, microwave, communication antenna and towers located within the City.

**2. Specific Use Permit**

A specific use permit approved in accordance with Section 6.5 is required for the installation of any telephonic, radio, television or microwave, communication antennas and towers in any zoning district of the City, except as otherwise provided in Sections 2.8A and 2.8B.

**3. Height**

The maximum height of any telephonic, radio, television or microwave, communication antennas and towers shall be the height set forth in the approved specific use permit regardless of location or zoning district.

**4. Definitions**

- a. *Telephonic, radio, television or microwave and communication antennas* means an arrangement of wires, metal rods, including housings for the arrangements, used in transmission, retransmission and/or reception of telephonic, radio, television, electromagnetic, or microwave signals.
- b. *Tower* means any structure that is designed and constructed primarily for the purpose of supporting one or more antennas, including self-supporting lattice towers, guy towers or monopole towers, for transmitting or receiving any portion of the radio spectrum, but excluding noncommercial antenna installations for home use of radio or television. The term includes telephonic, radio and television transmission towers, microwave towers, telephone towers and the like.

## 2.9 ACCESSORY USES AND STRUCTURES

### A. R-1 to R-6 and D-1 to D-2 Districts

All accessory buildings in the R-1 through D-2 zoning districts shall comply with the following:

#### 1. General Requirements

- a. An accessory building may not be used for operation of a business except in association with a home occupation or as a dwelling except as permitted in Section 2.9.A.2.
- b. Accessory buildings shall not be used for rental purposes or barter exchange.

#### 2. Guest/Servants Quarters. An accessory building may be used as a dwelling only in an R-1 or R-2 zoning district after approval of a specific use permit for such purpose and subject to the following:

- a. The accessory building may be occupied only by immediate family members, a personal guest and/or full-time domestic service worker or service workers of the owner or lessee of the property in which the accessory building is located. The family of a live-in service worker may reside in the accessory building only if all adult members of the family are employed as full-time domestic service workers by the owner or lessee of the property.
- b. The accessory building must comply with the minimum standards established in the Building Code and the Minimum Housing Code for habitable space.
- c. The accessory building must otherwise comply with the regulations of this Section 2.9.

#### 3. Additional Development Standards. Except as otherwise provided in this Chapter, all accessory buildings shall comply with the following development standards:

- a. Accessory buildings may be furnished with utility sinks and water.
- b. No accessory building shall be furnished with a bathroom, kitchen, or cooking and food preparation facilities prior to approval of a specific use permit for such purpose.
- c. Gas and/or electricity for an accessory building shall not be served by a separate utility meter from the utility meter(s) through which service is provided to the main structure on the property.
- d. The location of an accessory building adjacent to a side street must comply with the side yard setback requirements of the main structure.
- e. The vehicle entryway of an accessory building used as a garage, carport, or similar vehicle storage structure and designed to be entered from an alley or street must be a minimum of ten feet (10.0') in width.
- f. The appearance, construction and color of a portable or movable accessory building, regardless of size, must be compatible with the adjacent main residence located on the same property.
- g. No trailers, containers, commercial boxes or other similar structures shall be used as storage or accessory buildings.

- h.** Accessory buildings which are not:
  - i.** physically attached to the main structure; and
  - ii.** located entirely in the rear half of the lot and/or entirely in the rear yard shall comply with the requirements for attached accessory buildings in Section 2.9A.4.
- i.** The Director may authorize the location of a temporary accessory building or portable building on a property provided such use is solely for construction purposes and such building is removed from the property after completion of construction of the project not later than the date designated by the Director.
- j.** Prior approval of a specific use permit shall be required for accessory buildings described as follows prior to installation or construction on any property:
  - i.** Accessory buildings constructed with at least one full wall with or without window and/or door openings (other than a detached garage or carport used only for vehicle storage) covering a lot area greater than 120 square feet, including, but not limited to, workshops, storage buildings, pool houses, and similar structures;
  - ii.** Accessory buildings constructed with no full walls (i.e. open on four sides with not more than one 1/2 wall), covering a lot area greater than 200 square feet, including, but not limited to, open sided gazebos, outdoor kitchens, pergolas, and similar open sided structures.
  - iii.** No accessory building (other than a detached garage or carport used only for vehicle storage) covering a lot area greater than 120 square feet (see j.i.) and/or greater than 200 square feet (see j.i.i.) shall be installed or constructed on any property without prior approval of a specific use permit.
- k.** An accessory building with a floor area greater than 120 square feet must be constructed on permanent concrete foundation, designed and constructed with materials similar to the main structure, and architecturally compatible with the main structure. Additional requirements will be addressed at the building permit level.
- l.** Accessory buildings with a floor area of 120 square feet or less and constructed on a moveable base may be located in easements subject to written consent of the owner(s) of the easement(s): provided, however, no such accessory building may be located in a drainage easement prior to review and approval by the City Engineer or designee of the proposed location.
- m.** Accessory buildings with a floor area of fifty (50) square feet or less which were located in the side yard of a main building on September 22, 1997, shall constitute a non-conforming structure and cannot be replaced if moved or destroyed. A Building Permit shall not be issued for any property which has an accessory building located in the required side yard of the main building.

- 4. Attached Accessory Structures** In addition to the provisions of Section 2.9.A.3, attached accessory buildings shall comply with the following development standards:
  - a. The location of an attached accessory building shall comply with the front, side, and rear setback requirements of the main building on the property.
  - b. The height of an attached accessory structure shall not exceed the allowable height of the main structure to which it is attached.
  - c. Attached accessory buildings shall be architecturally compatible with the main building and shall be constructed on a permanent concrete foundation.
- 5. Detached Accessory Building Regulations** In addition to the provisions of Section 2.9.A.3, detached accessory buildings shall comply with the following development standards:
  - a. Detached accessory buildings shall be located no closer to the main structure on the property than the largest minimum distance allowed by the building code and/or fire code. No equipment or appurtenances other than eaves, cornices and other architectural features normally found on the main structure on the property may be located within the area between the main structure and the detached accessory building.
  - b. The main building and the detached accessory building may be connected by a breezeway or covered walk provided all structures are in compliance with Section 2.9A.6.
  - c. Detached accessory buildings or structures shall observe a side yard setback of not less than three feet (3.0') from an interior side lot line or easement line measured to the wall of the structure. The eave of a detached accessory building may project no greater than 18 inches into the required side setback.
  - d. Detached accessory structures shall be set back not less than three feet from the rear property line, alley line or easement line measured to the wall of the structure. The eave of a detached accessory building may project no greater than 18 inches into the required rear setback.
  - e. The height of the top plate of a detached accessory buildings with a floor area equal to or less than 200 square feet shall not exceed eight feet (8.0') above the average natural grade.
  - f. The height of the roof of a detached accessory buildings with a floor area equal to or less than 200 square feet shall not exceed twelve feet (12.0') measured to the peak of the roof. For purpose of this paragraph f., roof slopes exceeding a 12:12 pitch shall be considered a vertical wall surface.
  - g. Detached accessory buildings may exceed twelve feet (12.0') in height and may have roof pitches in excess of 12:12 upon approval of a specific use permit authorizing a greater height and/or roof pitch.

- h.** Detached accessory buildings with a floor area greater than 200 square feet shall comply with the following additional development regulations:
  - i.** The top plate shall not exceed ten feet (10.0') above the average natural grade;
  - ii.** No vertical wall taller than the ten foot (10.0') top plate height shall be located within a distance less than ten percent of the lot width from the side property line;
  - iii.** No vertical wall above the ten foot (10.0') top plate height, adjacent to the rear property line shall be within a distance less than fifteen feet (15.0') from the rear property line; and
  - iv.** Roof slopes exceeding a 12:12 pitch shall be considered a vertical wall surface.

#### **6. Breezeways or Covered Walks**

A breezeway or covered walk may connect a main building with a detached accessory building subject to the following:

- a.** The breezeway or covered walk is a one story unenclosed passageway not exceeding ten feet (10.0') in height and six feet (6.0') in cross-sectional width (measured between supports) and having eaves or roof overhang not exceeding twenty-four inches (24.0").
- b.** The detached accessory building is constructed in compliance with Section 2.9A.5).
- c.** The main structure and the accessory structure are constructed not less than fifteen feet (15.0') apart.
- d.** The breezeway is designed and constructed to be architecturally compatible with the main structure.
- e.** The breezeway is constructed with a minimum of two draft stops to prevent fire from transferring from one structure to another.

#### **7. Location of Mechanical Equipment**

Air conditioning compressors, cooling towers, pool and spa equipment, and other similar accessory equipment shall be located as follows:

- a.** At all times behind the front setback line:
- b.** If located in the rear half of the lot, not less than three feet from the side lot line and rear lot line;
- c.** If located in the front half of the lot, the equipment shall observe the setbacks for attached accessory structures set forth in Section 2.9A.4.
- d.** If located in the side yard of a corner lot, adjacent to a side street, or in the front half of the lot, such equipment shall be screened from view by a fence, wall, or shrubbery.

**8. Swimming Pools**

All swimming pools and spas shall be located behind the required front building line. No swimming pool, spa or other similar body of water shall be located less than five feet (5.0') from a side or rear property line to the water's edge.

**B. MF-1 to MF-4 Districts**

1. Accessory buildings located in any MF-1 through MF-4 zoning district shall comply with all of the accessory building regulations established in Sections 2.9A.1 through 2.9A.4.
2. The area of the accessory buildings and the area of the main buildings located in the rear half of a lot located in any MF-1 through MF-4 zoning district shall not exceed 50% of the total area of the rear half of the lot.

**C. Nonresidential Zoning Districts**

All accessory buildings in any I-RU, O, LR-1, LR-2, C, LI or HI zoning district, or a PD district which does not allow residential uses, shall comply with the following:

1. Accessory buildings shall be used solely as an incidental use to the main use of the property;
2. Accessory buildings shall be constructed on a permanent concrete foundation and be designed and constructed to be architecturally compatible with the main building;
3. Accessory buildings shall comply with the setback requirements for the main building;
4. Portable or movable accessory buildings, regardless of their size, shall not be permitted;
5. No trailers, containers, commercial boxes or other similar structures shall be used as storage or accessory buildings; provided, however, the Director may grant permission based on good and satisfactory reasons for the temporary use of shipping containers, commercial boxes or similar containers for a limited time period, provided the temporary use does not adversely affect the adjoining property and no safety or nuisance hazards are created and.
6. The Director may authorize the location of a temporary accessory building or portable building provided such use is solely for construction purposes and such building is removed from the property after completion of construction of the project not later than the date designated by the Director.