

ORDINANCE NUMBER 2014 - 17

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ORDINANCE NUMBER 2014 - 17

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LAGUNA VISTA TEXAS, AMENDING ORDINANCE 1-62, AS AMENDED, IN ITS ENTIRETY; PROVIDING ZONING DISTRICTS, ZONING REGULATIONS, AND STANDARDS FOR THE DEVELOPMENT AND USE OF LAND WITHIN THE TOWN; PROVIDING SEVERABILITY, OPEN MEETINGS AND EFFECTIVE DATE CLAUSES; PROVIDING PENALTIES; AND PROVIDING FOR RELATED MATTERS.

WHEREAS, the ordinances of the Town establishing zoning districts within the Town limits should be amended to better provide an attractive living environment and to protect the health, safety and welfare of the present and future residents of the Town;

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL THE TOWN OF LAGUNA VISTA, TEXAS, THAT:

**ARTICLE I
GENERAL**

SECTION 1. Authority.

This Ordinance is adopted pursuant to the police powers of the Town of Laguna Vista and under the authority of the Town Charter, and the Constitution and general laws of the State of Texas, including particularly *Chapter. 211, Tex. Loc. Gov't. Code.*

SECTION 2. Title.

This Ordinance shall be known, and may be cited, as the Zoning Ordinance of the Town of Laguna Vista, Texas.

SECTION 3. General Purpose and Intent.

The primary purposes of this Ordinance are to promote the health, safety, and the general welfare of the Town and its present and future residents; provide reasonable regulations and requirements to protect, preserve, improve and provide for the health, safety and general welfare of the present and future citizens of the Town; and to establish a framework of zoning guidelines and criteria which will provide for and support the development of a quality living and work environment by incorporating provisions requiring all future development and redevelopment to provide a compatible plan for residential, commercial and industrial uses, while providing reasonable protection for both the public and persons having an ownership interest in property affected by these regulations. This ordinance should be administered and applied to result in development superior to that otherwise achievable and to promote the following purposes:

- A.** assist the safe, orderly, healthful and coordinated development of the Town;
- B.** conserve existing and future neighborhoods;

- C. protect and conserve the value of real property throughout the community;
- D. conserve, develop, protect, and utilize natural resources, as appropriate and consistent with the public interest, to enhance the preservation of the environment;
- E. protect and preserve places and areas of historical and cultural importance and significance to the community;
- F. prevent the overcrowding of land and avoid undue concentration of population or land uses, thereby encouraging high quality development and innovative design;
- G. lessen congestion in the streets and provide convenient, safe, and efficient circulation of vehicular and pedestrian traffic;
- H. facilitate the adequate and efficient provision of transportation, water, wastewater, schools, parks, emergency and recreational facilities, and other public requirements;
- I. promote economic development through an efficient and practical means by which development will promote a prosperous economic environment;
- J. promote compatible residential, commercial and industrial uses to harmoniously relate future development and redevelopment to the existing community and facilitate the development of adjoining properties;
- K. standardize the procedure and requirements for zoning, building permits, and certificates of occupancy to provide administrative efficiency and property owner rights; and
- L. Provide the context for the appropriate reconciliation of any differences of interest among property owners, developers, neighborhoods and the Town.

Section 4. Jurisdiction and Intent.

- A. The requirements of this Ordinance shall apply to all property within the Town; provide for the implementation of the site development regulations; provide a voluntary guide for the development of property within the extraterritorial jurisdiction in order that such property may be developed in a manner consistent with neighboring areas and existing or planned infrastructure; and be construed and applied in a manner to give effect to the Town of Laguna Vista Master Plan.
- B. The intent of this Ordinance is to supplement the minimum standards for the development of land within the Town as contained in the Town's Subdivision Ordinance, applicable building, plumbing and electrical codes, and Town Standard Details and Specifications. If only the minimum standards are followed, as expressed by the various ordinances regulating land development, a standardization of development will occur. Such will produce a monotonous urban setting and is not encouraged.

Section 5. Definitions.

The following words, terms and phrases, when used in this Ordinance, and when used in any other ordinance of the Town and not defined in such ordinance, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning. Words used in the present tense include the future tense. Words used in the plural number include the singular, and words in the singular include the plural. The word "shall" is always mandatory. The word "herein" means in this Ordinance. The word "regulations" means the provisions of any applicable ordinance, rule, regulation or policy. The word

"person" means any human being or legal entity and includes a corporation, a partnership, and an incorporated or unincorporated association. The words "used or occupied" as applied to any land or building shall be construed to include the words intended, arranged, or designed to be used or occupied.

Access means a way of approaching or entering a property.

Accessory Use means a use that is customarily a part of the principal use, a use which is clearly incidental, subordinate and secondary to the permitted use, and which does not change the character thereof, including, but not limited to, garages, bathhouses, greenhouses, or a storage or tool shed. See: Accessory Structure.

Accessory Structure means, in a residential district, a subordinate building detached and used for a purpose customarily incidental to the main structure such as a private garage for automobile storage, tool house, bath or greenhouse as a hobby (no business), home workshop, children's playhouse, storage house or garden shelter, but not involving the conduct of a business or occupancy by any long-term or paying guests.

Adjacent means abutting and directly connected to or bordering.

Alcoholic Beverages-Off-Premises means the standard use listing for a convenience store or similar facility where the sale of beer for off-premises consumption is an allowed use according to zoning standards.

Alcoholic Beverages-On-Premises means the standard use listing which will solely allow the serving of beer or wine for on premise consumption.

Alcoholic Beverages-Mixed Drinks means the typical use listing which will allow the serving of alcoholic beverages for on premise consumption as an incidental use where the gross revenue from the on premise sales of alcoholic beverages is less than 75% of total gross revenue.

Alley means a minor right-of-way, dedicated to public use, which gives a secondary means of vehicular access to the back or side of properties otherwise abutting a street.

Amortization means a method of eliminating non-conforming uses by requiring the termination of the non-conforming use after a specified period of time.

Amusement (Indoor) 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, including a bowling alley, billiard parlor, and similar activities.

Amusement (Outdoor) means any amusement enterprise offering entertainment or

games of skill to the general public for a fee or charge wherein any portion of the activity takes place in the open, including a golf driving range, archery range, miniature golf course and similar activities.

Annexation means the incorporation of land area into the Town with a resulting change in the boundaries of the Town.

Animal(s) means any animal being that is not a human.

Antique Shop means a business that sells items whose value is greater than the original purchase price because of age or intrinsic value.

Apartment means a room or group of rooms used as a dwelling for one (1) family unit, which includes full kitchen facilities for the preparation of meals and cooking therein.

Apartment Hotel means a building used or intended to be used as a home for twelve (12) or more families, who are permanent residents, living independently of each other, in which building may be located on the first floor living units for transient guests, and/or retail sales and service.

Apartment House or Apartment Building or Apartments means a building or portion thereof used or intended to be used as a home for five (5) or more families or households living independently of each other and equipped for preparation of food.

Applicant means a person applying for zoning approval under this Ordinance.

Approval means the final approval in a series of required actions. For instance, the approval date of a planned unit development zoning application is the date of Council approval of the Final Site Plan.

Art Studio or Gallery means a building where objects of art are created or displayed for the public enrichment or where said art objects are displayed for sale, including the teaching of painting and/or sculpting.

Assisted-Retirement Living means a use providing 24 hour supervision and assisted living for more than 15 residents not requiring regular medical attention. This classification includes personal care homes for the physically or mentally impaired, and persons 60 years of age or older.

Attendant Building means a building used to house the work place of the manager or attendant of a public or private parking lot.

Attendant Documents means materials needed to address the specific requirements of this Ordinance, which the applicant feels necessary to explain the submittal.

Auto Repair (Major) means a business specializing in major repair of motor vehicles entirely within an enclosed building, including any use listing below, as well as any use not listed as minor vehicle servicing.

- 1) auto glass, seat cover and muffler shop;
- 2) auto painting or body rebuilding shop;
- 3) tire retreading and capping;
- 4) body, fender, clutch, transmission, differential, axle, spring and frame repairs;
- 5) major overhauling of engines requiring removal there from of cylinder head or crankcase pan and any associated engine rebuilding;
- 6) repair of radiator requiring removal from the vehicle;
- 7) repair of truck, trailer, farm or industrial equipment, or other machinery/supplies;
- 8) brake work, other than minor maintenance such as disc pad replacement and minor brake adjustment.

Auto Repair (Minor) means a business specializing in minor, routine, periodic, preventive maintenance of a motor vehicle conducted entirely within an enclosed building, including the following.

- 1) servicing of spark plug, batteries, distributors and distributor parts and including minor engine tune-ups;
- 2) tire servicing and flat repair but not recapping or regrooving;
- 3) radiator cleaning and flushing (on vehicle);
- 4) fuel pump, oil pump, and related maintenance;
- 5) minor servicing of carburetors;
- 6) emergency wiring repairs;
- 7) minor motor adjustment not involving removal of head or crank case;
- 8) quick oil and filter change;
- 9) servicing hoses, fan belts, brake fluid, light bulbs, fuses, floor mats, seat belts, windshield wipers, mirrors, and installation of vehicle accessories such as radios; accessories such as ratios;
- 10) lubrication, greasing, and washing;
- 11) disc pad replacement and minor brake adjustment.

Auto Sales (Outdoor) means an open, dust-free, all weather area, other than a street, alley or other public place, used for the display and sales of new or used automobiles. Where no repair work, except those actions normally associated with vehicle operator service, is done on the cars to be displayed and sold on the premises. A sales office is normally located on the premises and such shall be limited to an area less than 10% of the total sales lot.

Auto Sales Facility means one or more buildings and an open, dust-free, all weather surface other than a street, alley, or other public place, used for the display, wholesale or retail sale, with repair and renovation authorized entirely within an enclosed building, and temporary storage of vehicles for repairs or renovation not to exceed ninety (90) days.

Bar means any business establishment required to have a state license for the sale of alcoholic beverages other than beer, for on-premises consumption.

Bed and Breakfast means an establishment engaged in providing rooms or groups of rooms in a dwelling unit for temporary lodging for overnight guests on a paying basis.

Billboard means a sign advertising products not made, sold, used or served on the premises displaying such sign, or a sign having a height greater than twelve (12) feet or a width greater than eighteen (18) feet, including supports.

Block means an area enclosed by streets, normally to be divided into lots to be occupied by or intended for buildings; or if the same word is used as a term of measurement, it shall mean the distance along one side of a street between the nearest two streets that intersect said street on said side.

Board means the Board of Adjustments of the Town of Laguna Vista, Texas.

Board of Adjustments means a Board appointed by the Town Council to consider appeals from certain administrative actions pursuant to *Sec. 211. 008, Loc. Gov't. Code*, and that is given the authority set forth in this Ordinance and in *Sec. 211. 009, Loc. Gov't. Code*.

Boarding House means a building other than a hotel, occupied as a single housekeeping unit where lodging or meals are provided for three (3) or more persons for compensation, pursuant to previous arrangements for definite periods, but not to the general public or transients.

Buffer means an area within a property or site, generally adjacent to and parallel with the property line, either consisting of existing natural vegetation or created by the use of trees, shrubs, berms *and or* fences, and designed to limit views and sound from the site to adjacent properties and vice versa.

Buildable Acre means the area within the total subdivision boundary upon which Living Unit Equivalent (LUE) can be built and is calculated by subtracting from the total area of the subdivision the sum total of floodplain area, park area, hike and bike trail area and street right of way area. i.e. Buildable Acre Equals Total Acres of Subdivision Less Sum Total Of Floodplain Area, Park Area, Hike and Bike Trail Area and Right Of Way Area.

Building means any structure designed or built for the support, enclosure, shelter, or protection of persons, animals, chattels or property of any kind.

Building Area means the gross area covered by a structure when placed on the lot.

Building Ordinance means the building codes and related ordinances of the Town providing standards, requirements and regulations for site development and the construction and erection of buildings and structures within the Town, including, but not limited to, the electrical code, plumbing code, building code, and minimum housing code, adopted by the Town Council from time to time.

Building Permit means a permit issued by the Town which is required prior to commencing construction or reconstruction of any structure.

Building Plot means the land, lot, lots, or tract of land upon which a building or buildings are located, or upon which they are to be constructed, including yards.

Building Setback Line means a line or lines designating the interior limit of the area of a lot within which structures may be erected. The building lines provide the boundaries of the buildable area of any given lot and the foundation and wall of any structure or building shall not be erected between a building setback line and the corresponding lot line. Every part of the building setback line shall be open and unobstructed, except for ordinary projections of windowsills, caves, roof extensions and other architectural features not to exceed eighteen (18) inches into the building setback line. Air conditioning compressors may be permitted within side yard building setback dimension when placed adjacent to wall of structure or building.

Cafe or Cafeteria means a commercial establishment where snacks or meals are vended for consumption indoors or on the premises.

Carport means a structure with one or more sides, covered with a roof and constructed specifically for the storage of one or more motor vehicles.

Caliper means the trunk diameter of a tree at three (3) feet above natural grade.

Cemetery means land used or intended to be used for the interment of human remains and

dedicated for cemetery purposes, including crematories, mausoleums, columbarium's and mortuaries when operated in conjunction with and within the boundary of such cemetery.

Centerline of a Waterway means the centerline of the waterway and refers to existing topographically defined channels. If not readily discernible, the centerline shall be determined by (first) the low flow line, or (second) the center of the two (2) year flood plain.

Child Care Center (Small) means a private residence where the occupant provides custodial care and supervision during daylight hours for a maximum six (6) children at any one time. The maximum of six (6) children includes the family's natural or adopted children under the age of fourteen (14). The residence must contain a minimum 150 square feet of floor area for each child. This use shall exclude a family/group home.

Child Care Center (Intermediate) means a facility (including non-residential structures) which provides custodial care and supervision for less than 24 hours a day for between seven (7) and twelve (12) children, excluding foster and group homes. The facility must contain a minimum 150 square feet of floor area for each child.

Child Care Center (Large) means a facility where over twelve (12) children receive custodial care and supervision for less than 24 hours a day, excluding foster and group homes.

Child Care or Child Development Facilities means any children's home, orphanage, institution, private home, residence or other place, whether public, parochial or private, operated for profit or not, which keeps, cares for, has custody of or is attended by four (4) or more children under sixteen years of age at any one time, who are not members of the immediate family or any natural person operating any such place, during any part or all of the twenty-four hours in a day. Also, any institution, home or other place, whether public, parochial or private, conducted for profit or not, which keeps, cares for, has custody of or is attended by any number of children, under sixteen years of age, who are not members of the immediate family of any natural person operating such a place, who are mentally or physically handicapped, under medical or social supervision, and not within a hospital, twenty-four hours a day.

Church or Rectory means a place of worship and religious training of recognized religions including on site housing of ministers, rabbis, priests, nuns and similar staff personnel.

Cleaning or Laundry Self Service Shop means an establishment providing customers

with self-service laundry and/or dry cleaning facilities, and does not include a commercial laundry or cleaning plant.

Cleaning Shop or Laundry (Small) means a custom cleaning shop not exceeding two thousand five hundred (2,500) square feet of floor area.

Clinic means a public or private station or establishment for the examination and treatment of out-patients by an individual or group of doctors, dentists, opticians, veterinarians, or other similar medical professionals.

Clothing Manufacture means cutting, sewing and forming garments, millinery and accessories, when no noise, dust, vibration, odor or other undesirable or obnoxious condition is created to affect adjacent property.

Club. See: Social Club.

Cold Storage Plant means a commercial establishment where food or other commodities are stored either in lockers, rented or leased, or in vaults in bulk for distribution to the home or to commercial businesses. No slaughtering of animals or fowl is allowed on the premises.

College or University means an academic institution of higher learning, accredited or recognized by the state and offering a program or series of programs of academic study.

Commercial Amusement (In doors) means an enterprise conducted solely within one or more buildings or permanently enclosed area whose main purpose is to provide the general public with an amusing or entertaining activity, where tickets are sold or fees collected at the gate for the activity, including the following activities and activities of the same or closely similar nature. Commercial amusements (In doors) include zoos, carnivals, expositions, miniature golf courses, arcades, fairs, exhibitions, athletic contests, rodeos, children's rides, skating rinks, ice rinks, traveling shows, bowling alleys, and pool parlors, and similar enterprises.

Commercial Amusement (Outdoors) means any enterprise whose main purpose is to provide the general public with an amusing or entertaining activity, where tickets are sold or fees collected at the gate for the activity, including the following activities and activities of the same or closely similar nature. Commercial amusements include zoos, carnivals, expositions, miniature golf courses, driving ranges, arcades, fairs, exhibitions, athletic contests, rodeos, tent shows, Ferris wheels, children's rides, roller coasters, skating rinks, ice rinks, traveling shows and similar enterprises.

Commercial Garage means any premises and structure used for housing more than five

(5) motor vehicles or where any vehicles are repaired for operation or kept for remuneration, hire or sale, and where a retail service station may be maintained as a secondary use.

Commission means the Planning and Zoning Commission of the Town.

Common Area means privately owned land and improvements within a townhouse, condominium, planned development, or community unit development including buildings, common open space, central services and utilities, streets, walks, parking areas, fencing and screening walls, landscaping, and any other elements and facilities under common ownership and available for the use of all owners or tenants.

Common Open Space means that portion of the common area which is designated for outdoor recreation area, private park, play lot, plaza, athletic court, swimming pool, fountain, stream or pond, ornamental landscaping or natural vegetation offering visual amenity, and which is open to general view and conveniently accessible to pedestrians within the project.

Communication Services means an establishment engaged in providing broadcasting and other information relay services accomplished through the use of electronic and telephonic mechanisms, and photocopy and reproduction mechanisms (excludes broadcast towers).

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

Community Center (Private) means a recreational facility, including both indoor and outdoor facilities, for use by residents and guests of a particular residential community development, subdivision, planned unit development, or membership group.

Compounding or Fabrication (Light) means the making of jewelry, compounding of perfume, small instruments or pharmaceuticals, and similar work or processes.

Comprehensive or Master Plan means the Comprehensive Plan of the Town and adjoining areas adopted by the Commission and approved by the Town Council, including all its revisions. The plan indicates the general locations recommended for various land uses, transportation routes, public and private buildings, streets, parks, and other public and private developments and improvements, to include detailed plans for water, sewer, etc. Such plan is the overall development plan for the community adopted to provide long-range development policies including all specified individual elements thereof among which are

the plans for land intensities; land subdivision; circulation; and community facilities, utilities and services.

Conditional Use means an additional use which may be permitted in a district, subject to meeting certain conditions or procedures established by the Town Council.

Condominium means a building or group of buildings in which dwelling units are owned individually, while the structure and common areas and facilities are owned by all the owners on a proportional, individual basis.

Construction Plans means the maps, drawings, plans and specifications indicating the proposed location and design of improvements to be installed as part of a development.

Contiguous means property whose property lines are separated by only a street, alley, easement, right-of-way or buffer.

Convalescent Home means any structure used or occupied by three (3) or more persons recovering from illness or being provided geriatric care for compensation.

Corner Lot means a lot located at the intersection of and abutting on two (2) or more streets.

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

County means Cameron County, Texas.

County Appraisal District means the Cameron County Appraisal District.

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

Critical Root Zone means a circular area around a Significant Tree equal to one (1) foot in radius for each one (1) inch caliper, and the center of the circular area located at the trunk

Cultural Services means a library, museum, or similar registered nonprofit organizational use displaying, preserving, and exhibiting objects of community and cultural interest in one or more of the arts and sciences.

Dance Hall 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 Town.

Day Camp means a facility arranged and conducted for the organized recreation and

instruction of children including outdoor activities on a daytime basis.

Developer means the legal owner of land to be improved and/or subdivided or his/her authorized representative.

Developed Area means that portion of a lot, easement, or parcel upon which a building, structure, pavement or other improvements have been placed.

Development means the construction or placement of any buildings, utilities, access, roads or other structures, excavation, mining, dredging, grading, filling, clearing or removing vegetation, or the deposit of refuse, waste or fill. Lawn and yard care, including mowing of all weeds and grass, gardening, tree care and maintenance, removal of trees or other vegetation damaged by natural forces, and ranching and farming shall not constitute development. Utility, drainage, and street repair, and any construction maintenance and installation which does not require land disturbance or result in additional impervious cover, shall also not constitute development.

District means a zoned section or sections of the Town for which regulations governing the use of buildings and premises, the height of buildings, the size of yards, and the intensity of use are uniform.

Dormitory means any structure specifically designed to house student tenants associated with a university, college, or other school having and maintaining an educational curriculum and course requirements equal to or better than the standards established for public colleges and schools by the State of Texas.

Double Frontage Lot. See: Reverse Frontage Lot.

Drainage Way. See: Waterway.

Drive Approach means a paved surface connecting the street to a lot line.

Drive-In Eating Establishment means any structure and premises specifically designed for the preparation and dispensing of food and meals for consumption either indoors or in a vehicle parked on the premises, or to be taken away for consumption at other places.

Driveway means the surface connecting a drive approach with a parking space, parking lot, loading dock or garage.

Dwelling means any building or portion thereof built on-site which is designed for or used exclusively for residential purposes.

Dwelling (Four Family) or Four-plex means a detached building designed and constructed with four (4) separate living units under a single roof for occupancy by four (4)

families.

Dwelling (Multiple-Family) means any building or portion thereof, which is designed, built, rented, leased or let to be occupied as five (5) or more dwelling units or apartments or which is occupied as a home or residence of five (5) or more families.

Dwelling (Single Family) means a detached building having accommodations for occupancy by not more than one family.

Dwelling (Three Family) or Triplex means a detached building designed and constructed with three (3) separate living units under a single roof for occupancy by three (3) families.

Dwelling (Two-Family) or Duplex means a detached building designed and constructed with two (2) separate living units under a single roof for occupancy by two families.

Dwelling Unit means a building or portion of a building arranged, occupied or intended to be occupied as residential unit designed to accommodate one (1) household for living, sleeping, eating, cooking and sanitation.

Easement means a grant by the property owner of the use of a strip of land for stated purposes.

Eight-Liners Texas law prohibits gambling and Laguna Vista does not permit any type of gambling including 8-liners.

Environment means the aggregate of social and physical conditions that influence the life of the individual and/or community.

Exterior Side Yard means a yard which faces and is parallel to a side street.

Extraterritorial Jurisdiction or ETJ means that geographic area outside the corporate boundaries of the Town as established pursuant to Sections 42.021 and 42.022, Loc. Gov't. Code.

Family means any number of individuals living together as a single housekeeping unit, in which not more than three (3) individuals are unrelated by blood, marriage, adoption, or guardianship, and occupying a dwelling unit.

Family Home or Group Home means a dwelling unit used as a single housekeeping unit where not more than six (6) physically or mentally impaired or handicapped persons are provided room and board, as well as supervised care and rehabilitation provided by not more than two persons. "Family Home" means a community based residential home

operated in accordance with the Community Homes for Disabled persons Location Act and its amendments.

Family Home means a facility that regularly provides care in the caretakers own residence for not more than six (6) children under 14 years of age, excluding the caretaker's own children, and that provides care after school hours for not more than six (6) additional elementary school siblings of the other children given care, but the total number of children, including the caretaker's own, does not exceed twelve 12 at any given time.

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 three (3) acres or more which is used for the primary purpose of growing of vegetables, fruits, trees, hay, livestock feed and/or grain. and/or for the raising thereon of poultry and farm animals such as horses, cattle and sheep and including the necessary accessory uses for raising, treating and storing products raised on the premises, but not including the commercial feeding of offal and garbage to swine and other animals and not including any type of agriculture or husbandry specifically prohibited by ordinance or law.

Filling or Retail Service Station means an establishment where gasoline, oil and grease, or automobile accessories are sold, supplied, or dispensed to the motor vehicle trade or where motor vehicles receive limited repair, or where electric storage batteries are charged and cared for, or a place where any two (2) or more such activities are carried on or conducted as the principal use of the establishment.

Financial services means services provided by an establishment primarily engaged in financial and banking activities. Typical uses may include banks, savings and loan institutions, stock and bond brokers, loan and lending activities, and similar services.

Flood Plain means that land which lying within a stream channel or adjacent to a stream channel within which flooding frequently occurs, the elevation above sea level of which shall be as established by Flood Insurance Rate Map (FIRM) issued or approved by FEMA, or in absence of such, as established as part of the land development by licensed professional engineer and approved by Town. It is land that is required to be kept open and non-urbanized in order to maintain upstream flood plain characteristics and insure continued adequate drainage of adjacent land.

Floor Area Ratio (FAR) means the maximum square footage of total eleven hundred (1100) area permitted for each square foot of land area.

Food and Beverage Sales Store or Convenience Store means a retail establishment of less than 2,500 square feet of total floor area selling a variety of consumables, notions and/or similar items, usually serving as a convenient outlet to a neighborhood. This activity can include the retail sale and self-service dispensing of gasoline or other fuels in appropriate zoning districts. The sale of beer and wine for off-premises consumption is allowed in specific districts.

Food and Beverage Sales Store means a retail establishment of greater than 2,500 square feet of total floor area, selling a variety of consumables, notions and/or similar items, usually serving a significant market area. The sale of beer and wine for off-premises consumption is allowed, if not otherwise prohibited.

Food Sales means an establishment primarily engaged in the retail sale of food or household products for home consumption. Typical uses include grocery stores, delicatessens, meat markets, retail bakeries, and candy shops.

Fraternity, Sorority or Group Student Housing means a building occupied by and maintained exclusively for students affiliated with an academic or vocational institution.

Frontage Block means all the property on one side of a street between two intersecting streets (crossing or terminating), measured along the line of the street, or if the street is dead-ended, then all of the property abutting on one side between an intersecting street and the dead-end of the street.

Filing Date means, with respect to zoning applications, the date of the first public hearing before the Commission regarding such zoning application.

Front Yard means a space extending the full width of the lot between any building set back line and the front lot line, and measured perpendicular to the building at the closest point to the front lot line.

Frontage means that side of a lot, parcel or tract of land abutting a street right-of-way and ordinarily regarded as the frontal orientation of the lot.

Garage means an enclosed structure in which one or more motor vehicles are parked for residential purposes.

Gasoline Station (Full Service) means a place where gasoline, other fuels, oil and grease and/or accessories are sold and dispensed to the retail motor vehicle trade, and

where one or more of the following activities are conducted: motor vehicles are serviced and repaired; stored batteries are recharged and cared for; or vehicle tires are stored, serviced or exchanged.

Gasoline Station (Limited Service) means a place where the services provided are limited to the retail sale, either self-service or attendant dispensed, of gasoline, other fuels and petroleum products for the motor vehicle trade.

Golf Course (Commercial) means a golf course or driving range privately owned but open to the public for a fee and operated as a commercial venture.

Governing Body means the Town Council of the Town.

Grade means the slope of a road, street, other public way or utility line specified in terms of percent (%); the topographic relief of a parcel of land; the average elevation at ground level of the buildable area of a lot or parcel of land.

Grading means any stripping, cutting, filling or stockpiling of earth or land, including the land in its cut or filled condition.

Half Story means a partial story under a gable, hip or gambrel roof, the wall plates of which on at least two (2) opposite exterior walls are not more than four (4) feet above the floor of such story, except that any partial story used for residence purposes, other than by a family occupying the floor immediately below it, shall be deemed a full story.

Halfway House means a dwelling unit used as a single housekeeping unit for not more than six (6) persons who have demonstrated a tendency towards alcoholism, drug abuse, anti-social or criminal conduct, together with not more than two (2) persons providing supervision and other services to such persons.

Height means the vertical distance from the highest point on a structure to the average ground elevation where the foundation meets ground.

Heliport means landing facility for rotary wing aircraft subject to regularly scheduled use and may include fueling or servicing facilities for such craft.

Helipad means a landing pad for occasional and infrequent use by rotary wing aircraft not exceeding a gross weight of 6,000 pounds.

Home for Aged means a home where elderly people are provided with lodging and meals without nursing care.

Home Occupation means a commercial use customarily carried on in the home by members of the occupant family without structural alterations in the principal building or

any of its rooms, without the installation of machinery or additional equipment other than that customary to normal household operations, without the employment of additional persons, and which does not cause the generation of other than normal noise, pedestrian and vehicular traffic. It is an accessory to a residential use subject to the following limitations:

- 1) the home occupation shall be conducted entirely within a dwelling unit which is the bona fide residence of the practitioner(s);
- 2) the residential character of the lot and dwelling shall be maintained; the exterior of the dwelling shall not be structurally altered; and no additional buildings shall be added on the property to accommodate the home occupation;
- 3) the occupation shall not produce external noise, vibration, smoke, odor, fumes, electrical interference or waste run-off outside the dwelling unit or on the property surrounding the dwelling unit; and
- 4) no vehicle used in connection with the home occupation which requires a commercial driver's license to operate shall be parked on any street adjacent to the property.

Homeowners or Unit Owners Association means any association or organization of co-owners within a condominium or townhouse project, including the Council of Co-Owners or a Condominium or Townhouse Management Association, or the owners of lots within a subdivision; organized for the primary purpose of managing and maintaining the common areas and common open space in any such project, or otherwise owned by the association. An organization, association, or other entity formed and controlled by the developer, project owner or general partner for this purpose will be included in this definition.

Hospital (Acute Care) means an institution with facilities and equipment for conducting major medical examinations and tests, and providing full hospital services, with rooms for occupancy by ill or injured persons where sick or injured patients are given medical or surgical treatment intended to restore them to health and an active life.

Hospital (Chronic Care) means an institution where persons suffering from illness, injury, deformity or deficiency of age are given care and treatment on a prolonged or permanent basis.

Hospital services means a facility providing medical, psychiatric, or surgical services for

sick or injured persons on an in-patient basis and including ancillary facilities for out-patient and emergency treatment, diagnostics services, training, administration, research, and services to patients, employees or visitors.

Hospital, Sanitarium, Nursing Home, Hospice means a building or portion thereof used or designated for the housing or treatment of the sick, aged, mentally ill, injured, convalescent or infirm persons; provided that this definition shall not include rooms in any residential dwelling, hotel or apartment hotel not ordinarily intended to be occupied by said persons.

Hotel means a building in which lodging is provided and offered to individual transient guests, but not excluding permanent guests, and may include a cafe, drugstore, clothes, pressing shop, barber shop or other service facilities for guests for compensation, and in which ingress and egress to and from all rooms is made through and inside a lobby or office supervised by a person in charge at all hours. As such, it is open to the public in contradiction to a boarding house, a lodging house, or an apartment. To be classified as a hotel an establishment shall contain a minimum of six (6) individual guest rooms or units and shall furnish customary hotel services such as linen, maid service, telephone, and the use and upkeep of furniture.

Impervious Cover means roads, parking areas, buildings, rooftop landscapes, patios, decking, and other construction limiting the absorption of water by covering the natural land surface; this shall include, but not be limited to, all streets and pavement within the development.

Improvements means any street, alley, roadway, barricade, sidewalk, bikeway, pedestrian way, water line system, wastewater system, storm drainage network, public park land, landscaping, or other facility or portion thereof for which the local government may ultimately assume responsibility for maintenance and operation or which may affect an improvement for which local government responsibility is established.

Incinerator means a furnace or apparatus for burning waste materials such as trash wood and other flammable items for the purpose of reducing their weight and bulk.

Institution for the Care of Substance Dependent Persons means an institution offering resident or out-patient treatment to alcoholic or narcotic patients.

Interior Lot means a lot other than a corner lot and, bounded by a street on only one (1) side.

Kennel means a place in which five (5) or more dogs or cats at least six (6) months of age are kept, boarded or trained, by the owners of the dogs or cats or by persons providing facilities and care with or without compensation.

Kindergarten or Pre-School means any private school, operated for profit or not, attended by four (4) or more children at any one time during part of a twenty-four hour day, which provides a program of instruction for children below the first grade level in which constructive endeavors, object lessons and helpful games are prominent features of the curriculum.

Laundry services means an establishment engaged in providing laundering, dry cleaning, or dyeing services. Typical uses shall include bulk laundry and cleaning pants, and linen supply services.

Legal Lot means a lot recorded in the Official County Records pursuant to and in compliance with the subdivision regulations and/or state law in effect at the time of the creation of the lot.

Light Manufacturing means an establishment engaged in the manufacture of finished products or parts, including packaging of such products, and incidental storage, sales and distribution of such products, but excluding uses that are not traditionally classified as light industrial or manufacturing. Uses defined as traditional light industrial and manufacturing are set forth in this Ordinance.

Livestock Auction means barns, pens and sheds for the temporary holding and sale of livestock.

Loading Space means an off-street space for the parking of a vehicle while loading or unloading merchandise or materials from commercial or industrial vehicles.

Local Health District means the Cameron County Health District.

Local Utility Line means the facilities provided by a municipality or a franchised utility company for the distribution or collection of gas, water, surface drainage water, sewage, electric power, telephone or cable service, including pad and pole mounted transformers.

Lot means a separate parcel of land, created by the division or subdivision of a block or other parcel, intended as a unit [or transfer of ownership, or for development, or for occupancy and/or use, platted in compliance with state law. See also: Legal Lot.

Lot Depth means the average horizontal distance between the front and rear lot lines.

Lot Lines means the lines bounding a lot as defined herein.

Lot Width See: Minimum Lot Width.

Manufactured Home means a complete living unit, manufactured at a location away from the lot on which it will be located, as defined in *Art. 5221f Tex. Rev. Civ. Stat.*

Manufactured Housing. See: Manufactured Home.

Manufactured Home Park means a unified development for manufactured housing spaces arranged on a tract of land in compliance with the Subdivision Ordinance and this Ordinance, with the individual lots or parcels being held under a common ownership and rented or leased to the occupants.

Manufactured Home Subdivision means a unified development for manufactured housing spaces arranged on a tract of land in compliance with the Subdivision Ordinance and this Ordinance, with the individual lots or parcels being developed and sold to occupant owners.

Master Plan means the overall development plan for the community which has been officially adopted to provide long-range development policies including all specified individual elements thereof among which are the plans for means land intensities; land subdivision; circulation; and community facilities, utilities and services.

Mini Storage Warehouse means a building or group of buildings consisting of individualized shelters of various sizes for rent or lease for the purpose of providing protection of commodities stored therein. The size of each individual storage unit of a mini-storage warehouse shall be limited to 2,000 cubic feet.

Minimum Lot Width means the horizontal dimension (arc length if a curved line) shown on the plat along the street line.

Mobile Home means a movable or portable structure constructed prior to June 15, 1976 that is eight (8') feet, or more, in width and forty feet (40'), or more, in length constructed to be towed on its own integral chassis, as defined in *Art. 5221f, Tex. Rev. Civ. Stat.*

Modular Component means a structure or building module as defined in *Art. 5221f-1, Tex. Rev. Civ. Stat.*, that is inspected and permitted by and under the jurisdiction and control of the Texas Department of Licensing and Regulations, that is transportable in one or more sections and designed to be used on a permanent foundation system. The term includes the plumbing, heating, air conditioning and electrical systems contained in the component. The term does not include a mobile home or a manufactured home.

Motel means a building or group of detached, semi-detached or attached buildings

containing guest rooms or apartments with automobile storage space provided in connection therewith, which building or group is designed, intended or used primarily for the accommodation of automobile travelers, including groups designated as auto cabins, motor courts, motels and similar designations.

Multifamily Dwelling means a single structure designed to accommodate five (5) or more households.

Multiple Building Complex means more than one principal building on a building plot or lot

Natural Channel means the topography of a waterway prior to construction, installation of improvements or any re-grading.

Natural Drainage means a storm water runoff conveyance system not altered by development.

Natural State means substantially the same conditions of the land which existed prior to its development, including but not limited to the same type, quality, quantity and distribution of soils, ground cover, vegetation and topographic features.

Neighborhood means the area of the Town characterized by residential land uses which is bounded by physical (such as river, major street, lack of access, buffer) and/or political features (such as voting districts, subdivision boundaries).

Neighborhood Automobile Service Station means an establishment primarily engaged in automotive-related service. The following are permitted automotive-related services within such definition: automobile washing, minor automotive repair services, service stations, the sale of fuel, lubricants (including oil change facilities), parts and accessories, or any incidental minor repair services to motor vehicles.

Neighborhood Park means a publicly owned parcel of land, within a subdivision, dedicated solely for recreational uses and maintained by the Town or under authority granted by the Town.

Night Club means an establishment required to have a state permit for the sale of alcoholic beverages and in which fifty percent (50%) or more of the monthly gross revenues are from the sale of alcoholic beverages; or any business or commercial establishment in which alcoholic beverages are consumed and live entertainment is provided.

Nonconforming Lot means a lot, the area, dimensions, or location of which was lawful prior to the adoption, revision or amendment of the zoning ordinance, but which fails by

reason of such adoption revision or amendment to conform to the present requirements of the zoning district.

Nonconforming Structure or Building means a structure or building the size dimensions or location of which was lawful prior to the adoption, revision or amendment of the zoning ordinance, but which fails by reason of such adoption, revision or amendment, to conform to the present requirements of the zoning district.

Nonconforming Use means any use lawfully existing at the time of passage of this Ordinance, which does not, by reason of design or use, conform to the regulations of the district in which it is situated.

Occupancy means the use or intended use of land or a building by any person.

Occupant Car Ratio (OCR) means the minimum number of parking spaces without parking time limits required for each living unit, establishment or use.

Official County Records means the Official Records of Cameron County, Texas.

Off-Site Improvements means any required improvement which lies outside of the property being developed.

Off-Street Parking as Expansion of Retail or Commercial Use means an off-street parking lot located adjacent or contiguous to a retail, commercial or office district.

Off Street Parking Space means an area of privately owned land not less than nine (9) feet by eighteen and one-half (18 1/2) feet not on a public street or alley, with an all-weather surface. A public street, private street or joint-use driveway shall not be classified as such, nor shall head-in parking adjacent to a public street and dependent upon such street for maneuvering space; provided that not more than 25% of any required off street parking spaces may be compact parking spaces of not less than one hundred twenty-eight (128) square feet [eight (8) feet by sixteen (16) feet] exclusive of the driveways connecting said space with the street or alley.

One Hundred (100) Year Flood Plain See: Regulatory 100-year floodplain.

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

Open Outdoor Storage means the keeping, in an unroofed area, of any goods, junk, material, merchandise, in the same place for more than twenty-four (24) hours.

Overland Drainage means storm water runoff which is not confined by any natural or

man-made channel such as a creek, drainage ditch, storm sewer, or the like.

Park or Playground means an open recreation facility or park owned and operated by a public agency such as the Town or the school district and available to the general public for neighborhood use, but not involving lighted athletic fields for nighttime play.

Parking Lot means a parking area to accommodate the vehicles which utilize any multiple family, retail, commercial, office, business or industrial property.

Parking Space means an area that is not a street, alley or public right-of-way that is used or designed to be used for motor vehicle parking, that is not less than nine (9) feet by eighteen and one-half (18 1/2) feet, exclusive of the driveways connecting said space with a street or alley. Said parking space and connecting driveway shall be durably surfaced and so arranged to permit satisfactory ingress and egress of an automobile. Compact parking spaces shall be one hundred twenty-eight (128) square feet exclusive of the driveways connecting said space with the street or alley.

Parking Structure or Garage means a structure devoted to the parking or storage of automobiles for a fee and may include a facility for servicing of automobiles provided such facility is primarily an internal function for use only by automobiles occupying the structure and creates no special problems of ingress or egress.

Pasturage means land used primarily for the grazing of animal stock.

Paved Area means an area surfaced with asphalt, concrete or similar pavement, providing an all-weather surface. Gravel is not an acceptable paved surface.

Performance Standard means a set of criteria or limits relating to nuisance elements which a particular use or process may not exceed.

Permit Issuing Authority means the Building Official or other Town officer, employee or agent designated by lawful authority to issue the applicable permit.

Permitted Use means a use specifically allowed in the applicable zoning districts without the necessity of obtaining a Conditional Use Permit.

Personal Care Facility means a facility that provides supervised living arrangements for persons with physical or mental disability, which by reason of federal or state law, is not subject to the limitations set forth in deed restrictions or single family zoning districts. This definition includes a community-based residential home operated by (i) the Texas Department of Mental Health and Mental Retardation, (ii) a community center operated under Section 3.01, Texas Mental Health and Mental Retardation Act (Article 5547-203 V

ATCS), which provides services to disabled persons; (iii) a nonprofit corporation, or (iv) any entity certified by the Texas Department of Human Resources as a provider under the intermediate care facilities for the mentally retarded program. This definition includes homes for the handicapped as defined in 42 U.S.C.

3602(h).

Personal services means an establishment engaged in providing services of a personal nature. Typical uses shall include beauty and barber shops, tailor, and shoe repair services.

Personal Service Shop means an establishment for the purpose of supplying limited personal services such as, but not limited to, barber, shoe, boot, or beauty shops.

Pharmacy means a use where medicines are compounded or dispensed under the supervision of a licensed pharmacist.

Planned Unit Development means a zoning district which permits development of three (3) acres or more under single or multiple ownership pursuant to a master plan and which requires specific approval by the Town Council. It is a development of land under unified control, planned and developed as a whole in a single development operation or a programmed phasing of developments, including streets, utilities, lots or building sites, structures, open spaces and other improvements. This district may permit mixed uses of land (e.g. industrial, commercial, residential) within a single or multiple subdivisions as part of or pursuant to a Master Plan which seeks to minimize adverse impacts when development occurs to protect the environment and nearby neighborhoods.

Planting Area means any area designed for landscape planting having a minimum of ten (10) square feet of actual plantable area and a minimum inside dimension on any side of eighteen (18) inches.

Playfield or Stadium 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 which may be lighted for nighttime play.

POA Neighborhood Park means a privately owned parcel of land, within a subdivision, dedicated solely for recreational use by persons in such subdivision and their guests, and maintained by the residents of said subdivision.

Postal Facilities means postal services, including post office, bulk mail processing, or sorting centers operated by the United States Postal Service or a private postal service.

Primary Structure means a structure in which the principal use of the lot is conducted.

For example, for single family residential lots, the house is the primary structure.

Privacy Fence means an opaque fence or screen at least six (6) feet in height. A fence shall be considered opaque if it is made of opaque materials and constructed so that gaps in the fence do not exceed one-half (1/2) inch. Fences using boards placed on alternating sides of fence runners shall be considered opaque if the boards overlap at least one-half(1/2) inch.

Private Club means an establishment required to have a state issued alcoholic beverage permit for the sale, storage or vending of alcoholic beverages to its members.

Private Garage means an accessory building housing vehicles owned and used by occupants of the main building.

Product Assembly Services means an establishment engaged in the on-site assembly of non-hazardous products.

Product Development Services (general) means development and testing of non-hazardous products related to research services. See: Research Services (general).

Product Development Services (hazard) means development and testing of products related to research services, which products could pose a health or safety risk outside of the structure in which the services are provided. See: Research Services (hazard).

Professional Office means a use providing professional or consulting services in the fields of law, architecture, design, engineering, accounting, and similar professions licensed by the state.

Property Owners Association means an incorporated, non-profit organization operating under recorded land agreements through which

- 1) each lot and/or homeowner in a subdivision or planned unit development or PUD is automatically a member,
- 2) each lot is automatically subject to a charge for a proportionate share of the expenses for the organization's activities, such as maintaining common property, and
- 3) the charge, if unpaid, becomes a lien against the property.

Public means, with respect to land and interests in land within the Town limits, the Town; with respect to land and interests in land within the ETJ limits, the general public; and, with respect to the provision of any services or products by a business establishment, the general public.

Public Grounds or Building means a facility such as office buildings, and maintenance

yards and shops required by branches of local, state or federal government for service to an area such as highway department yard or a Town, county or school service center.

Public Use means places of non-commercial public assembly or administrative functions where the primary activity is contained within a building(s), including but not limited to churches, schools and government buildings.

Radio, Television, Microwave and Similar Towers means structures supporting antennae for transmitting or receiving any portion of the radio spectrum, but excluding noncommercial antennae installation for home use of radio or television.

Railroad Spur or Siding means a siding for spotting and unloading or loading box cars or other railroad cars and which area is connected to a public street by a drive for access.

Railroad Tracks means the right-of-way for railroad track, and includes siding, spurs, loading facilities, docks, yards or maintenance areas, and does not include passenger stations.

Rear Yard means a space extending across the full width of the lot between the principal building and the rear lot line and measured perpendicular to the building to the closest point of the rear lot line.

Recyclable Materials means materials including, but not limited to, scrap steel, aluminum cans, appliances, paper, batteries, glass bottles, motor vehicles, motor vehicle parts, and machinery that have no economic value except as compose or salvage material.

Recycling Collection Use means use of property as a location where glass, paper, plastics and/or aluminum cans only are deposited in containers, with no sorting or processing on site, and usually occurring as an accessory use on the property.

Recycling Operation means the collection, buying, storage, or processing of recyclable materials such as glass, paper, plastics, liquids, wood or metals, which are then sorted or processed for use or shipment for the purpose of reuse and manufacture, excluding smelters and refining operations.

Recycling Operations (Indoor) means a recycling operation which is fully enclosed within permanent walls and roof of a building or, if windows and doors are present, which is capable of enclosure to insure compliance with the required performance standards in the districts as appropriate. The outside storage of recyclable materials in conjunction with the recycling operation inside a building is prohibited in the appropriate district. A dust collection system may be located outside the main building.

Recycling Operations (Outdoor) means a recycling operation which occurs in the open, or partially within a building and partially in the open.

Regulatory 100-Year Flood Plain means the One hundred (100) year flood plain as defined by the Federal Emergency Management Act (FEMA).

Religious Assembly means a use (located in a permanent or temporary building) providing regular organized religious worship and religious education incidental thereto.

Replacement Trees means new landscape trees to be planted by the developer to replace Significant Trees removed during the development of property. A list of approved Replacement Trees can be obtained at the office of the Town.

Required Yard means the open space between a lot line and the buildable area within which no structure shall be located except as provided for herein.

Research Services (general) means establishments engaged in research of an industrial or scientific nature not involving or requiring the use of any biological, chemical or other agent that could cause a hazard to adjacent property. Typical uses include electronics research laboratories, and development and testing of computer software packages.

Research Services (hazard) means establishments engaged in research of an industrial or scientific nature involving or requiring the use of biological, chemical or other agents capable of causing a hazard to property or persons outside the structure in which conducted.

Reserve Strip means a narrow strip of property usually separating a parcel of land from a roadway or utility line easement, that is characterized by limited depth which will not support development and which is intended to prevent access to the roadway or utility easement from adjacent property and which are prohibited by these regulations unless their control is given to the Town.

Retail Food Store means a retail establishment selling meats, fruits, vegetables, bakery products, dairy products, light hardware and other similar items which are purchased for use and/or consumption off the premises (may be a drive-in or supermarket).

Retail Sales means the sale or rental of commonly used goods and merchandise for personal or household use. Typical uses may include department stores, furniture stores, or establishments providing the following products or services: home furnishings and appliances, household cleaning and maintenance products; drugs, cards, stationery, notions, books, tobacco products, cosmetics, or specialty items; apparel, jewelry, fabrics, and like items; cameras or photography services; household electronic equipment, records, sporting

equipment, kitchen utensils, small home appliances, art supplies and framing, arts and antiques, paint, interior decorating services, or office supplies; bicycles, wallpaper, carpeting and floor-covering, or automotive parts and accessories (excluding service and installation).

Restaurant means an establishment engaged in the preparation and retail sale of food and beverages for on- premises consumption. Typical uses include diners, dinner-houses, but not a drive-in or fast-food restaurant.

Reverse Frontage Lot means a double frontage lot which is to be developed with the rear yard abutting a major street and with the primary means of ingress and egress provided on a minor street.

Right-of-Way means a strip of land occupied or intended to be occupied by street, crosswalk, railroad, road, electric transmission line, or oil or gas pipe line, water main, sanitary or storm sewer main, or for other similar purpose or use. The usage of the term "right-of-way" for land platting purposes shall mean that every right-of-way hereinafter established and shown on the Final Plat is to be separate and distinct from the lots or parcels adjoining such right-of-way and not included within the dimensions or areas of such lots or parcels. Right-of-way intended for streets, crosswalks, water mains, wastewater lines, storm drains, or any other use involving maintenance by a public agency shall be dedicated to the public by the maker of the plat where such right-of-way is established.

Safety Services means a facility to conduct public safety and emergency services, including police and fire protection services and emergency medical and ambulance services.

Salvage Processing means the method or action to enhance recyclable materials for reuse, including, but not limited to, separating, baling, flattening, shredding, crushing, cleaning, or cutting for the purpose of preparing recyclable materials for reuse, excluding a smelter operation.

Same Ownership means ownership by the same person, corporation, firm, entity, partnership, or unincorporated association; or ownership by different corporations, firms, partnerships, entities, or unincorporated associations in which a stock holder, partner, or associate or a member of his/her/his family owns an interest in each corporation, firm, partnership, entity, or unincorporated association.

School (Business) means a business organized to operate for a profit and offering instruction and training in a service or art such as secretarial school, barber college, beauty

school or commercial art school, but not including a commercial trade school.

School (Commercial Trade) means a business organized to operate for a profit and offering instruction and training in a trade such as welding, brick laying, machinery operation, mechanics and similar trades.

School (Public, Private or Denominational) means a school under the sponsorship of a public, religious or private entity and having a curriculum that is equal to or better than the minimum curriculum requirements specified by the State of Texas, or by an institution or organization that establishes curriculum standards that are accepted by the State of Texas, for public elementary or secondary schools, or for colleges or universities, as applicable, including pre-schools and kindergarten schools, but not including trade or commercial schools.

Sexually Oriented Business means an adult arcade, adult bookstore or adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, escort agency, nude model studio, or sexual encounter center.

Servants Quarters means an accessory building or portion of a main building located on the same lot as the main building and used as living quarters for servants employed on the premises and not rented or otherwise used as a separate domicile.

Setback Line or Building Setback Line means a line which marks the setback distance from the property line, and establishes the minimum required front, side or rear yard space of a building plot. See: Building Setback Line.

Shopping Center means a composite arrangement of shops and stores which provides a variety of goods and services to the general public, when developed as an integral unit.

Shrub means any self-supporting woody evergreen and/or deciduous species.

Side Yard means a space extending from the front yard to the rear yard between the setback line and the side lot line measured perpendicular from the side lot line to the closest point of the setback line.

Sign means any device or surface on which letters, illustrations, designs, figures, or symbols are painted, printed, stamped, raised, projected, illuminated, or in any manner outlined or attached and used for advertising purposes.

Significant Tree means a living tree that the Town desires to preserve to the greatest extent possible. A list of Significant Trees can be provided by Town Staff.

Single Family Attached means the use of a series of sites for two or more dwelling units,

constructed with common or abutting walls and each located on a separate lot within the total development site.

Single Family Detached means the use of a lot for only one dwelling unit.

Single Family Dwelling means a building designed for or occupied exclusively by one (1) household. See: Single family detached.

Site Plan means a plan showing the use of the land, to include locations of buildings, drives, sidewalks, parking facilities and other structures to be constructed.

Slope means the vertical change in grade divided by the horizontal distance over which that vertical change occurred. The slope is usually given as a percentage.

Social Club means a building or portion thereof or premises used or operated for a social, educational or recreational purpose, but not primarily for profit or to render a service that is customarily carried on as a business.

Square Foot or Square Feet means the square footage computed from the outside dimensions of the dwelling or structure, excluding attached garages, attics, basements, open or screened porches.

Stable means an accessory building for quartering horses when the stable building is set back from all adjacent property lines at least fifty (50') feet, is at least one hundred (100') feet from any adjacent residence and when the site contains minimum area of one (1) acre.

State Health Department means the Texas Department of Health or the Texas Commission on Environmental Quality (TCEQ), as applicable.

Storage and Distribution means an establishment offering wholesaling, storage, and warehousing services of non-hazardous materials in enclosed structures.

Storage Garage means any premises and structure used exclusively for the storage of more than five (5) automobiles.

Story means that portion of a building, other than a cellar, included between the surface of any floor and the surface of the floor next above it or, if there be no floor above it, then the space between the floor and the ceiling next above it.

Street means any public or private right-of-way which affords the primary means of vehicular access to abutting property.

Street Line means that line limiting the right-of-way of the street and being identical with the property line of persons owning property fronting on the streets.

Street Side Yard means the side yard of a corner lot abutting the street right-of-way.

Structural Alterations means any change in the supporting members of a building, such as load bearing walls or partitions, columns, beams or girders, or any complete rebuilding of the roof or the exterior walls.

Structural Integrity means the ability of a structure to maintain stability against normal forces experienced by said structure.

Structure means any building or anything constructed or erected on the ground or which is attached to something located on the ground. Structures include buildings, telecommunications towers, sheds, parking lots that w-e the primary use of a parcel and permanent signs. Sidewalks and paving shall not be considered structures unless located within a public utility or drainage easement.

Structure Principal means the principal structure which fulfills the purpose for which the building plot is intended.

Subdivision means the division or re-division of land into two (2) or more lots, tracts, sites or parcels for the purpose of development, laying out any addition to the Town, or for laying out any subdivision or building lots, or any lot, street, alley, access easement, public utility easement, park or other portion intended for use by the public, or for the use of any owner, purchaser, occupant, person or entity.

Swimming Pool (Commercial) means a swimming pool with accessory facilities that is not a part of the municipal or public recreational system or a private swim club and that is available to the general public for a fee.

Swimming Pool (Private) means a swimming pool constructed for the exclusive use of the residents of a single family, duplex, multi-plex or multi-family dwelling, or other residential dwelling, located and fenced in accordance with Town regulations and not operated as a business or maintained in a manner to be hazardous or obnoxious to adjacent property owners.

Tavern means an establishment required to have a state permit for the sale and on-premises consumption of beer that is not licensed or permitted to sell any other alcoholic beverage.

Telephone Exchange means switching relay and transmitting equipment, but not including public business facilities, storage or repair facilities.

Temporary Field or Construction Office means a structure or shelter used in connection with a development or building project, for housing on site the temporary

administrative and supervisory functions, and for sheltering employees and equipment, related to the development.

Tourist Home means a building other than a hotel where lodging is provided and offered to the public for compensation for not more than twenty (20) individuals and open to transient guests.

Town means the Town of Laguna Vista, Texas.

Town Building Official or Building Official means the designated Building Official for the Town.

Town Council means the Town Council of the Town.

Town Engineer means the Town Engineer for the Town or his/her designated represent

Townhouse means a structure on an individual lot, which is one of a series of three (3) or more dwelling units designed for single-family occupancy, which dwelling units are structurally connected, immediately adjacent to and abutting each other between individual dwelling units. A condominium apartment (as defined in Chapter. 82, Tex. Prop. Code) in a condominium structure may be considered a townhouse if no other dwelling unit or use of any kind exists immediately above or below it. Any project including three or more such condominiums or townhouses shall be considered a "Townhouse Project".

Town Limits or Within the Town means the, or within the, incorporated boundaries of the Town.

Town Manager means the chief administrative officer of the Town or his/her designated representative.

Town Staff means the officers, employees and agents of the Town assigned and designated from time to time by the Town Manager and/or Council, including but not limited to the Town Engineer, to review, comment and/or report on zoning applications.

Town Standard Details and Specifications means a library of Town approved drawings and technical data representing typical drainage, transportation, erosion & sedimentation control, and utility appurtenances to be constructed for Town acceptance.

Traffic Impact Analysis (TIA) means a study of the impacts of a development on the Town's transportation system.

Trailer Camp or Park means an area designed, arranged or used for the parking or storing of one or more auto trailers and/or recreational vehicles which are occupied or intended for occupancy as temporary living quarters by individuals or families.

Transportation services means a facility for loading, unloading, and interchange of passengers and baggage, between modes of transportation, including bus terminals, railroad stations and public transit facilities utilizing park and ride stations.

Tree means any self-supporting woody plant species which normally grows to an overall minimum height of fifteen (15) feet.

Tree Survey means a scaled drawing accurately showing the location, Caliper and Critical Root Zone of Significant Trees in relation to the property boundaries.

Upholstery Shop means a business establishment engaged in the installation of soft covering material such as fabric and underlayment for furniture and other objects. Except however, with respect to motor vehicles, it shall only include interior upholstery. In no event shall an upholstery shop include the manufacture or building of furniture or other objects.

Urbanization means the process of constructing public improvements required to support suburban or urban land use.

Utilities Other Than Listed means any utility requiring a franchise, such as closed circuit television, distribution of steam, hot or chilled water or similar service requiring the use of public streets or easements.

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

Variety Store means a retail commercial establishment which supplies a variety of household goods, toys, limited light hardware items, candy, some clothing and other general merchandise.

Veterinary Hospital means an establishment offering veterinary services and clinics for pets, small and/or large animals. Typical uses include pet clinics, care, treatment and temporary housing of livestock and large animals, with temporary housing of large animals permitted in an attached or adjacent roofed building, with three (3) or more sides having walls or a solid fence extending from the foundation to at least 3/4 of the distance to the roof line.

Veterinary Services means an establishment offering veterinary services and clinics for

pets and small domestic animals, with all activities and work in-doors.

Video Rental Store means an establishment engaged in the sale or rental of motion pictures or games.

Vines means any woody or herbaceous plants which may cling by twining, by means of aerial rootlets or by means of tendrils, or which may simply sprawl over the ground or other plants.

Warehouse means an establishment engaged in the storage of merchandise or commodities in an enclosed structure.

Watershed means area from which storm water drains into a given basin, river or creek.

Waterway means any natural or man-made channel conducting storm water from a two (2) year storm event at a depth of eight (8) inches or more and at a rate of five (5) cubic feet per second or more. Street pavement shall in no instance be considered a waterway.

Wood Yard means a tract of property used for the storage of wood either for use as firewood or as a building material. Usually the area is fenced for safety and security reasons.

Working Days means Monday through Friday exclusive of Town recognized holidays.

Wrecking Yard means any lot, tract, or building or structure upon which used automobiles or parts of used automobiles or other motor vehicles are stored for the primary purpose of obtaining parts for resale as an automotive or motor vehicle part.

Yard means an open space at grade between the principal and accessory buildings and the adjoining lot lines, unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided herein.

Yard Depth means the shortest distance between a lot line and a yard line.

Yard, Front A yard extending across the front of a lot between the side lot lines, and being the minimum horizontal distance between the street easement line and the main building or any projections thereof other than the projections of the usual steps, balconies or bays, or non-air-conditioned porch. On corner lots the front yard shall be considered as parallel to the street upon which the yard has its least dimension.

Yard Line means a line drawn parallel to a lot line at a distance there from equal to the depth of the required yard.

Yard, Rear means a yard extending across the rear of a lot and being the required minimum horizontal distance between the rear lot line and the rear of the main building or any projections thereof other than the projections of steps, balconies or bays, or non-air-

conditioned porches, accessory dwellings or detached garages.

Yard, Side means a yard between the main building and the side line of the lot, extending from the required front yard to the required rear yard, and being the minimum horizontal distance between a side lot line and the side of any building on the lot, or any projections thereof.

Zero-Lot-Line Lot means a single-family lot that has a side wall along or near one of the lot lines so that a usable yard of a minimum of (10) feet from the side lot line to the building line is created on the other side of the lot. In no case shall any part of a structure or building, including architectural features, be constructed so as to encroach upon or over the vertical extension of a lot line.

Zoning means the division of a municipality into districts in an effort to achieve compatible land use relationships, and the associated establishment of regulations governing the use, placement, spacing and size of land and buildings in order to achieve that compatibility.

Zoning Map means the official map showing the division of the Town into districts which is a part of this zoning ordinance.

Zoning (Spot) means the zoning or rezoning of a lot or parcel of land to benefit an owner for a use incompatible with surrounding uses and not for the purpose or effect of furthering the comprehensive plan.

Zoning (Strip) means, typically, commercial and or retail zoning proposed to accommodate commercial or retail development, fronting a portion of a major street, usually one lot deep,

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

Zoo (Public) means a publicly owned zoo or similar facility owned and operated by a governmental entity or nonprofit zoological society where live animals, birds and reptiles are domiciled and displayed.

NOTE: ANY DEFINITION NOT EXPRESSLY PRESCRIBED HEREIN SHALL, UNTIL SUCH TIME AS DEFINED BY ORDINANCE, BE CONSTRUED IN ACCORDANCE WITH CUSTOMARY USAGE IN MUNICIPAL PLANNING AND ENGINEERING PRACTICES.

Section 6. Application.

The provisions of this Ordinance shall, except as specifically provided otherwise in this Ordinance, apply to all land within the jurisdiction of the Town.

Section 7. Exemptions.

The provisions of this Ordinance shall not:

- A. prohibit the continuation of plans, construction or designed use of a building for which a building permit was lawfully issued and which (1) is completed in its entirety within one (1) year from the effective date of this Ordinance; and (2) for which construction shall have been started within ninety (90) days after the effective date of this Ordinance; provided that any such building, construction or use that is not in compliance with this Ordinance shall be a nonconforming use; or
- B. Apply to permits or commitments given by the Town with reference to construction of public utility buildings prior to the passage of this Ordinance shall be observed.

Section 8. Enforcement of Regulations.

- A. No building permit, certificate of occupancy, plumbing permit, electrical permit, or utility tap shall be issued by the Town for or with respect to any lot, tract or parcel of land within the Town limits that is developed, or proposed to be developed, after the effective date of this Ordinance, until all then applicable requirements of this Ordinance have been satisfied and accepted by the Town.
- B. This Ordinance may be further enforced by injunction and other judicial proceedings, either at law or in equity; and, in lieu of or in addition to any other authorized enforcement or action taken, any person who violates any term or provision of this ordinance, with respect to any land or development within the Town, by fine and penalties as provided herein.

Sections 9 through 19 reserved.

**ARTICLE II.
ZONING DISTRICTS AND REGULATIONS**

Section 20. General Requirements and Limitations.

- A. Conformity to Zoning District Required.** No building shall be erected and no existing buildings shall be moved, structurally altered, added to or enlarged, nor shall any land, building or premises be used, or designated for use for any purpose or in any manner other than provided for hereinafter in the district in which the building, land or premises is located; provided, however, that necessary structural repairs may be made where health and safety are endangered.
- B. Signs and Billboards.** No sign or billboard shall be erected, moved, altered, added to, enlarged, painted, or modified unless it shall conform to the provisions of this Ordinance and all applicable Town ordinances governing the placement, location, permitting, construction and maintenance of signs. Except as otherwise expressly authorized by ordinance, all off-premises signs and billboards are expressly prohibited.
- C. Structures and Buildings.** No building, structure or accessory structure shall be erected, converted or enlarged, nor shall any such existing building or structure be structurally altered or rebuilt, nor shall any open space surrounding any building be encroached upon or reduced in any manner, unless the same shall be done and completed in a manner to comply with all applicable Town codes and ordinances, and such work and structure shall:
- 1) Conform to the building setback line, building site area, building location and land use regulations hereinafter designated for the district in which such building or open space is located.
 - 2) Not exceed the height limit herein established for the district in which such building is located, except as specifically authorized as follows:
 - (a) The height limits prescribed herein shall not apply to television and radio towers, church spires, belfries, monuments, tanks, water and fire towers, stage towers, scenery lofts, cooling towers, ornamental towers and spires, chimneys, elevator bulkheads, smokestacks, necessary public or private utilities, conveyors, flag poles, and necessary mechanical appurtenances. The height limits and other applicable regulations for television, radio and communications towers and antennas may be established by separate ordinance.
- D. Accessory Structures and Uses.** Accessory structures designed, constructed and located for a use permitted in the district, in compliance with this Ordinance and all other applicable Town ordinances, are permitted in each zoning district.
- E. Conformity to Construction Plan Requirements.** No structure or building shall be erected, converted, enlarged, reconstructed or structurally altered unless Construction Plans meeting the requirements of this Ordinance have been approved by the Town Engineer and/or Town Building Official.

- F. Conformity to Parking and Loading Space Requirements.** No structure or building shall be erected, converted, enlarged, reconstructed, or structurally altered unless it shall conform to the off-street parking and loading requirements of this Ordinance.
- G. Conformity to Landscaping and Screening Requirements.** No building or structure shall be erected, converted, enlarged, reconstructed, or structurally altered unless it shall conform to the landscape and screening requirements of this Ordinance.
- H. Conformity to Building Setback Requirements.** No yard or other open space provided around any structure or building for the purpose of complying with provisions of this section shall be considered as providing a yard or open space for a building on any other lot.
- I. Outdoor Lighting.** All outdoor lighting shall be installed and maintained in compliance with all applicable Town ordinances. Such lighting shall be located and maintained in a manner as to not be directed onto any public street or adjacent property; provided that such lighting may be directed down upon a public street as provided for street lights.
- J. Multi-Family, Business and Industrial.** Outdoor lighting for multi-family, general retail, commercial, office and industrial property will be in accordance with the provisions of this Ordinance and the Town building codes. A lighting plan shall be included with the site plan submitted for a building permit.
- K. Residential.** Outdoor lighting on residential property will be installed in accordance with applicable Town ordinances. It will be located so as not to be directed directly upon adjoining property or create a nuisance for adjoining property owners. Lighting used for security purposes, which will be operated during night hours will be located as close as is practicable to main dwellings.
- L. Height and Placement Requirements.** Except as otherwise specifically provided in this Ordinance, no building shall be erected or maintained within the required building setback line set forth herein, or which exceeds the height limits specified in the following Chart 1. The minimum street line width of all residential lots situated on a cul-de-sac shall be thirty-five (35) feet, excluding width of side yard, drainage and/or public utility easement(s) in which pipe will be laid as part of the initial development. The minimum street line width of all other lots situated on a cul-de-sac shall be fifty (50) feet, excluding width of side lot line drainage and/or public utility easement(s) in which pipe will be laid as part of the initial development.
- M. Common Areas.** If any part or portion of a development or property includes a common area or common open area, a Home and/or Property Owners Association shall be created and established in which all property owners shall be members. The articles and bylaws for the corporation and the declarations, conditions, covenants and restrictions for the proposed development shall provide for the assessment and collection of fees adequate and as necessary to maintain all such common areas in a good, clean and safe condition, and in compliance with all codes and ordinances of the Town.
- N. Parking.** Automotive vehicles or trailers not bearing current license plates and state motor vehicle inspection stickers, excluding racing cars, antique cars, and cars belonging to members of armed forces who are on active duty, shall be parked or stored on any residential area only in completely enclosed buildings. No vehicle, trailer or major recreational equipment shall be parked or stored on any lot except that it shall be enclosed in a building or parked on a driveway or a concrete, paved or stone pad installed for such purpose and subject to the requirements herein.

- 1) **Parking Regulations.** Where any lot and/or structure is erected, reconstructed or converted for any of the business or commercial uses permitted in this Ordinance, designated on-street or off- street parking spaces shall be provided in a number not less than as provided in Chart 4 set forth hereinafter.
- 2) **Handicap Parking.** Non-residential handicap parking and handicap accessible routes shall be provided and constructed in compliance with the Texas Accessibility Standards (TAS).
- 3) **Maximum Parking.** The maximum number of parking spaces for a general retail, commercial, office or industrial use area shall not exceed 150% of the parking required pursuant to Chapter 4.
- 4) **Width of Parking Spaces.** Except for all required handicap parking, not less than 50% of all parking spaces, for any given commercial use must be a minimum of nine (9) feet in width, and all remaining parking spaces must be not less than eight and one-half (8 1/2) feet in width.
- 5) **Reduction of Parking.** The total number of required motor vehicle parking spaces for a non- residential use may be reduced by 5% for each of the activities listed below provided by the owners or operators, up to a maximum 10% reduction in the total number of motor vehicle spaces,
 - (a) participation on an area wide carpool/vanpool ride matching program for employees; designating at least 10% of the employee motor vehicle parking spaces as carpool/vanpool parking and placing such spaces closer to the building than other employee parking;
 - (b) providing showers and lockers for employees who commute by bicycle;
 - (c) providing covered, secured bicycle parking racks or facilities;
 - (d) providing a transit facility that is approved by the local transit authority, and related amenities. Related amenities include, but are not limited to, a public plaza, pedestrian sitting areas, and additional landscaping.
- 6) **Development and Maintenance Standards for Parking Areas.** Every parcel of land hereafter used as a public or private parking area, including commercial parking lots, shall be developed as follows:
 - (a) Off-street parking areas for more than five vehicles shall be effectively screened by a sight-obscuring fence, hedge or planting, on each side which adjoins a residential use or property situated in a Residential Area.
 - (b) Except for parking to serve residential uses, parking and loading areas adjacent to or within residential zones or adjacent to residential uses shall be designed to minimize disturbance of residents.
 - (c) Access aisles shall be of sufficient width for vehicular turning and maneuvering.
- 7) **Board Determination.** Off-street and on-street parking for all uses not within the categories above shall be adequate to meet the anticipated needs and shall be determined by the Town Council using standards outlined for special exception and with a view towards providing adequate parking and carrying

out the general scheme of the parking requirements herein set out.

- 8) Special Exception. The Town Council may grant a special exception to allow two or more uses to share parking spaces upon a showing that the particular uses in question will require parking at different times. Any spaces the Council allows to be shared count toward the number of spaces each use must provide.
- O. Uses Noncumulative. Uses within each District are restricted solely to those uses expressly permitted in each District, and are not cumulative unless so stated.
- P. Exceptions. Nothing in this section shall prohibit the approval of a comprehensive zero lot line residential development or other innovative housing development in compliance with the other terms and provisions of this Ordinance.
- Q. Mandated Exceptions. To the extent required by state or federal law, a Personal Care Facility is an additional permitted use in any zoning district; provided that:
 - 1) Homes and residential units not designed and constructed in compliance with the ordinance and code requirements applicable to multiple occupancy residential buildings and nursing homes, shall meet the following requirements:
 - (a) the structure shall comply with provisions of the Fire Code, Electrical Code and Building Code that are applicable to nursing homes;
 - (b) there shall be two (2) parking spaces, plus one additional space for each three residents;
 - (c) there shall be not less than fifty square feet of living space within a sleeping room for each occupant assigned to such room;
 - (d) there shall be not less than 175 square feet of living area in the structure for each occupant/resident of the structure, and attendant on duty; and
 - (e) the structure and operation shall comply with the standards established by the Texas Department of Human Services as licensing standards for personal care facilities for a Type B facility.
 - 2) The Home must meet all applicable State licensing requirements;
 - 3) A Personal Care Facility must have at least one paid staff member on duty 24 hours per day, and one supervisor for each six (6) residents during waking hours;
 - 4) A Personal Care Facility may not have more than fifteen (15) residents.

Section 21. Establishment of Zoning Districts.

(A) The Town is hereby divided into zoning districts, the use, height and area regulations as set out herein shall be uniform in each district. The districts established shall be known as:

<u>Zoning District Name</u>	Letter Designation
Agricultural - District A	A
Single Family Residential - District 1	RS-1
Multi-Family Residential - District 1	RM-1

Central Business - District 1	CBD-1
Central Business - District 2	CBD-2
Planned Development – District 1	PD-1

(B) Zoning Map. The location and boundaries of the Districts herein established are shown upon the Zoning Map, which is hereby incorporated and made a part of this Ordinance; provided that such uses as listed but not shown on the zoning map are provided for future growth and use upon amendment of the Comprehensive Plan. It shall be the duty of the Town Building Official to maintain the Zoning Map together with all notations, references, and other information shown thereon and all amendments thereto.

(C) District Boundaries. Where uncertainty exists with respect to the boundaries of the established districts as shown on the Zoning Map, the following rules shall apply:

- (1) Where district boundaries are indicated as approximately following the centerlines of streets or highways, street lines or highway right-of-way lines shall be construed to be said boundaries.
- (2) Where district boundaries are so indicated that they approximately follow the lot lines, such lot lines shall be construed to be said boundaries.
- (3) Where district boundaries are so indicated that they are approximately parallel to the center lines or street lines of streets, or the center lines of right-of-way lines of highways such district boundaries shall be construed as being parallel thereto and at such distance there from as indicated on the Zoning Map. If no distance is given, such dimension shall be determined by the use of the scale on said Zoning Map.
- (4) In subdivided property, the district boundary lines on the Zoning Map shall be determined by use of the scale appearing on the map.
- (5) If a district boundary line divides a property into two (2) parts, the district boundary line shall be construed to be the property line nearest the district line as shown.
- (6) Whenever any street, alley or other public way is vacated by the Town Council, the zoning district shall be automatically extended to the center of such vacation and all area included in the vacation shall then and henceforth be subject to all regulations of the districts as extended.
- (7) Where the streets on the ground differ from the streets shown on the Zoning Map, those on the ground shall control.

Section 22. Zoning of Annexed Areas.

(A) Interim Zoning District. All territory hereafter annexed to the City shall be automatically classified as Agricultural District "A", pending subsequent action by the Commission and Council for permanent zoning; provided that upon application,

by either the Town or the property owner of the land being annexed, for zoning other than Agricultural, notice may be given and hearings held in compliance with *Chapter. 211, Tex. Loc. Gov't. Code*, and, upon annexation, such property may be permanently zoned as determined by the Town Council after considering the Commission's recommendation.

(B) Permits in Interim Zoned Areas. In an area temporarily classified as Agricultural District "A", no permits for the construction of a building or use of land other than uses allowed in said District under this Ordinance shall be issued by the City Building Official.

Section 23. Agricultural - District" A".

(A) Permitted Land Uses: Farming, ranching, pasturage, detached single family residences and related accessory structures (See Section 24 Single Family Residential District-1 "RS-1") on a minimum one acre tract. Parks, playgrounds, greenbelts and other public recreational facilities, owned and/or operated by the municipality or other public agency are permitted.

Section 24. Single Family Residential District 1 RS-1

(A) Permitted Land Uses: Detached single-family residences with a minimum of 1,600 square feet of living area and permitted accessory structures on a minimum lot size of 8,190 square feet. There shall be no more than three point nine (3.9) houses per buildable acre.

(B) Additional Permitted Uses.

(1) Parks, playgrounds, community buildings and other public recreational facilities, owned and/or operated by the municipality or other public agency.

(2) Public buildings, including libraries, museums, police and fire stations.

(3) Real Estate sales offices during the development of a residential subdivision but not to exceed two (2) years. Display dwellings with sales offices, provided that if said display dwellings are not moved are converted to a permitted use within a period of one (1) year, specific permission must be obtained from the Town Council for said display houses to remain.

(4) Schools (Public, Private, and Denominational).

(5) Temporary buildings for uses incidental to construction work on the premises, which buildings shall be removed upon the completion or abandonment of construction work.

(6) Water supply reservoirs, pumping plants and towers.

(7) Accessory Structures and Uses customarily incident to the above uses and located on the same lot therewith, not involving the conduct of any business or commercial enterprise.

(8) Height and Placement Requirements (See Chart 1)

(9) Parking (See Chart 4)

Section 25 – Multi-Family Residential District RM-1.

Permitted Land Uses: Single Family Residences (See Section 24 Single Family Residential District-1 “RS-1”), Garden Homes (“GH”), Townhouses (“TH”), Condominiums (“CO”), Two Family Residences - Duplexes (“DX”), Multi-Family Residences (“MF”), and Multi-Family Apartments (“AP.”).

(A) - Garden Home Land Use GH.

(1) Allows attached single-family structures with a minimum of 1,600 square feet of living area and permitted accessory structures on a minimum lot size of 4,800 square feet. There shall be no more than six point eight (6.8) houses per buildable acre. The single-family residences authorized in this Use include those generally referred to as garden homes and patio homes.

(2) Additional Permitted Uses.

(a) Temporary buildings for uses incidental to construction work on the premises, to be removed upon the completion or abandonment of construction work.

(b) Accessory Structures and Uses customarily incident to the above use.

(c) Garages are required and must be one of the following designs: detached with a minimum setback of five feet from the front wall of the home facing front property line; or may be attached and must have a minimum setback of five feet (5') from the front wall of the home facing front property line; or may be attached and meet minimum front setback requirements, but must face side property line. Each garage must be designed and constructed with a minimum of four hundred eighty (480) square feet.

(3) All buildings and structures, garages, and/or accessory buildings constructed within this Use must have all four (4) sides composed of 100% brick, stone, hard plank or other approved masonry product.

(4) Height and Placement Requirements (See Chart 1)

(5) Parking (See Chart 4)

(B) Residential Townhouse Land Use – TH.

(1) Allows attached single-family structures with a minimum of 1,000 square feet of living area and permitted accessory structures. The single-family residences authorized in this use are those generally referred to as townhouses. The permitted density shall not exceed 2,844 square feet. There shall be no more than ten (10) units per buildable acre of land.

(2) Additional Permitted Uses: None.

(3) Conditions and Limitations.

(a) The declaration, conditions and covenants for the project shall provide for a homeowners association and the assessment and collection of fees adequate and as necessary to maintain the property in compliance with all ordinances of the Town.

(b) Height and Placement Requirements (See Chart 1).

(c) Parking (See Chart 4).

(4) Site Development Regulations. The site development regulations set forth below shall be exclusively applicable to Residential Townhouses, Use “TH”, in addition to, those in Chart 1.

(a) Maximum Dwelling Units per Buildable Acre: 10 units.

(b) Front Yard. There shall be a common area yard having a depth of not less than fifteen (15) feet extending from the property line of each individual lot to the nearest line of (A) the curb line of any driveway or parking area, or (B) the boundary line of the property included within the townhouse development, whichever is closer.

(c) Side Yard. No side yard shall be required for individual lots. There shall be a side yard setback of not less than five (5) feet from the walls of any building, or accessory building, to the nearest boundary line of any property not included within the townhouse development.

(d) Rear Yard Minimum Setback: There shall be a rear yard setback having a depth of not less than fifteen (15) feet from the rear most wall of the dwelling unit to the back property line, or, if a garage is at the rear of the property, fifteen (15) feet from the rear most wall of the dwelling to the nearest wall or roofline of the garage. No building or structure shall be located within fifteen (15) feet of the boundary line of any property not included within the townhouse development.

(5) Garages:

(a) Garages are required and must be one of the following designs: detached with a minimum setback of five feet from the front wall of the home facing front property line; or may be attached and must have a minimum setback of five feet (5') from the front wall of the home facing front property line; or may be attached and meet minimum front setback requirements, but must face side property line. Each garage must be designed and constructed with a minimum of four hundred eighty (480) square feet.

(b) A minimum of two (2) off-street parking spaces shall be provided for each living unit. All off-street parking and driveways shall be improved with all-weather asphalt, concrete, or paving stones, and curb and gutter.

(c) No curb line of a driveway or parking area shall be less than five (5) feet from the nearest boundary line of any property not within the Town.

(d) All buildings and structures, garages, and/or accessory buildings constructed within this land use must have all four (4) sides composed of 100% brick, stone, hard plank or other approved masonry product.

(C). Condominium Land Use—"CO".

(1) Allows residential housing in compliance with the Texas Uniform Condominium Act, *Chapter. 82, Tex. Prop. Code*, with the individual apartments or units having a minimum of 750 square feet living area, inclusive of separate sleeping, living and kitchen facilities.

(2) Conditions and Limitations.

(a) All construction, plumbing, heating, cooling and electrical work shall comply with all applicable Town ordinances. No land or property including an existing building or structure proposed to be converted to condominiums shall be zoned for such purpose prior to a complete inspection by the building official, conducted at the expense of the owners.

(b) The declaration conditions and covenants for the proposed condominium shall provide for the assessment and collection of fees adequate and as necessary to maintain the property in compliance with all codes and ordinances of the Town.

(c) A note shall be included on the preliminary and final plat stating that no certificate of occupancy may be issued for the proposed residential condominium project until the owner or owners of the property have complied with *Chapter. 82, Tex. Prop. Code*, or any other statute enacted by the state concerning condominiums. The Building Official shall not issue a certificate of occupancy until the owner or owners of the property have complied with *Chapter. 82, Tex.*

Prop. Code and any other state statute concerning condominiums.

(d) Site Development Regulations. The site development regulations set forth below shall be exclusively applicable to Residential Condominium,

- (1) 9,000 square feet of lot size: 2 units
- (2) 10,000 square feet of lot size: 4 units.

(e) A minimum of 3 units and for acreage tracts, 36 units per buildable acre.

(f) Height and Placement Requirements (See Chart 1)

(g) Parking (See Chart 4)

(h) Additional Parking Requirements:

(1) Covered off-street parking is required and may be attached or detached and accessible from a public or private street.

(2) Covered parking is required and may be attached or detached and placed to rear of property. Attached covered parking must not face front lot line.

(3) Covered parking required within this land use shall provide for and accommodate for two (2) parking spaces as defined herein for each living unit. All covered parking and/or off-street parking and driveways shall be improved with all-weather asphalt, concrete, or paving stones, and curb and gutter.

(4) No curb line of a driveway or parking area shall be less than five (5) feet from the nearest boundary line of any property not within the development.

(5) All buildings and structures, garages, and/or accessory buildings constructed within this land use must have all four (4) sides composed of 100% brick, stone, hard plank or other approved masonry product.

(D) Two Family Residence Land Use "DX".

(1).Allows single-family duplex housing not to exceed 6 units per buildable acre.

(2) Two (2) family dwellings shall have a minimum living area on each side of one thousand (1000) square feet.

(3) Height and Placement Requirements (See Chart 1)

(4) Parking (See Chart 4)

(5) Garages or Carports are required. A minimum of two (2) off-street parking spaces shall be provided for each living unit. All off-street parking and driveways shall be improved with all-weather asphalt, concrete, or paving stones, and curb and gutter.

(6) All buildings and structures, garages, and/or accessory buildings constructed within this land use must have all four (4) sides composed of 100% brick, stone, hard plank or other approved masonry product.

(E) Multi-Family Residential Land Use—"MF"

(1) Allows three (3) and four (4) family dwellings each having a minimum living area of one thousand (1000) square feet. Permits typical garden apartment development with buildings not exceeding 2 stories, having at least five and not more than 12 units per buildable acre, and with apartments or units having a minimum living area of one-thousand (1000) square feet.

(2) Conditions and Limitations.

(a) More than one building or structure may be located upon a lot.

(b) Any structure not facing a public street shall face upon a court yard having a minimum width of forty-five (45) feet between structures and any appurtenances thereto, which court yard shall have direct access to a public street or a parking lot abutting a public street.

(c) No exterior walls of any two (2) buildings, any one of which buildings contains an apartment or living unit and either one of which exterior walls includes any window or door, and which walls are parallel or within 45 degrees of being parallel, shall be closer together than a horizontal distance of forty-five (45) feet.

(d) All buildings and structures shall, except as provided in (C) above, be separated by a minimum horizontal distance of eight (8) feet.

(e) Unless otherwise satisfied pursuant to the Town's Subdivision Ordinance, one (1) acre per one hundred (100) dwelling units, or 5% of the total site area, whichever is greater, shall be provided to satisfy park land requirements; provided that the Council may, at its discretion, require the payment of the established fee in lieu of land dedication for each such dwelling unit. Such recreational open space shall be located or arranged so as to function as a recreational area and be uniformly beneficial to all of the dwelling units in the project or development. Open space required to separate structures shall not be considered to be a part of the required recreational open space.

(f) Additional Parking Requirements:

(1) There shall be a minimum fifteen (15) foot setback from the rear most wall of any garage, and from the curb line of any parking area, to the nearest property line.

(2) Garages and/or covered parking is required, and may be attached or detached.

(3) A minimum of two (2) off-street parking spaces shall be provided for each living unit. All off-street parking and driveways shall be improved with all-weather asphalt, concrete, or paving stones, and curb and gutter.

(g) The Commission and the Council may consider number of units proposed, the availability of mass-transit and the impact the development may have on existing traffic patterns, with respect to any application for multi-family zoning.

(h) Height and Placement Requirements (see Chart 1)

(i) Parking (See Chart 4)

(3) Site Development regulations. The following site development regulations shall be applicable to Buildings zoned Multi-Family Residential:

(a) Maximum Dwelling Units Per Buildable Acre: 12 Units.

(4) All buildings and structures, garages, and/or accessory buildings constructed within this District must have all four (4) sides composed of 100% brick, stone, hard plank or other approved masonry product.

(F). Multi-Family Apartment Land Use AP

(1) Allows typical garden apartment development with apartments or units having a minimum living area of 750 square feet

(2) Conditions and Limitations: None.

(3) Site Development Regulations. The following site development regulations shall be applicable to Apartment Buildings:

(a).Maximum Density not to exceed 20 dwelling units per buildable acre, with maximum lot coverage of all main buildings not exceeding fifty percent (50%), and the maximum lot coverage of all main and accessory buildings combined not exceeding sixty percent (60%).

(b) Minimum lot area shall be 12,000 square feet plus 1000 square feet for each residential unit; minimum lot width shall be eighty feet (80'); and the maximum height of any building or structure shall two (2) stories but not exceed forty-five feet (45').

(c) Height and Placement Requirements (See Chart 1)

(d) Parking (See Chart 4)

(e) All buildings and structures, garages, and/or accessory buildings constructed within this District must have all four (4) sides composed of 100% brick, stone, hard plank or other approved masonry product.

(4) Exceptions for Low and Moderate Income The Town Council may in appropriate circumstances and subject to the conditions provided in this subsection grant an exception for apartment projects planned for low and moderate income residents, provided that the proposed multi-family project has firm financing, contracts and agreements in place to assure rent subsidy and rental assistance for sixty percent (60%), or more, of the proposed units, and the site proposed for the project is buffered and separated from neighboring property by such uses as parks, drainages with greenbelts, railroad right-of-way, school or other large public facility campuses, a large shopping center, commercial or industrial facility. Such projects shall meet the other the requirements of this District.

Section 26. Manufactured Home - District M-1.

- A. Purpose and Permitted Uses.** This is a zoning overlay district applicable only to specific geographic areas that, prior to the date of this Ordinance, were platted as individual lots and zoned or otherwise designated as eligible for mobile homes and manufactured homes as an additional permitted use. This district and use will continue in effect only for the purpose of complying with State law authorizing such manufactured homes to be replaced, so long as the use is not discontinued. No additional or new lots, tracts or parcels of land shall be hereafter zoned District M-1. Except as required by State law or specifically provided otherwise in this Section, no manufactured home shall be hereafter placed or installed on any lot, tract or parcel of land within the Town unless such lot, tract or parcel of land:
- 1) was previously granted a conditional use permit and zoned District M-1 under a prior zoning ordinance of the Town; or
 - 2) is zoned District M-2 or District M-3.
- B. Conditions and Limitations.** Manufactured homes located on lots, tracts or parcels of land previously granted a conditional use and zoned District M-1, for which the conditional use has not lapsed or expired, or been abandoned or cancelled, may be replaced on the lot, tract or parcel of land previously zoned M-1" only as permitted by State law; provided that any such manufactured home shall comply with the following conditions and limitations:
- 1) Manufactured Homes in this District must have a minimum of one thousand (1,000) square feet of living area.
 - 2) Manufactured Homes must be skirted within ninety (90) days from date installed.

- 3) Manufactured homes must be tied down securely and in compliance with applicable regulations prior to occupancy.
 - 4) Height and Placement Requirements. See Chart 1.
 - 5) Parking. See Chart 4.
- C. Authorized in Specified Areas. Only lots, tracts or parcels of land previously granted a conditional use permit and zoned M-1 shall be zoned M-1, and such conditional use and zoning shall terminate and expire on the earlier to occur of the expiration of the conditional use permit or the abandonment of the use. The use of a lot, tract or parcel for a manufactured home under District M-1 shall be deemed abandoned if:
- 1) a manufactured home is not located on the lot, tract or parcel for a period of ninety (90) consecutive days; or
 - 2) the manufactured home is removed from the property, and the lot, tract or parcel is sold, transferred or conveyed.
- D. Standards. The installation, occupancy and maintenance of manufactured homes shall be subject to the following provisions.
- 1) No outside horizontal dimension shall be less than 14 feet, except for original extensions or subsequent additions containing less than 50 percent of the total enclosed floor area.
 - 2) The exterior siding material, excluding skirting, shall be nonmetallic.
 - 3) The structures shall be of adequate quality and safe design, as certified by a label stating that the unit is constructed in conformance with the federal Manufactured Home Construction and Safety Standards in effect on the date of manufacture, or other such applicable standards as required by state or federal law. Any such structure without such certification, but meeting all other requirements, may be accepted as safe and quality construction provided it meets the following criteria;
 - (a) All electrical material, devices, appliances, and equipment are in sound and safe condition. Aluminum conductors are not acceptable.
 - (b) All mechanical systems including space and water heating are in sound and safe condition.
 - (c) All plumbing, gas piping, and wastewater systems are in sound and safe condition.
 - (d) The unit is in sound and safe structural condition. Any such structure that shows signs of fire damage will not be acceptable. .
 - (e) The determination of the foregoing acceptance of any noncertified unit shall be made by the Building Official and/or the Fire Marshall.
 - 4) Manufactured homes shall be installed in accordance with the following criteria:
 - (a) By a person licensed by the State of Texas in compliance with state law, or as hereinafter provided in this paragraph. The frame shall be supported by, and tied to, a foundation system capable of safely supporting the loads imposed as determined from the character of the soil. The minimum acceptable foundation design shall be a series of eight-inch grout-filled concrete block piers spaced no more than eight feet on center and bearing on 12" x 12" solid concrete footings. A tie-down and anchoring system separate and

apart from the foundation ties shall be provided as recommended by the manufacturer, if different from the foundation ties.

- (b) Axle and hitch assemblies shall be removed at the time of placement on the foundation.
- (c) Each manufactured home shall be totally skirted with metal, masonry, pressure-treated wood, or other non-degradable material which is compatible with the design and exterior materials of the primary structure.
- (d) Electrical power supply shall be from a meter installation on the mobile home, or from a permanent meter pedestal.
- (e) Driveways and off-street parking shall be provided in accordance with the requirements for single-family dwellings.
- (f) Garage and carport additions are permitted, provided they cover a paved parking area and are connected to a street by a paved drive, meet the minimum building setback requirements, and have roof and siding material compatible with the primary structure.
- (g) Patio and porch covers are permitted, provided they cover an improved patio, deck, or porch, and meet the minimum building setback requirements.
- (h) Living area additions are permitted, provided they meet the minimum building setback requirements, have roof and siding material that is compatible with the primary structure, and comply with the same structural standards as the primary structure.
- (i) All accessory structures and additions shall comply with all applicable Town ordinances.

E. Site Development Regulations. The Manufactured Home shall not be placed or located on any lot, tract or parcel except as a replacement for a manufactured home previously located thereon pursuant to a conditional use permit for which the use has not lapsed, expired or been abandoned. Otherwise, provided the Conditions and Limitations set forth in (b) above are satisfied, no additional site development regulations shall be applicable.

Section 27. Manufactured Home Subdivision - District M-2.

A. Purpose and Permitted Uses.

Property and areas of the Town zoned "M-2" may be planned, used, approved, platted and occupied as a Manufactured Home Subdivision with all lots sold and conveyed to individual lot owners. Land and areas of the Town zoned M-2 and having an approved subdivision plat may be used for manufactured homes having a minimum of 1,200 square feet of living area.

B. Additional Permitted Uses.

- 1) Single family detached dwellings.

C. Conditions and Limitations.

- 1) Manufactured Homes in this District must have a minimum of one thousand two hundred (1,200) square feet of living area.
- 2) Manufactured Homes must be skirted within ninety (90) days from date installed.
- 3) Manufactured homes must be tied down securely and in compliance with applicable regulations prior to occupancy.

- D. Height and Placement Requirements. (See Chart 1)
- E. Parking. (See Chart 4)

Section 28. Central Business District 1 - District CBD-1

- A. Permitted Uses. This district principally addresses development in the original town and central area of the Town, allowing a mix of uses including, office, restricted commercial, and residential uses excluding multifamily, which uses will generate a low volume of vehicular traffic and will encourage pedestrian traffic and include only the following specifically listed uses:

See Exhibit A

- B. Conditions and Limitations.

- 1) That it be conducted wholly within an enclosed building, except for delivery.
- 2) That required yards and outdoor areas not be used for display, sale vehicles, equipment, containers or waste material, save and except for screened dumpster collection areas.
- 3) That the use not be objectionable because of odor, excessive light, smoke, dust, noise, vibration or similar nuisance; and that, excluding that caused by customer and employee vehicles, such odors, smoke, dust, noise or vibration be generally contained within the property. Garbage and refuse disposal and storage areas, delivery areas, and similar outside use areas that are necessary and incidental to the main use will be screened by approved fencing or landscaping.
- 4) Signs (advertising) must be in compliance with all applicable ordinances.

- C. Site Plan Regulations. An approved Site Plan shall be required within Central Business District 1. The Site Plan shall meet the requirements for Site Plans and Construction Plans as set forth in this Ordinance and in any other ordinances of the Town. In addition to such other requirements, the Site Plan shall show and include sidewalks (pedestrian walkways) that must be constructed of brick, pavers, or concrete with a broom finish, and connect to the adjacent property having a common frontage, driveways, setbacks, fencing and screening of all incidental and necessary outside uses.
- D. Establishments located on property that is within 300' of any property zoned for a residential use may not be open to the general public before 6:30 a.m. and must be closed to the general public by 10:00 p.m.
- E. Glare. No use or operation in an CBD-1 District may be located or conducted so as to produce intense glare or direct illumination across the bounding property line from a visible source of illumination nor may any such light be of such intensity as to create a nuisance or detract from the use and enjoyment of adjacent property.
- F. The rear yard of all projects constructed or developed within this District shall be screened in compliance with the screening requirements of Section 61 (k) of this Ordinance.

Section 29. Central Business District 2 - District CBD-2

- A. Permitted Uses. This district is less restrictive than CDB-1 and principally addresses development of the Route 100 area. This allows a mix of uses including, office, restricted commercial, and includes the following specifically listed uses:

See Exhibit A

- B. Conditions and Limitations.

- 1) That it be conducted wholly within an enclosed building.
 - 2) That required yards and outdoor areas not be used for display, sale vehicles, equipment, containers or waste material, save and except for screened dumpster collection areas.
 - 3) That the use not be objectionable because of odor, excessive light, smoke, dust, noise, vibration or similar nuisance; and that, excluding that caused by customer and employee vehicles, such odors, smoke, dust, noise or vibration be generally contained within the property.
 - 4) Signs (advertising) must be in compliance with all applicable ordinances.
 - 5) The Conditions and Limitations and permitted uses applicable to the District governing the proposed use of the property shall apply within the Central Business District 2.
 - 6) Uses as determined by the Commission and the Council which are closely related and similar to those listed and that are not likely to create any more offensive noise, vibration, dust, heat, smoke, odor, glare, or other objectionable influences than the minimum amount normally resulting from listed uses permitted.
- C. Site Plan Regulations.** The Site Plan Regulations applicable to the District governing the proposed use of the property shall apply within the Central Business District, provided that sidewalks (pedestrian walkways) must be constructed of brick, pavers, or concrete with a broom finish, and connect to the adjacent property having a common frontage.
- D. Building Facade Requirements.** All new buildings constructed or existing buildings within this District for any use or occupancy listed in CBD-2 or CBD-1 shall be constructed or maintained in the same architectural style as those buildings found within district, and if the building is within the Historical District the review and action by the Historic Preservation Commission will be required.
- E. Parking Requirements.** See Chart 4.
- F. Glare.** No use or operation in CBD-2 District may be located or conducted so as to produce intense glare or direct illumination across the bounding property line from a visible source of illumination nor may any such light be of such intensity as to create a nuisance or detract from the use and enjoyment of adjacent property.

Section 30. Planned Development District 1 – District PD-1

- A. Planned Development District:** The Town Council of the Town of Laguna Vista, hereby create a Planned Development District of designated size permitting, but not limited to, the following uses:
- 1) Shopping center,
 - 2) Residential development with neighborhood services or Mobile Homes within one overall Planned Development District (but restricted to Mobile Homes only),
 - 3) Medical center and hospital
 - 4) Civic center and community center,

- 5) Office center, and all uses allowed under Commercial Districts CBD-1 and CBD-2,
- 6) Recreation center,
- 7) Industrial center,
- 8) A combination of any of the developments listed in 1) through 7) with the exception of Mobile Homes as set out in 2).

B. Requirements Of A Planned Development District: In establishing a Planned Development District in accordance with this section, the Town Council shall require a comprehensive site plan of the development. Such site plan shall be approved and filed as part of the ordinance prior to issuance of any building permit in a Planned Development District. Such required plan and ordinance shall set forth the requirements for ingress and egress to the property, public or private streets or drives with adequate right-of-way to conform with to the thoroughfare plan of the Town of Laguna Vista, sidewalks, utilities, drainage, parking spaces, height of building maximum lot of coverage, yards and open spaces, screening walls or fences and other development and protective requirements considered necessary to create a reasonable transit into and protection of the adjacent property.

C. Planned Development District – Amendment To Ordinance: Every Planned Development District shall be approved under the provisions of this ordinance as applicable to the property involved. In approving the Planned Development District, the Town Council may impose conditions that shall be complied with before a Certificate of Occupancy is issued for the use of the land or any structure which is part of the Planned Development District and such conditions shall not be construed as conditions precedent to the approval of the zoning amendment, but shall be construed as conditions precedent to the granting of a Certificate of Occupancy.

D. Mobile Home Planned Development District: Mobile Homes shall not be permitted in a Planned Development District if a residential development is submitted as a part of such Planned submission. It is the intent of this ordinance to allow either the residential development with neighborhood services or Mobile home planned development with one overall Planned Development District, but not both.

E. Any conflict in ordinances which provides for no mobile homes in Laguna Vista, shall not apply when a Planned Development District has been approved by the Town Council of the Town Laguna Vista, Texas as a mobile home community.

Sections 31 through 59 reserved.

**ARTICLE III.
 PLAN REQUIREMENTS AND SPECIAL PROVISIONS**

Section 60. Construction Plans.

- A. Purpose and Applicability.** Construction Plans provide detailed graphic information and associated text indicating property boundaries, easements, land use, street access, utilities, drainage, off-street parking, lighting, signage, landscaping, vehicle and pedestrian circulation, open spaces, and general conformance with the Master Plan and ordinances of the Town. Construction Plan approval by the Town Engineer shall be required for any development or improvement of land subject to this Ordinance, and not otherwise required by Town's Subdivision Ordinance.
- B. Format.** Construction Plans shall be drawn on twenty-four inch by thirty-six inch (24"x 36") sheets at a generally accepted engineering scale, and sufficient to thoroughly meet the informational requirements herein.
- C. Content.** Construction Plans shall include all of the land proposed to be developed or improved, and any off-site improvements required to accommodate the project. Construction Plans shall contain, or have attached thereto:
- 1) A Cover Sheet, showing
 - (a) Names, addresses and phone numbers as applicable of the record owner and developer and all authorized agents including the architect, engineer, landscape architect, and surveyor.
 - (b) The proposed name of the project.
 - (c) A location map showing the relation of the project to streets and other prominent features in all directions for a radius of at least one (1) mile using a scale of one inch equals two thousand feet (1" = 2,000'). The latest edition of the USGS 7.5 minute quadrangle map is recommended.
 - (d) Certification, revision and signature blocks as required by the Town.
 - (e) The total acreage of the property to be developed.
 - (f) Current zoning district as defined by this Ordinance.
 - (g) An Existing Conditions Plan, showing
 - i. Boundary of existing zoning districts, if applicable.
 - ii. The existing property lines, including bearings and distances, of the land being developed or improved. Property lines shall be drawn sufficiently wide to provide easy identification.
 - iii. The location of existing structures and improvements, if applicable.
 - iv. The accurate location, Caliper and Critical Root Zone of Significant Trees 8-inch Caliper and larger, in relation to the property boundary and, if applicable, within the limits of the proposed offsite improvements.
 - v. Centerline of water courses, creeks, existing drainage structures and other pertinent data shall be shown.
 - vi. Lines delineating the Regulatory One Hundred Year Floodplain, if applicable.
 - vii. Topographic data indicating one (1) foot contour intervals.

- The contoured area shall extend outward from the property boundary for a distance equal to twenty-five percent (25%) of the distance across the tract, but not fewer than fifty (50) feet nor more than two hundred (200) feet.
- viii. The locations, sizes and descriptions of all existing utilities, including but not limited to sewer lines, lift stations, sewer and storm sewer manholes, water lines, water storage tanks, and wells within the property, and/or adjacent thereto. Existing overhead and underground electric utilities shall also be shown.
 - ix. The location, dimensions, names and descriptions of all existing or recorded streets, alleys, reservations, railroads, easements, building setbacks or other public rights-of-way within the property, intersecting or contiguous with its boundaries or forming such boundaries, as determined from existing deed and plat records. The existing right-of-way width of any boundary street to the property shall also be shown.
 - x. Location of Town limits lines and/or outer border of the Town's extra- territorial jurisdiction, as depicted on the Town's most recent base map, if either traverses or is contiguous to the property boundary.
- (h) An Erosion and Sedimentation Control Plan, showing
 - (i) Proposed fill or other structure elevating techniques, levees, channel modifications and detention facilities.
- D.** Existing and proposed topographic conditions with vertical intervals not greater than one (1) foot referenced to a United States Geological Surveyor Coastal and Geodetic Survey bench mark or monument.
- E.** The location, size, and character of all temporary and permanent erosion and sediment controls with specifications detailing all on-site erosion control measures which will be established and maintained during all periods of development and construction.
- F.** Contractor staging areas, vehicle access areas, temporary and permanent spoils storage areas.
- G.** A plan for restoration and for the mitigation of erosion in all areas disturbed during construction.
- 1) A Site Plan, showing all visible improvements to the land, including
 - (a) The location, dimensions, square footage, height, and intended use of existing and proposed buildings on the site.
 - (b) Location, number and dimensions of existing and proposed parking spaces, distinguishing between standard, handicap and van handicap spaces, and calculation of applicable minimum requirements in accordance with this Ordinance.

- (c) The location, type and dimensions of proposed driveways, signs and traffic control devices.
- 2) Compliance with the Town's Transportation policies provided in the Town's Subdivision Ordinance.
- 3) A Grading and Drainage Plan, showing
 - (a) A Drainage Area Map delineating areas to be served by proposed drainage improvements.
 - (b) Detailed design of all drainage facilities, including typical channel or paving section, storm sewers, detention ponds and other storm water control facilities.
 - (c) Accurate cross-sections, plan and profiles of every drainage improvement proposed in a public utility easement and/or public right-of-way.
 - (d) Existing and proposed topographic conditions with vertical intervals not greater than one (1) foot referenced to a United States Geological Survey or Coastal and Geodetic Survey bench mark or monument.
 - (e) All documents containing design computations and any additional information required to evaluate the proposed drainage improvements.
 - (f) Compliance with the Town's drainage policies provided in the Town's Subdivision Ordinance.
- 4) A Utility Plan, showing
 - (a) The layout, size and specific location of proposed water mains and other related structures and in accordance with all current Town standards, specifications, and criteria for construction of water mains.
 - (b) The location of proposed fire hydrants, valves, meters and other pipe fittings.
 - (c) Design details showing the connection with the existing Town water system.
 - (d) The layout, size and specific location of the proposed wastewater lines, lift stations, and other related structures, and in accordance with all current Town standards, specifications, and criteria for construction of wastewater systems.
- 5) Plan and profile drawings for each line in public right-of-way or public utility easements, showing existing ground level elevation at center line of pipe, pipe size and flow line elevation at all bends, drops, turns, station numbers at fifty (50) foot intervals.
- 6) Detailed design for lift stations, special wastewater appurtenances, if applicable.
- 7) Utility demand data, and other attendant documents, to evaluate the adequacy of proposed utility improvements, and the demand on existing Town utilities.
- 8) Compliance with the Town's Utility policies provided in the Town's Subdivision Ordinance.

H. A Building Plan, including floor, building, foundation, and roof plans, and elevations.

I. A Landscape Plan, showing

- 1) Dimensions, types of materials, size and spacing of proposed vegetative materials, planting details and irrigation appurtenances in relation to proposed structures or other significant improvements.
- 2) The following maintenance note: The developer and subsequent owners of the landscaped property, or the manager or agent of the owner, shall be responsible for the maintenance of all landscape areas. Said areas shall be maintained so as to present a healthy, neat and orderly appearance at all times and shall be kept free of refuse and debris. All planted areas shall be provided with a readily available water supply and watered as necessary to ensure continuous healthy growth and development. Maintenance shall include the replacement of all dead plant material if that material was used to meet the requirements of the Subdivision Regulations.
- 3) Compliance with the Town's landscaping and screening requirements of this Ordinance. See Section 61.

J. Construction Details, showing (when applicable)

- 1) Structural retaining walls and/or detention outlet structures
- 2) Storms sewer manhole and covers, typical channel sections, inlets, safety end treatments and headwalls
- 3) Wastewater manholes and covers, cleanouts, grease traps, pipe bedding and backfill
- 4) Water valves, water meters, fire hydrants, thrust blocks, backflow prevention and concrete encasement.
- 5) Driveways, curb and gutter, sidewalks, curb ramps, pavement sections and pavement repair
- 6) Silt fence, rock berms, stabilized construction entrance, inlet protection
- 7) Traffic controls when working in public right-of-way.
- 8) Applicable Town Standard Details and Specifications.

K. Procedure. Construction Plans for the development or improvement of land in the Town limits, not otherwise governed by the Town's Subdivision Ordinance, shall be submitted to the Town for approval prior to the issuance of a Building Permit.

- 1) Two (2) complete sets of Construction Plans shall be submitted to Town staff for review by the Town Engineer at any time prior to the issuance of a Building Permit, along with the following:
- 2) Completed application forms and the payment of all applicable fees.
- 3) A letter requesting any variances from the provisions of this Ordinance.
- 4) Any attendant documents needed to supplement the information provided on the Construction Plans.
- 5) Town staff shall review all Construction Plan submittals for completeness at the time of application. If, in the judgment of Town staff, the Construction Plan submittal substantially fails to meet the minimal informational requirements as outlined above, it will not be accepted for review.
- 6) The Town Engineer shall review the Construction Plans to insure compliance

with this Ordinance, and other applicable Town ordinances, codes, standards and specifications, and good engineering practices.

- 7) Construction Plans may be rejected at any time subsequent to submittal and prior to final approval for failure to meet the minimum informational requirements of this Ordinance.
- L. Approval.** Within thirty (30) days of the date on which all required information has been accepted for review, the Town Engineer shall either approve or disapprove the Construction Plans. If the Construction Plans are disapproved, the Town Engineer shall notify the applicant, in writing, of disapproval and indicate the requirements for bringing the Construction Plans into compliance. If Construction Plans are approved, then the Town Engineer shall sign the cover sheet of the Construction Plans, returning one (1) signed copy to the applicant and retaining the other signed copy for Town records.
- 1) Specific approvals required from other agencies shall be obtained by the owner.
 - 2) All improvements shown in the approved Construction Plans shall be constructed pursuant to and in compliance with the approved plans, except as otherwise specifically approved.
 - 3) It shall be the right of the applicant seeking Construction Plan approval, to appeal a decision of the Town Engineer to the Commission and have a final decision rendered by the Commission.
- M. Revision.** Where necessary, due to unforeseen circumstances, for corrections to be made to Construction Plans for which approval has already been obtained, the Town Engineer shall have the authority to approve such corrections when, in his/her opinion, such changes are warranted and also in conformance with Town requirements. Approval of such changes agreed to between the developer and Town Engineer shall be noted by initialing and dating by both parties on the two (2) original signed copies of the Construction Plans.
- N. Responsibility.** Notwithstanding the approval of any Construction Plans by the Town Engineer or the Commission, the developer and the engineer that prepares and submits such plans and specifications shall be and remain responsible for the adequacy of the design of all such improvements; and nothing in this Ordinance shall be deemed or construed to relieve or waive the responsibility of the developer and his/her engineer for or with respect to any design, plans and specifications submitted.
- O. Expiration.** Unless a longer time shall be specifically established as a condition of approval, Construction Plan approval shall expire twelve (12) months following the date on which such approval became effective, unless prior to the expiration, a Building Permit is issued and construction is commenced and diligently pursued toward completion.
- P. Extension.** Construction Plan approval may be extended if the developer submits a written request for extension and continuance of the plan as approved by the Town prior to expiration. Approval of any such extension request shall be automatic one (1)

time only for a period of twelve (12) months.

Section 61. Landscaping and Screening Requirements.

- A. Purpose.** The purpose of this Section is, in conjunction with the other requirements of this Ordinance, to promote and support the orderly, safe, attractive and healthful development of land located within the community, and to promote the general welfare of the community by preserving and enhancing ecological, environmental and aesthetic qualities, through established requirements for the installation and maintenance of landscaping elements and other means of site improvements in developed properties. The following are additional factors considered in establishing the requirements of this Section:
- 1) Paved surfaces, automobiles, buildings and other improvements produce increases in air temperatures, a problem especially noticeable in this southern region, whereas plants have the opposite effect through transpiration and the creation of shade. Likewise, impervious surfaces created by development generate greater water runoff causing problems from contamination, erosion and flooding. Preserving and improving the natural environment and maintaining a working ecological balance are of increasing concern. The fact that the use of landscape elements can contribute to the processes of air purification, oxygen regeneration, water absorption, water purification, and noise, glare and heat abatement as well as the preservation of the community's aesthetic qualities indicates that the use of landscape elements is of benefit to the health, welfare and general well-being of the community and, therefore, it is proper that the use of such elements be required.
 - 2) The Town experiences frequent droughts and periodic shortages of adequate water supply; therefore, it is the purpose of this Section to require the use of drought resistant vegetation that does not consume large quantities of water. (See Exhibit B: *Grow Green: Native and Adapted Landscape Plants*)
- B. Installation and Plan.** All landscape materials shall be installed according to American Association of Nurserymen (AAN) standards. An approved landscape plan shall be required for all new development in any zoning districts.
- C. Maintenance.** The owner of the landscaped property shall be responsible for the maintenance of all landscape areas. Said areas shall be maintained so as to present a healthy, neat and orderly appearance at all times and shall be kept free of refuse and debris. All planted areas shall be provided with a readily available water supply and watered as necessary to ensure continuous healthy growth and development. Maintenance shall include the replacement of all dead plant material if that material was used to meet the requirements of this Section.
- 1) All property within the Town limits will adhere to Town Drought Management Program when watering.
- D. Planting Criteria.**
- 1) Trees. Trees shall be a minimum of four (4) inches in caliper measured three (3) Feet above finished grade immediately after planting. A list of recommended landscape trees may be obtained from the Town. If the

developer chooses to substitute trees not included on the recommended list, those trees shall have an average mature crown greater than fifteen (15) feet in diameter to meet the requirements of this Section. Trees having an average mature crown less than fifteen (15) feet in diameter may be substituted by grouping trees so as to create at maturity the equivalent of a fifteen foot (15) diameter crown if the drip line area is maintained. A minimum area three (3) feet in radius is required around the trunks of all existing and proposed trees.

- 2) **Shrubs and Ground Cover.** Shrubs, vines and ground cover planted pursuant to this section shall be good, healthy nursery stock. Shrubs must be, at a minimum, a one (1) gallon container size and be drought resistant species. This applies to all zoning classifications.
- 3) **Lawn Grass.** In order to limit the volume of water required for the turf, it is required that grass areas be planted with drought resistant species normally grown as permanent lawns, such as Bermuda, Zoysia, Buffalo or other similar drought resistant grasses. Grass areas may be sodden, plugged, sprigged or seeded except that solid sod shall be used in areas subject to erosion. This applies to all zoning classifications.
 - a) Other low water requirement turf products will be considered and may be approved by a designated Town official or body on a case-by-case basis.
 - b) These requirements for specific types of turf are adopted to establish conservation practices under the Drought Management Plan of the Town.
 - c) The requirements set forth in this Subsection 61D3 shall not prohibit the installation or planting of any turf not described in this Subsection (a "non-conforming turf") if at least 50% of the non-impervious cover area of the lot or parcel was planted with a non-conforming turf prior to the effective date of this Ordinance and the same non-conforming turf is being installed or planted.
 - d) **Synthetic Plants.** Synthetic or artificial lawns or plants shall not be used in lieu of plant requirements in this section.
 - e) **Architectural Planters.** The use of architectural planters may be permitted in fulfillment of landscape requirements.
 - f) **Other.** Any approved decorative aggregate or pervious brick pavers shall qualify for landscaping credit if contained in planting areas, but no credit shall be given for concrete or other impervious surfaces.

E. Landscaping Requirements. A minimum percentage of the total lot area shall be devoted to landscape development in accordance with the following schedule.

	Zoning and/or Proposed Land Use	Percentage
(1)	RS1, RM2; CBD-1	20%
(3)	CBD-2;	15%

(4)	Agricultural	None
(5)	Private & Public Park / Public Area	20%

***Note:** Minimum landscape requirements for each lot on which a single-family, duplex, tri-plex or four-plex dwelling, or a manufactured home, is constructed or installed after the date of this ordinance shall be a minimum of two (2) four-inch trees, six (6) two-gallon shrubs and lawn grass from the front property line to the front two (2) comers of the structure all plants shall be of native and adapted species and drought resistant. Residential structures on Reverse Frontage Lots shall also be required to screen the rear of the structure from the abutting highway, access road, or other public right-of-ways.

- F. Exceptions.** Exceptions to these provisions may be granted by the Commission and/or Council to require a lesser amount of landscaping if the aesthetic buffering and environmental intent of this Ordinance is met, and the reduction of the landscape area results in the preservation of natural features having comparable value to the reduced landscape requirements.
- G. Placement.** Landscaping shall be placed upon that portion of a tract or lot that is being developed. Fifty percent (50%) of the required landscaped area and required plantings shall be installed between the front property lines and the building being constructed. Undeveloped portions of a tract or lot shall not be considered landscaped, except as specifically approved by the Commission. Landscaping placed within public right-of-ways shall not be credited to the minimum landscape requirements by this Section.
- H. Credit.** The Building Official and /or Town Engineer shall, with respect to the issuance of a building permit or approval of a construction or site development plan, give a credit against the requirements of this Section for trees preserved on the site. Provided that, in order to reward the preservation of Significant Tees, a credit may be given for such preservation only if no more than fifty percent (50%) of the Critical Root Zone is disturbed or distressed with impervious cover; and provided further that the remaining Critical Root Zone must consist of at least one hundred (100) square feet.
- I. Additional Required Plantings.** For every six hundred (600) square feet of landscape area required by this Section, two (2) trees and four (4) shrubs shall be planted. To reduce the thermal impact of un-shaded parking lots, additional trees shall be planted, if necessary, so that no parking space is more than 50 feet away from the trunk of a tree, unless otherwise approved by the Commission.
- J. Replacement of Required Trees.** Upon the death or removal of a tree planted pursuant to the terms of this Section, a replacement tree of equal size and type shall be required to be planted. A smaller tree that will have a mature crown similar to the tree removed may be substituted if the planting area or pervious cover provided for

the larger tree in this Section is retained.

- K. Screening.** The following requirements shall be in addition to the foregoing landscaping and planting requirements.
- 1) All off-street parking, loading spaces and docks, outside storage areas, satellite dishes larger than 18 inches in diameter, antennas, mechanical equipment, and the rear of structures on reverse frontage lots, must be screened from view from the street or public right-of-ways.
 - 2) Approved screening techniques include privacy fences, evergreen vegetative screens, landscape berms, existing vegetation or any combination thereof.
 - 3) Privacy Fences.
 - a) All fences required by this subsection and along a common property boundary shall be six (6) feet in height.
 - b) Fences up to eight (8) feet in height, but not less than six (6) feet, shall be allowed for impeding access to hazardous facilities including, but not limited to, electrical substations, swimming pools and chemical or equipment storage yards, where the slope of a line drawn perpendicular to the fence line averages twenty percent (20%) or more on either side of the fence over a distance no less than fifteen (15) feet, or where the fence forms a continuous perimeter around a subdivision and the design of said perimeter fence is approved by the Commission.
 - c) Fences less than or equal to three (3) feet in height shall be allowed in front yards.
 - d) No fence or other structure more than thirty percent (30%) solid or more than three (3) feet high shall be located within twenty-five (25) feet of the intersection of any rights- of-way.
 - e) All fences shall be constructed to maintain structural integrity against natural forces such as wind, rain and temperature variations.
 - f) The finished side of all fences built to comply with these regulations shall face away from the screened object.
 - 4) Evergreen Vegetative Screens. Evergreen plant materials shall be shrubs, at least thirty (30) inches in height and at a minimum spacing of 48 inches at the time of installation. Shrubs may be used in combination with landscape trees to fulfill the requirements of this Section.
 - 5) Landscape Berms. Landscape berms may be used in combination with shrubs and trees to fulfill the screening requirements of this Section if the berm is at least three (3) feet in height and has a maximum side slope of four (4) feet of horizontal run for every one (1) foot in vertical rise.
 - 6) Native Vegetation. Existing vegetation, demonstrating significant visual screening capabilities and as approved by the Commission may fulfill the requirements of this Section.

Section 62. Reserved.

Section 63. Conditional Use Permits.

- A. Purpose.** The Town Council may by ordinance, adopted by five (5) affirmative votes after receiving the recommendation of the Commission, grant a conditional use permit in compliance with this Section for the conditional uses as listed in (b) below. The Town Council may impose appropriate conditions and safeguards, including a specified period of time for the permit, to protect the Comprehensive Plan and to conserve and protect property and property values in the neighborhood.
- B. Authorized Conditional Uses.** The following listed conditional uses, and none other, may be authorized subject to the terms of this subsection and compliance with all conditional terms, regulations and requirements established by the Town Council.
- 1) Heliport.
 - 2) Municipal service facilities and buildings (All Districts);
 - 3) Circus or carnival; but not within three hundred (300) feet of any Residential District);
 - 4) Hospital, clinic or institution, provided that any hospital or institution permitted in any Residential District shall be located on a site of not less than five (5) acres, shall not occupy more than ten percent (10%) of the total lot area and shall be set back from all property lines at least two (2) feet for each foot of building height (All Districts);
 - 5) Private operated community building or recreation field (All Districts);
 - 6) Telephone, Radio or television broadcasting tower or station.
 - 7) Churches (All Districts where not otherwise specifically permitted);
 - 8) Cemeteries (A.; CBD-2;)
 - 9) Schools - Public and Denominational -Not Daycare (All Districts where not otherwise specifically permitted);
 - 10) Manufactured Homes - In the limited areas as specifically authorized by this Ordinance; and
 - 11) Alcoholic Beverages-On Premises and Alcoholic Beverages-Mixed Drink for those specific uses and in the specific zoning districts (CBD-1 and 2).
- C. Procedure.** Before authorization of any of the above conditional uses, public notice shall be given and public hearings shall be held as provided in *Chapter. 211, Tex. Loc. Gov't. Code*; provided that a conditional use permit for a period not to exceed seven (7) calendar days may be given for a use set forth in (B)(3) above after a public hearing is held by the Town Council after having received a report and recommendation from the Commission concerning the effect of the proposed use on the adjacent and neighboring properties and neighborhoods.

Section 64. Non-Conforming Uses.

- A. General Policy.** The general public, the Town Council and the Commission are directed to take note that nonconformities in the use and development of land and buildings are to be avoided, or eliminated where now existing, whenever and wherever possible, except:
- 1) When necessary to preserve property rights established prior to the date these regulations become effective as to the property in question; and
 - 2) When necessary to promote the general welfare and to protect the character

of the surrounding property.

- B. Nonconforming Structures.** Where a lawful structure exists on the effective date of the adoption or amendment of this Section, that could not be built under the terms of this Section by reason of restrictions on permitted use, area, lot coverage, height, years, its locations on the lot, or other requirements concerning the structure, such structure may be continued as long as it remains otherwise lawful, subject to the following provisions:
- 1) No such nonconforming structure may be enlarged or altered in a way which increases its structural nonconformity, but any structure or portion thereof may be altered to decrease its structural non-conformity.
 - 2) Should such nonconforming structure or nonconforming portions of a structure be damaged by any means to an extent of more than fifty (50) percent of its replacement cost at the time of destruction, it shall not be reconstructed except in conformity with this ordinance.
 - 3) Should such structure be moved for any reason for any distance whatsoever, it shall thereafter conform to the regulations of the district in which it is located after it is moved.
- C. Nonconforming Uses.** A nonconforming use may be continued as long as it remains otherwise lawful, subject to the following provisions:
- 1) No existing structure devoted to a nonconforming use shall be enlarged, extended, constructed or reconstructed.
 - 2) The use of the structure shall only be changed to a use permitted in the district in which it is located.
 - 3) A nonconforming use that has been discontinued may be resumed only if there has been no other use of the premises or structure since the nonconforming use was discontinued, and such use was not discontinued for a period of ninety (90) days or more; provided that if a use is discontinued temporarily for remodeling of a building and a building permit for the remodeling is taken out within sixty (60) days from the date the use is discontinued the period shall be 180 days from the from the date the use is discontinued.
 - 4) Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of this ordinance, but no such use shall be extended to any land outside such building.
 - 5) Removal or destruction of a structure containing a nonconforming use shall eliminate the nonconforming use status. Destruction for the purpose of this subsection is defined as damage equal to more than fifty (50) percent of the replacement cost of the structure.
 - 6) A nonconforming use shall not terminate upon any sale or conveyance of the Property as long as the nonconforming use continues through any sale or conveyance.
- D. Repairs and Maintenance.** On any nonconforming structure, or nonconforming portion of a structure, containing a nonconforming use, repairs and maintenance shall be performed to maintain the structure in compliance with the electrical,

plumbing and building codes; provided that such repairs and maintenance shall be subject to the following conditions and limitations:

- 1) No work may be done in any period of twelve (12) consecutive months on ordinary repairs, or on repair or replacement of non-load-bearing walls, fixtures, wiring or plumbing, to an extent exceeding twenty-five (25) percent of the current replacement cost of such structure or nonconforming portion of such structure.
- 2) If fifty (50) percent or more of the nonconforming structure containing a nonconforming use becomes physically unsafe or unlawful due to lack of repairs or maintenance, and is declared by a duly authorized official to be unsafe or unlawful by reason of physical condition, it shall not thereafter be restored, repaired or rebuilt except in conformity with the regulations of the district in which it is located.

Section 65. Sexually Oriented Businesses.

- A. Purpose and Intent.** It is the purpose of this Section of the Zoning Ordinance to regulate sexually oriented businesses to promote the health, safety, morals, and general welfare of the citizens of the Town, and to establish reasonable and uniform regulations to prevent the deleterious location and concentration of sexually oriented businesses within the Town. The provisions of this portion of the ordinance have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials, including sexually oriented materials. Similarly, it is not the intent nor effect of this ordinance to restrict or deny access by adults to distributors and exhibitors of sexually oriented entertainment to their intended market. Neither is it the intent nor effect of this ordinance to condone or legitimize the distribution of obscene materials,
- B. Definitions.** The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning.
 - 1) "Adult Arcade" means any place to which the public is permitted or invited wherein coin-operated or slug-operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by the depicting or describing of specified sexual activities or specified anatomical areas.
 - 2) "Adult Bookstore" or "Adult Video Store" means a commercial establishment which, as one of its principal business purposes, offers for sale or rental for any form of consideration anyone or more of the following:
 - a) books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes or video reproductions, slides, or other visual representations which depict or describe specified sexual activities or specified anatomical areas; or
 - b) Instruments, devices, or paraphernalia which are designed for use in connection with specified sexual activities.

- c) A commercial establishment may have other principal business purposes that do not involve the offering for sale or rental of material depicting or describing "specified sexual activities" or "specified anatomical areas" and still be categorized as an Adult Bookstore or Adult Video Store. Such other business purposes will not serve to exempt such commercial establishments from being categorized as an Adult Bookstore or Adult Video Store so long as either:
 - i. two percent (2%) or more of its gross revenue is derived from the sale or rental of the specified materials which depict or describe specified sexual activities or specified anatomical areas; or
 - ii. Two percent (2%) or more of its inventory consists of the specified materials which depict or describe specified sexual activities or specified anatomical areas.
- 3) "Adult Cabaret" means a nightclub, bar, restaurant, or similar commercial establishment which regularly features:
 - a) persons who appear in a state of nudity; or
 - b) live performances which are characterized by the exposure of specified anatomical areas or by specified sexual activities; or
 - c) Films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of specified sexual activities or specified anatomical areas.
- 4) "Adult Motel" means a hotel, motel or similar commercial establishment which:
 - a) offers accommodations to the public for any form of consideration; provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of specified sexual activities or specified anatomical areas; and has a sign visible from the public right of way which advertises the availability of this adult type of photographic reproductions; or
 - b) offers a sleeping room for rent for a period of time that is less than ten (10) hours; or
 - c) Allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than ten (10) hours.
- 5) "Adult Motion Picture Theater" means a commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, slides, or similar photographic reproductions are regularly shown which are characterized by the depiction or description of specified sexual activities or specified anatomical areas.
- 6) "Adult Theater" means a theater, concert hall, auditorium, or similar commercial establishment, which regularly features persons who appear in a state of nudity or live performances, which are characterized by the exposure of specified anatomical areas or by specified sexual activities.
- 7) "Escort" means a person who, for consideration, agrees or offers to act as a

- companion, guide, or date for another person, or who agrees or offers to privately model lingerie or to privately perform a striptease for another person.
- 8) "Escort Agency" means a person or business association who furnishes, offers to furnish, or advertises to furnish escorts as one of its primary business purposes for a fee, tip, or other consideration.
 - 9) "Establishment" means and includes any of the following:
 - a) the opening or commencement of any sexually oriented business as a new business;
 - b) the conversion of an existing business, whether or not a sexually oriented business, to any sexually oriented business;
 - c) the addition of any sexually oriented business to any other existing sexually oriented business; or
 - d) The relocation of any sexually oriented business.
 - 10) "Permittee" means a person in whose name a conditional use permit to operate a sexually oriented business has been issued and the person who owns the building and/or land on which the business is located, as well as the individual listed as an applicant on the application for a permit,
 - 11) "Nude Model Studio" means any place where a person who appears in a state of nudity or displays specified anatomical areas is provided to be observed, sketched, drawn, painted, sculptured, photographed. Or similarly depicted by other persons who pay money or any form of consideration.
 - 12) "Nudity" or a "State of Nudity" means the appearance of a human bare buttock, anus, male genitals, female genitals, or female breast.
 - 13) "Person" means an individual, proprietorship, partnership, corporation, association, or other legal entity.
 - 14) "Semi-Nude" means a state of dress in which clothing covers no more than the genitals, pubic region, and areola of the female breast, as well as portions of the body covered by supporting straps or devices.
 - 15) "Sexual Encounter Center" means a business or commercial enterprise that, as one of its primary business purposes, offers any of the following for consideration:
 - a) physical contact in the form of wrestling or tumbling between persons of the opposite sex; or
 - b) Activities between male and female persons and/or persons of the same sex when one or more of the persons is in a state of nudity or semi- nude.
 - 16) "Sexually Oriented Business" means an adult arcade, adult bookstore or adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, escort agency, nude model studio, or sexual encounter center.
 - 17) "Specified Anatomical Areas" means the male genitals in a state of sexual arousal and/or the vulva or more intimate parts of the female genitals.
 - 18) "Specified Sexual Activities" means and includes any of the following:
 - a) The fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts;
 - b) Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy;

- c) Masturbation, actual or simulated; or
 - d) Excretory functions as part of or in connection with any of the activities set forth in (a) through (c) above.
- 19) "Substantial Enlargement" of a sexually oriented business means the increase in floor area occupied by the business by more than twenty-five (25%) percent, as the floor area existed on the effective date of this Ordinance, or under a certificate of occupancy therefore,
- 20) "Transfer of Ownership or Control" of a sexually oriented business means and includes any of the following:
- a) the sale, lease or sublease of the business;
 - b) the transfer of securities which constitute a controlling interest in the business, whether by sale, exchange, or similar means; or
 - c) the establishment of a trust, gift, or other similar legal device which transfers the ownership or control of the business, except for transfer by bequest or other operation of law upon the death of the person possessing the ownership or control.
 - d) Classification. Sexually oriented businesses are classified as follows:
 - i. adult arcades;
 - ii. adult bookstores or adult video stores;
 - iii. adult cabarets;
 - iv. adult motels;
 - v. adult motion picture theaters;
 - vi. adult theaters;
 - vii. escort agencies;
 - viii. nude model studios; and
 - ix. sexual encounter centers.
- C. Location. This Ordinance allows the opportunity for consideration of conditional use permits to be issued for sexually oriented businesses in CBD-2 zoning district only.
- 1) The following uses may be permitted within the Town by conditional use permit only in the CBD2 zoning districts.
 - a) adult arcades;
 - b) adult bookstores or adult video stores;
 - adult cabarets;
 - c) adult motels;
 - d) adult motion picture theaters;
 - e) adult theaters;
 - f) escort agencies;
 - g) nude model studios; and
 - 2) Sexual encounter centers.
 - 3) No use listed in subsection C1 & C2 above shall be established within two thousand five hundred (2,500) feet of any of the following uses in existence prior to the beginning of such business:
 - a) a church, chapel, or other regular place of religious worship;
 - b) a public or private elementary, secondary school or institute of higher learning;
 - c) a boundary of any residentially zoned district;
 - d) a public park or playground;

- e) the property line of a lot used for residential purposes; or
- f) within one thousand (1,000) feet of another sexually oriented business.

D. For the purpose of this Section, measurement shall be made 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 sexually oriented business is conducted, to the nearest property line of the premises of a church, public or private elementary or secondary school, institute of higher learning, nearest boundary of a public park or playground or residential lot; or from the closest exterior wall of the structure in which the business is proposed to be located to the nearest exterior wall of any other sexually oriented business.

E. Sexually Explicit Films and Videos.

- 1) A person who operates or causes to be operated a sexually oriented business, other than an adult motel, which exhibits on the premises in a viewing room of less than one hundred fifty (150) square feet of floor space, a film, video cassette, or other video reproduction which depicts specified sexual activities or specified anatomical areas, shall comply with the following requirements:
- 2) The application for a conditional use permit for a sexually oriented business shall be accompanied by a diagram of the premises showing a plan thereof specifying the location of one or more manager's stations and the location of all overhead lighting fixtures and designating any portion of the premises in which patrons will not be permitted. A manager's station may not exceed thirty-two (32) square feet of floor area. The diagram shall also designate the place at which the permit will be conspicuously posted, if granted. A professionally prepared diagram in the nature of an engineer's or architect's blueprint shall not be required; however, each diagram should be oriented to the north or to some designated street or object and should be drawn to a designated scale or with marked dimensions sufficient to show the various internal dimensions of all areas of the interior of the premises to an accuracy of plus or minus one (1) foot. The Building Official may waive the foregoing diagram for renewal applications if the applicant adopts a diagram that was previously submitted and certifies that the configuration of the premises is correct and has not been altered since it was prepared.
- 3) The application shall be sworn to be true & correct by the applicant.
- 4) No alteration in the configuration or location of a manager's station may be made without the prior approval of an amendment to the conditional use permit.
- 5) It is the duty of the owners and operator of the premises to ensure that at least one employee is on duty and situated in each manager's station at all times that any patron is present inside the premise.
- 6) The interior of the premises shall be configured in such a manner that there is an unobstructed view from a manager's station of every area of the premises to which any patron is permitted access for any purpose excluding restrooms. Restrooms may not contain video reproduction equipment. If the premises has two or more manager's stations designated, then the interior of the premises shall be configured in such a manner that there is an unobstructed view of each area of the premises to which any patron is

permitted access for any purpose from at least one of the manager's stations. The view required in this subsection must be by direct line of sight from the manager's station.

- 7) It shall be the duty of the owners and operator, and it shall also be the duty of any agents and employees present in the premises to ensure that the view area specified in the above subsection (E) remains unobstructed by any doors, walls, merchandise, display racks or other materials at all times and to ensure that no patron is permitted access to any area of the premises which has been designated as an area in which patrons will not be permitted in the application filed pursuant to Subsection (A) of this subsection.
- 8) No viewing room may be occupied by more than one person at any time.
- 9) The premise shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place to which patrons are permitted access at an illumination of not less than one (1.0) foot-candle as measured at the floor level.
 - a) It shall be the duty of the owners and operator and it shall also be the duty of any agents and employees present in the premises to ensure that the illumination described above is maintained at all times that any patron is present in the premises.
 - b) A person having a duty under subsections (1) through (9) of subsection E above commits a misdemeanor if he or she knowingly fails to fulfill that duty.

F. Exemptions.

It is a defense to prosecution under this Section that a person appearing in a state of nudity did so in a modeling class operated:

- 1) by a proprietary school, licensed by the State of Texas; a college, junior college, or university supported entirely or partly by taxation;
- 2) by a private college or university which maintains and operates educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation; or
- 3) in a structure:
 - a) which has no sign visible from the exterior of the structure and no other advertising that indicates a nude person is available for viewing; and
 - b) where, in order to participate in a class a student must enroll at least three (3) days in advance of the class; and
 - c) where no more than one nude model is on the premises at any one time.

G. Specific Violations. A person commits a misdemeanor if he or she:

- 1) Operates or causes to be operated a sexually oriented business without a conditional use permit. All sexually oriented businesses shall be located within the CBD-2 zoning district.
- 2) operates or causes to be operated a sexually oriented business within twenty five hundred (2,500) feet of any of the following uses in existence prior to the beginning of such business:
 - a) a church, chapel, or other regular place of religious worship;
 - b) a public or private elementary, secondary school or institute of

- higher learning;
 - c) a boundary of any residentially zoned district;
 - d) a public park or playground; or
 - e) the property line of a lot used for residential purposes.
 - 3) Causes or permits the operation, establishment, substantial enlargement, or transfer of ownership or control of a sexually oriented business within one thousand (1,000) feet of another sexually oriented business.
 - 4) Causes or permits the operation, establishment, or maintenance of more than one sexually oriented business in the same building, structure, or portion thereof, or the increase of floor area of any sexually oriented business in any building, structure, or portion thereof containing another sexually oriented business.
 - 5) for the purpose of this ordinance, measurement shall be made in a straight line, without regard to intervening structures or objects, from the nearest portion of the building or structure in which any, or any part of any, sexually oriented business is conducted, to the nearest property line of the premises of a church, public or private elementary or secondary school, institute of higher learning, the nearest boundary of a public park or playground, or residential lot.
- H. For purposes of Subsection (D) of this section the distance between any two sexually oriented businesses shall be measured in a straight line, without regard to intervening structures or objects, from the closest exterior wall of the structure in which each business is located.
- I. Nonconforming Uses. Any sexually oriented business lawfully operating on the effective date of this ordinance that is in violation of this Section shall be deemed a nonconforming use.
 - 1) The nonconforming use will be permitted to continue for a period not to exceed two years, unless sooner terminated for any reason or voluntarily discontinued for a period of thirty (30) days or more. Such nonconforming uses shall not be increased, enlarged, extended or altered except that the use may be changed to a conforming use. If two or more sexually oriented businesses are within 1,000 feet of one another and otherwise in a permissible location, the sexually oriented business which was first established and continually operating at a particular location is the conforming use and the later-established business is nonconforming.
 - 2) A sexually oriented business lawfully operating as a conforming use is not rendered a nonconforming use by the location, subsequent to the grant of a conditional use permit for a sexually oriented business, of a church, public or private elementary or secondary school, institute of higher learning, public park or playground, or a residential lot within one thousand (1,000) feet of the sexually oriented business. This provision applies only to the renewal of a valid permit, and does not apply when an application for a permit is submitted after a permit and/or license has expired or has been revoked.

Section 66. Conditional Use Overlay Districts.

A. Purpose.

- 1) The purpose of this Section is to establish four Conditional Use Overlay

Districts to maintain a high character and quality of community development, to promote compatible use and standards, to preserve and enhance property values, to promote economic growth, to provide for orderly development, to provide for proper movement of traffic, and to secure the general safety of citizens by regulating the exterior architectural characteristics of structures and the characteristics of the property as a whole throughout each of the hereinafter defined Conditional Use Overlay Districts.

- 2) The Conditional Use Overlay Districts will assist the community to recognize and preserve the distinctive architectural character of this community, which has been greatly influenced by the architecture of an earlier period in this community's history. This purpose shall be served by the regulation of exterior design, use of materials, the finish grade line, ingress and egress, and landscaping and orientation of all structures hereinafter altered, constructed, reconstructed, reacted, enlarged, remodeled, removed, or demolished in the hereafter defined Conditional Use Overlay Districts.
 - 3) It is the further intent of this Section that, in order to coordinate and expedite the permits, review and time required for compliance with this Section and all other applicable Town, State, and federal ordinances, codes, laws, rules, and regulations, the applicant for a Conditional Use Permit under this Section may combine such application with the application for a Site Plan approval, in order that both applications may be considered and acted upon on substantially the same schedule.
- B. Conditional Use Permit Required.** A Conditional Use Permit shall be required prior to the construction or erection of any new structure for a commercial, retail, or business use within one of the Overlay Districts. And, a Conditional Use Permit shall be required prior to any existing structure within one of the Overlay Districts being altered, reconstructed, enlarged, or remodeled for a Commercial, retail, or business use, which altering or remodeling would increase or decrease the total gross building area by fifty percent (50%) or more; and if such work requires any additional curb cut, or the reconstruction, enlargement, remodeling, or alteration of the exterior design, material, material, finish grade line, landscaping, or orientation of the structure. The Conditional Use Permit shall be in addition to and not in lieu of the required Site Plan and appropriate underlying zoning required for the proposed use.
- C. Jurisdiction and Procedure.** The Planning and Zoning Commission (the Commission) shall receive, consider and act upon all applications for a Conditional Use Permit, The Commission shall recommend that Town Council approve or disapprove the issuance of Conditional Use Permits within the Overlay Districts. The issuance of a Conditional Use Permits zoning, and the Commission shall comply with the notice, hearing, and procedure requirements required for zoning and rezoning property.
- D. Application and Fees.**
- 1) Applications for Conditional Use Permits under this Section shall be made in the same manner as are applications for rezoning, The fee for a Conditional Use Permit shall be one hundred and fifty dollars (\$150.00) plus three (\$3.00) per acre or part thereof. The administrative staff shall follow the same procedure as is followed for a rezoning application. Such fee shall be in addition to any other applicable fees or charges.
 - 2) Applications for Conditional Use Permits in one of the Overlay Districts shall

be accompanied by a site plan and building elevations drawn to scale showing at a minimum, the lot dimensions, size, shape, and dimensions of the proposed and/or existing structure(s); the location and orientation of the structure(s) on the lot and the actual or proposed building setback lines; and all points of ingress and egress. Applications for structures to be constructed or remodeled, which remodeling would increase or decrease the total gross building area by fifty percent (50%) or more, shall be accompanied by appropriate, relevant colored elevations showing at a minimum, the design, use of materials, finish grade line, landscaping, and orientation of the buildings and any significant architectural features. In addition, the Commission may require the submission of colored perspectives or architectural renderings in applications where the Commission finds it useful.

E. Standards for Review.

- 1)** The Commission shall determine whether the application and project is consistent and compliant with the terms and intent of this Section, the Zoning Ordinance, the Site Development Plan Ordinance, and all other codes and ordinances of the Town before making its recommendation to the Town Council. The Commission will determine if the proposed use, occupancy and structure will promote, preserve, and enhance, and will not damage or detract from the distinctive character of the community; will preserve and protect property values and taxable values; will not be detrimental or inconsistent with neighboring uses and occupancies; will not be detrimental to the general interests of the citizens; and will not be detrimental to the public health, safety and welfare. In conducting its review, the Commission shall make examination of and give consideration to the traffic flow, development density, neighboring historical designs, neighboring uses, and elements of the application including, but not limited to;
 - a)** Height, which shall conform to the requirements of this Ordinance;
 - b)** Building mass, which shall include the relationship of the building width to its height and depth, and its relationship to the visual perception;
 - c)** Exterior detail and relationships, which shall include all projecting and receding elements of the exterior, including, but not limited to, porches and overhangs and the horizontal or vertical expression which is conveyed by these elements;
 - d)** Roof shape, which shall include type, form, and materials;
 - e)** Materials, texture, and color, which shall include a consideration of material compatibility among various elements of the structure;
 - f)** Compatibility of design and materials, which shall include the appropriateness of the use of exterior design details;
 - g)** Landscape design and plantings. which shall include lighting and the use of landscape details to highlight architectural features or screen or soften undesirable views;
 - h)** Vehicular and pedestrian access, which shall include location, width, and type of surface for all points of ingress and egress;
 - i)** Signage, which shall include, in addition to the requirements of Ordinance No. 356, the appropriateness of signage to the building

- in relation location, historical significance of the structure and neighboring structures, traffic visibility; obstruction of views from neighboring property;
- j) Exterior lighting, which shall include location, type, and/or design of lighting and/or lighting fixtures to be used.
 - 2) The Commission may request from the applicant such additional information, sketches, and data as it shall reasonably require. It may call upon experts and specialists for testimony and opinion regarding matters under examination. It may recommend to the applicant changes in the plans it considers desirable and may accept a voluntary amendment to the application to include or reflect such changes. The Commission shall keep a record of its proceedings and shall attach to the application copies of information, sketches, and data needed to clearly describe any amendment to the application. If the Commission request additional information such will automatically extend the time which the Commission is required to make a recommendation to the Town Council. The extension of time shall equal the time taken by the applicant to file requested materials with the Town Manager, plus ten (10) days for review, consideration and a public meeting by the Commission.
 - 3) When its review is concluded, the Commission will determine by a vote of its members, whether it will recommend the Town Council approve or disapprove the Conditional Use Permit, Subsequently, if the Conditional Use Permit is granted by the Town Council, the applicant shall be required to obtain a building permit) and/or a development permit if required provided all other requirements for a building permit and/or a development permit are met. The building permit(s) and/or a development proposal as approved shall be valid from one (1) year from the date of approval. The Commission may grant an extension of the one year limitation if sufficient documentation can be provided to warrant such an extension. If the Town Council does not approve the Conditional Use Permit, the Town Manager shall notify the applicant via certified mail that the Conditional Use Permit is denied. The applicant may thereafter modify and amend the development and site plan and make application for the Conditional Use Permit based on the modified and amended plan.
- F.** Repair or Maintenance Exception. This Section shall not be construed to prevent any ordinary repair or maintenance of an exterior architectural feature or any ordinary planting or landscaping.
- G.** Scheduling and Action. Provided that an administratively complete application is timely made, and all applicable fees are paid, the Commission shall decide all applications for a Conditional Use Permit under this Section no later than thirty (30) days after the public hearing. Upon the Commission majority vote making a recommendation to the Town Council, and upon the Commission failing to make its recommendation to the Town Council within the required time period from the date of the public hearing on an administratively complete application, unless extended as provided herein or requested in writing otherwise by the applicant, the Town Manager shall cause proper notices to be given and the matter to be placed on the agenda of the Town Council for public hearing and final action by the Town Council, as on any other zoning application.

Sections 67 TO -69 Reserved

ARTICLE IV. ADMINISTRATION

Section 70. General.

The Town Building Official shall administer the provisions of this Ordinance, and in furtherance of such authority, the Town Building Official shall:

- 1) Records. Maintain permanent and current records with respect to this Ordinance, including amendments thereto.
- 2) Applications. Receive, file, and review all zoning applications to determine whether such plats comply with this Ordinance.
- 3) Commission. Forward zoning applications to the Commission as required by this Ordinance, together with its recommendations thereon.
- 4) Council. Forward zoning applications to the Council, together with the recommendations of the Commission and the Town staff.
- 5) Implementation. Make such other determinations and decisions as may be required of the Town by this Ordinance, the Commission or the Council; and enforce and implement this Ordinance and the final decisions by the Commission and Town Council.

Section 71. Ordinance Interpretation.

In the interpretation and application of the terms and provisions of this Ordinance, the following regulations shall govern:

- A. **Liberally Construed.** In the Town's interpretation and application, the provisions of this Ordinance shall be regarded as minimum requirements for the protection of the public health, safety, comfort, convenience, prosperity and welfare. This Ordinance shall be regarded as remedial and shall be liberally construed to further its underlying purposes.
- B. **Highest Standards Govern.** Whenever a provision of this Ordinance and any other provision of this Ordinance, or any provision in any other law, ordinance, resolution, rule or regulation of any kind contains any restrictions covering the same subject matter, whichever restrictions are more restrictive or impose higher standards or requirements shall govern
- C. **Resolution of Conflicting Interpretations.** Where there arises a question concerning the meaning or intent of a provision of this Ordinance, a written decision setting forth the manner in which said provision shall be interpreted and administered is encouraged. In the event exception is taken by any interested party to such a decision the matter may be appealed to the Commission and, as appropriate, to the Council whose decision shall be final.
- D. **Written Decisions Binding.** Any final written decision made as provided in subsection (C) above shall be archived and shall govern interpretation of this Ordinance until such time as an amendment of this Ordinance shall nullify such decision, or the decision is over-ruled or rescinded by the Town Council.
- E. **State Law.** The terms, provisions and conditions of this Ordinance shall be interpreted and applied in a manner consistent with state law and *Chapter. 211, Tex.*

Loc. GOVT. Code, in particular.

- F. Master Plan.** All zoning applications shall conform to the Master Plan for the community and be consistent with all of the elements thereof.
- 1) Where the proposed zoning application is inconsistent with one (1) or more of the elements of the Master Plan, the developer may petition the Town for amendment to the particular element or elements of the Master Plan either prior to, or concurrent with, submitting a request for subdivision plat or development plan approval. Inconsistency with the provisions of the Master Plan shall be grounds for disapproval of the zoning application by the Town.
 - 2) Where the proposed zoning is for a zoning district or category provided for in this Ordinance but that is not included on the Master Plan existing on the date of this Ordinance, or not existing on the date of such application, the applicant shall propose an amendment to the Master Plan and provide information and documentation in support of such amendment.
- G. Consistency with the Subdivision Ordinance.** All development projects within the corporate limits of the Town shall be in conformance with the Town's Subdivision Ordinance. Where the proposed development requires a zoning classification or approval other than that currently applying to the property to be developed, the developer shall make appropriate application to secure the necessary zoning classification or approval required for the proposed development would comply with this Ordinance.

Section 72. Board of Adjustments.

- A. Established.** A Board of Adjustments (hereafter in this Section, the "Board") is established in accordance with the provisions of Chapter. 211, *Tex. Loc. Gov't. Code*, regarding the zoning of cities and with the powers and duties as provided in said code.
- B. Organization and Membership.**
- 1) **Regular Membership.** The Board shall consist of five citizens appointed or reappointed by the Town Council. Vacancies shall be filled for the unexpired term of the member whose term becomes vacant. The Board shall elect its own chair, who shall serve for a period of one (1) year or until his or her successor is elected.
 - 2) **Alternate Members.** The Board shall also consist of not more than four alternate members who will serve in the absence of one or more regular members. Alternate members shall be appointed in the same manner as regular members; shall serve for the same period as a regular member; and are subject to removal in the same manner as a regular member. Vacancies among the alternate members shall be filled in the same manner as vacancies among the regular members.
- C. Meetings.** Meetings of the Board shall be held at the call of the chair and at such other times as the Board may determine.
- D. Hearings.** All meetings and hearings held by the Board of Adjustment shall be public; provided that upon the advice and consent of the Town Attorney the Board may go

into executive session pursuant to *Chapter. 551, Tex. Gov't. Code.*

E. Rules and Regulations. The Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact, and such minutes shall be immediately filed in the office of the Board and shall be a public record. The Board of Adjustment shall act by resolution in which four members must concur. The Board may adopt rules in accordance and consistent with this ordinance as necessary and required. A copy of any such rules shall be furnished to any person requesting same. All rules and regulations shall operate uniformly in all cases and all resolutions and orders shall be in accordance therewith. The Town Attorney may prepare guidelines and criteria regarding the legal responsibilities of the Board members and the legal limits of the discretion granted to the Board. The Town Attorney may present these guidelines to the Board at their first meeting every year.

F. Appeals.

- 1) Procedure. Any person aggrieved by a decision of an administrative officer in the enforcement of *Chapter. 211, Tex. Loc. Gov't. Code*, or this ordinance, or any officer, department, board or bureau of the Town affected by any such decision by an administrative officer, may appeal such decision to the Board. Such appeal shall be made by filing with the office of the Board and the officer whose action is being appealed, a notice of appeal specifying the grounds thereof. The officer from which the appeal is taken shall forthwith transmit to the Board all of the papers constituting the record upon which the action appealed from is taken.
- 2) Stay of Proceedings. An appeal shall stay all proceedings in furtherance of the action appealed from, unless the officer whose decision is appealed shall certify to the Board that by reason of facts stated in the certificate, a stay would, in his or her opinion, cause imminent peril to life or property, in which case proceedings shall not be stayed other than by restraining order granted for just cause by the Board, or by a court of record, after notice to the officer from whom the appeal is taken.
- 3) Notice of Hearing on Appeal. The Board shall fix a reasonable time for the hearing of the appeal or other matter referred to it, and shall give public notice of the hearing and due notice to the parties in interest.
- 4) Decision by Board. The Board shall decide appeals within a reasonable time. Any party to the appeal may appear in person or by agent or attorney at any hearing. The Board may, upon the concurring vote of four (4) members, reverse or affirm, in whole or in part, or modify the administrative official's order, requirement or decision, and make the correct order, requirement, decision, or determination of the matter appealed from and shall make such order, requirement, decision or determination as in its opinion ought to be made, and to that end, shall have all powers of the officer or department from whom the appeal is taken.

G. Powers and Duties of the Board.

- 1) Appeals Based on Error. The Board shall have the power to hear and decide

appeals where it is alleged there is error in any order, requirement, decision, or determination made by an administrative official in the enforcement of *Chapter. 211, Tex. Loc. Gov't. Code* or this Ordinance.

- 2) Special Exceptions. The Board shall have the power to hear and decide special exceptions to the terms of this Ordinance when this ordinance requires the Board to do so. Such special exceptions shall be as follows:
 - a) To permit a public utility or public service use or structure in any district as necessary to house equipment, pumps, switching gear, and similar devices only, required for the provision of the utility service or a public utility or public service building of a ground area and of a height at variance with those provided for in the district in which such public utility or public service building is permitted to be located, when found reasonably necessary for the provision of utility service and the public health, convenience, safety or general welfare.
 - b) To grant a permit for the extension of a use, height or area regulation into an adjoining district for any lot platted in an approved subdivision, where the boundary line of the district divides such lot and the lot was in a single ownership on June 3, 1991.
 - c) Authorize a variance from the parking and loading requirements in any of the districts whenever the character or use of the building is such as to make unnecessary the full provision of parking or loading facilities, and where the topography or unusual shape of the lot and regulations would impose an unreasonable hardship upon the use of the lot, as contrasted with merely granting an advantage or a convenience.

H. Variances. The Board shall have the power to authorize upon appeal in specific cases such variance from the terms of this Ordinance as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of this Ordinance will result in unnecessary hardship, and so that the spirit of this ordinance shall be observed and substantial justice done, including the following:

- 1) Yard and Setback. Permit a variance in the yard requirements of any district where there are unusual and practical difficulties or unnecessary hardship in the carrying out of these provisions due to an irregular shape of the lot, topography or other conditions; provided that such variance will not significantly affect any adjoining property or the general welfare.
- 2) Structures. Authorize upon appeal, whenever a property owner can show that a strict application of the terms of this Ordinance relating to the construction or alteration of a building or structure or the use of land will impose unusual and practical difficulties or particular hardship, such variances from the strict application of the terms of this Ordinance as are in harmony with its general purpose and intent, but only when the Board is satisfied that a granting of such variance will not merely serve as a convenience to the applicant, but will alleviate some demonstrable and unusual hardship or difficulty so great as to warrant a variance as established by this Ordinance, and at the same time, the surrounding property will be properly protected; provided that the Board

shall not in any event permit a use on any property that is not permitted within the Zoning category for which such property is zoned.

- I. Changes. The Board shall have no authority to change any provision of this Ordinance and its jurisdiction is limited to hardship and borderline cases which may arise from time to time.

Section 73. Conditions for Issuing a Building Permit.

No building permit shall be issued for any new structure or change, improvement or alteration of any existing structure, on any lot or tract of land and no municipal utility service will be furnished to such lot or tract which does not comply with the provisions of this Ordinance and all applicable elements of the Master Plan, except as herein exempted, or upon the written application and approval of a variance.

Section 74. Certificates of Occupancy.

- A. Policy and Application. Certificates of occupancy shall be required for any of the following:

- 1) Occupancy and use of any structure or building hereafter erected or structurally altered.
- 2) Change in use of an existing building to a use of a different classification.
- 3) No occupancy of any new, or altered portion of any, structure or building, or any such building or structure for which there is a change of use, shall take place until a Certificate of Occupancy therefore shall have been issued by the Town Building Official.

- B. Procedure.

- 1) New and Altered Structures. Written application for a Certificate of Occupancy for a new building, or for an existing building which is to be altered, shall be made at the same time as the application for the Building Permit for such building. Said Certificate shall be issued within three (3) days after a written request for the same has been made to said Town Building Official or his agent after the erection or alteration of such building or part thereof has been completed in conformity with the provisions of this Ordinance and all applicable Town codes and ordinances.
- 2) Change in Use. Written application for a Certificate of Occupancy for the use of vacant land or for a change in the use of land or a building, or for a change in a non-conforming use, as herein provided shall be made to said Town Building Official. If the proposed use is in conformity with the provisions of this Ordinance, the Certificate of Occupancy shall be issued within three (3) days after the application for same has been made.

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

- D. Temporary Certificate of Occupancy.** Pending the issuance of a regular Certificate of Occupancy, a temporary certificate may be issued by the Town Building Official for a period not exceeding six (6) months, during the completion of alterations or during partial occupancy of a building pending its completion. Such temporary certificates shall not be construed as in any way altering the respective rights, duties or obligations of the owners, or of the Town, relating to the use or occupancy of the premises or any other matter covered by this Ordinance.
- E. Non-conforming Uses.** A Certificate of Occupancy shall be required for all lawful non-conforming uses of land or buildings created by adoption of this Ordinance, Application for such Certificate of Occupancy for a non-conforming use shall be filed with the Town Building Official by the owner or lessee of the building or land occupied by such non-conforming use within one (1) year of the effective date of this Ordinance. It shall be the duty of the Town Building Official to issue a Certificate of Occupancy for a lawful non-conforming use, and the refusal of the Town Building Official to issue a Certificate of Occupancy for such non-conforming use shall be evidence that said non-conforming use was either illegal or did not lawfully exist at the effective date of this Ordinance.

Section 75. Fees.

To defray the costs of administering this Ordinance, the applicant seeking plat approvals shall pay to the Town, at the time of submittal, the prescribed fees as set forth in the current administrative fee schedule approved by the Council, and on file in the office of the Town.

Section 76. Violations.

Except as otherwise provided for in this Ordinance, it shall be unlawful for any person, firm or corporation to develop, improve or sell any lot, parcel, tract or block of land within the Town's territorial jurisdiction, regardless of the size or shape of said lot, parcel, tract or block, unless such lot, parcel, tract or block of land conforms with this ordinance

Section 77. Enforcement.

- A. Administrative Action.** The Building Official, Town Engineer and/or the Town Manager shall enforce this Ordinance by appropriate administrative action, including but not limited to the rejection of plans, maps, plats and specifications not found to be in compliance with this Ordinance and good engineering practices, and the issuance of stop work orders.
- B. Court Proceedings.** Upon the request of the Town Council the Town Attorney shall file an action in the district courts to enjoin the violation or threatened violation of this Ordinance, or to obtain declaratory judgment, and to seek and recover court costs and attorney fees, and/or to recover damages in an amount sufficient for the Town to undertake any construction or other activity necessary to bring about compliance with a requirement regarding the property and established pursuant to this Ordinance.

Section 78. Amendments.

- A. Statement of Intent.** For the purpose of establishing and maintaining sound, stable and desirable development within the territorial limits of the Town, this Ordinance

shall not be amended except to correct an error in the ordinance, or because of changed or changing conditions in a particular area or in the Town generally, or to rezone an area, extend the boundary of an existing zoning district or to change the regulations and restrictions thereof, all in accordance with a comprehensive plan. The Council may, from time to time, adopt, amend and make public rules and regulations for the administration of this Ordinance. This Ordinance may be enlarged or amended by the Council after public hearing, due notice of which shall be given as required by law.

- B. Amendment Limitation-Rezoning.** Subject to the limitations of the foregoing Statement of Intent, an amendment of this Ordinance may be requested by any person, provided that an amendment to rezone any property may be initiated only by:
- 1) the Town Council on its own motion;
 - 2) the Planning and Zoning Commission; or
 - 3) petition by the landowner or his/her authorized agent
- C. Responsibility for Change.** The Town Council has sole responsibility for changes in the Zoning Map and changes in the zoning ordinance. The zoning and rezoning of land is in the legislative discretion of the Town Council. Zoning and rezoning shall be by ordinance only.
- D. Referral of Amendment to Commission.** Upon its own motion, a request by the Planning and Zoning Commission, or the receipt of an administratively complete petition and application to zone or rezone a lot, tract or parcel of land, which petition and application has been examined and approved as to form by the Town Manager, shall be referred to the Planning and Zoning Commission for consideration, public hearing, and recommendation to the Town Council. The Council may not enact a rezoning amendment until the Commission has held a public hearing and made its recommendation to the Town Council, or has made a final vote on the matter without obtaining a majority, on the zoning or rezoning of the property.
- E. Action by the Commission.** The Commission shall cause such study and review to be made as advisable and required, shall give public notice and hold a public hearing as provided by state law, and shall recommend to the Council such action as the commission deems proper. Written notice of the proposed zoning change shall be forwarded to the owner of each tract or parcel of land that is within two hundred feet (200') of the property for which zoning is requested, not less than ten (10) days prior to the date of the public hearing to be held by the Commission. If the Town owns any property within two hundred feet (200') of the property proposed to be zoned or rezoned, it shall not be necessary to mail any such notice to the Town. The application for zoning or rezoning, and the retained copies of the notices sent to owners within the two hundred feet (200'), shall be deemed to be sufficient written notice to the Town to satisfy all requirements.
- F. Action by the Board .**The Town Council shall give public notice and hold a public hearing before taking final action to zone or rezone any land.

G. Public hearing and Notice of the Proposed Zoning Change.

- 1) Not less than ten (10) days prior to the date of the public hearing to be held by the commission on each zoning or rezoning, written notice of the public hearing and the zoning proposed shall be given by U. S. Mail to the owner of each lot, tract or parcel of land within two hundred feet (200') of the lot, tract or parcel being considered for zoning. Such notices shall be mailed by first class mail addressed to the persons or firms to whom the properties are assessed on the Town tax rolls.
- 2) Notice of the public hearing to be held by the Town Council shall be given by publishing such notice at least once in a newspaper of general circulation in the Town, at least fifteen (15) days prior to the date set for public hearing.
- 3) If the zoning or rezoning is proposed by the Town Council or the Commission, notice of the proposed zoning change shall be made by the Town Manager mailing notification by first class mail to the person or firm to whom the property is assessed on the Town tax rolls, and to all persons or firms to whom property within two hundred feet (200') of the proposed zoning change is assessed on the Town tax rolls.
- 4) The required notice for a public hearing having been given for the zoning or rezoning of a tract of land, the Commission or the Council may, as applicable, continue such matter to subsequent public meetings for consideration and may in the same zoning process or proceeding recommend zoning/rezoning or, as applicable, zone or rezone the property for which notice was given for a use or zoning district that is a less intensive use than the use for which the notices were given, without additional or further notices being given; provided that the less intensive district is within the same general use category, e.g. duplex requested and single family zoning granted, multiple family zoning requested and the granted rezoning is a less intensive multiple family zoning, duplex or single family.

H. Protest of Proposed Amendment. If a protest(s) against any proposed rezoning or zoning change for any land is presented in writing to the Town Secretary prior to the public hearing thereon, duly signed by the owners of twenty percent (20%) or more either of the area of lots included in the proposed change or of the lots or land immediately adjoining the same and extending two hundred (200) feet there from, such amendment shall not become effective except by the favorable vote of three-fourths of all members of the Town Council.

I. Procedure for Amendment Petition.

- 1) Filing of Application. All petitions to change zoning or rezone property shall contain at least the following:
 - a) The petitioners name, address, and interest in the property described in the petition, as well as the name, address and interest of every person having a legal or an equitable interest in the land covered by the petition;
 - b) The nature and effect of the proposed amendment and zoning or permit requested;
 - c) A fully scaled map showing:
 - i. The land affected by the proposed amendment;

- ii. A legal description of the land;
 - iii. The present zoning classification of the land;
 - iv. The zoning classification of all abutting land; and
 - v. All public and private rights-of-way and easements bounding and intersecting the land.
- d) The names and addresses of the owners of all and within two hundred feet (200') of the land to be rezoned, or for which a permit is sought.
 - e) If applicable, the alleged error in this ordinance, which would be corrected by the proposed amendment, together with a detailed explanation of such error and how the proposed amendment will correct the same.
 - f) The changed or unchanging conditions, if any, in the area or in the municipality generally, that make the proposed amendment reasonably necessary.
 - g) Evidence that the petition is in accordance with the Comprehensive Plan, or that support amendment of the Comprehensive Plan.
 - h) A statement of all other circumstances, factors and reasons the applicant offers in support of the proposed amendment.
- 2) Time Limitation. If a petition for rezoning is denied by the Town Council, another petition for reclassification of the same property or any portion thereof shall not be filed within a period of twelve (12) months from the date of final denial, except with the permission of the Town Council.

ARTICLE V. CLOSING PROVISIONS

Section 79. Construction.

The terms and provisions of this Ordinance shall not be construed in a manner to conflict with *Chapter. 211, Tex. Loc. Gov't. Code*, and if any term or provision of this Ordinance shall appear to conflict with any term, provision or condition of *Chapter 211*, such Ordinance term or provision shall be read, interpreted and construed in a manner consistent with and not in conflict with such Chapter, and, if possible, in a manner to give effect to both. The standard and accepted rules of statutory construction shall govern in construing the terms and provisions of this Ordinance. The terms, provisions, conditions, authority, restrictions, limitations, and discretion provided in this Ordinance are authorized by the Town Charter of the Town of Laguna Vista, and this Ordinance shall be further construed in a manner consistent with the power of a home-rule Town acting under the authority of its Town charter.

Section 80. Amendment and Repeal.

All ordinances and parts of ordinances in conflict with this Ordinance are amended and repealed to the extent of such conflict Section 82. Severability. If any provision of this ordinance or the application of any provision to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

Section 81. Effective Date.

This ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the *Tex. Loc. Gov't. Code*.

Section 82. Open Meetings.

It is hereby officially found and determined that the meeting at which this ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, *Chapter. 511, Tex. Gov't. Code*.

Section 83. Penalty.

Any person who shall violate any of the provisions of this Ordinance, or shall fail to comply therewith, or with any of the requirements thereof, within the Town limits shall be deemed guilty of an offense and shall be liable for a fine not to exceed the sum of two thousand dollars (\$2,000.00). Each day the violation exists shall constitute a separate offense. Such penalty shall be in addition to all the other remedies provided herein

PASSED AND APPROVED on First Reading this 10TH day of June 2014.

PASSED AND APPROVED on the Second Reading this 8th day of July 8, 2014



Susie Houston
Susie Houston, Mayor

ATTEST:

Alma Deckard
Alma Deckard, City Secretary

RM-1	Multi-Family Residential District 1	GH TH CO DX MF AP	Garden Home Townhouse Condominium Duplex Multi-Family Residence Multi-Family Apartment
CBD-1	Commercial Business District 1		
CBD-2	Commercial Business District 2		
PD-1	Planned Development District 1		

ZONING ORDINANCE - CHART 4	
Use (See Exhibit A for list of SIC Codes)	Number of Parking Spaces(1)
CBD-1	One space for every 200 sq. ft. of floor space.
CBD-2	If located FM 510, parking requirements will be decided on case-by-case basis. All will provide one space for every 200 sq. ft. of floor space
All R zones	Two spaces minimum for each living unit, and one-half (1/2) space for each additional bedroom above two.
SIC Codes: 72111000 (Hotels); 72111001 (Motels)	
SIC Codes: 62149300 (Emergency Clinic); 62311 000 (Convalescent & Nursing Home); 62211 000 (Hospitals); 62221000	One space per 1,000 feet of gross floor area and one space for every one and one half employees.
(Rehabilitation Services); 62221001 (Rehabilitation Clinic);	One space for each two employees, and one space for each four patient beds.
62331100 (Retirement Homes)	One space per bedroom and one space for each two employees
Bars, Cafes, Restaurants, Taverns, Night Clubs, and similar uses. RS SIC CODES 72211006 THRU 72211017 (Fast Foods); 72211000 thru 72211005 (Restaurants); 72221200 (Cafeteria); 72241001 (Bar); 72241004 (Brew Pub);	One space for every four seats provided for customer services provided food is served. Bars and brew pubs which do not serve food shall have one space for 3 person up to the maximum capacity allowed by fire codes for establishment.
The Town Council may, based on a site plan parking space requirements for buildings within the Original Town. may waive all or any of these requirements.	

ZONING ORDINANCE - CHART 4	
Use (See Exhibit A for list of SIC Codes)	Number of Parking Spaces(1)
CBD-1	One space for every 200 sq. ft. of floor space.
CBD-2	If located FM 510, parking requirements will be decided on case-by-case basis. All will provide one space for every 200 sq. ft. of floor space
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Bars, Cafes, Restaurants, Taverns, Night Clubs, and similar uses. RS SIC CODES 72211006 THRU 72211017 (Fast Foods); 72211000 thru 72211005 (Restaurants); 72221200 (Cafeteria); 72241001 (Bar); 72241004 (Brew Pub);	One space for every four seats provided for customer services provided food is served. Bars and brew pubs which do not serve food shall have one space for 3 person up to the maximum capacity allowed by fire codes for establishment.
The Town Council may, based on a site plan parking space requirements for buildings within the Original Town. may waive all or any of these requirements.	

S.I.C. TYPE	S.I.C. CODE DESCRIPTION	PRIMARY ZONING	SECONDARY ZONING
SERVICES	INSURANCE AGENTS & BROKERS	CBD-1	CBD-2
SERVICES	INVESTMENT ADVICE & MGMT	CBD-1	CBD-2
SERVICES	POLYGRAPH EXAMINERS	CBD-1	CBD-2
SERVICES	REAL ESTATE DEVELOPER & INVESTOR	CBD-1	CBD-2
SERVICES	TITLE ABSTRACT COMPANIES	CBD-1	CBD-2
SERVICES	WEDDING PLANNING & COORDINATING	CBD-1	CBD-2
SERVICES	ACCOUNTING & BOOKKEEPING	CBD-1	CBD-2
SERVICES	ADJUSTMENT SERVICES	CBD-1	CBD-2
SERVICES	ADVERTISING AGENCIES	CBD-1	CBD-2
RETAIL	ANTIQUÉ DEALER	CBD-1	CBD-2
SERVICES	APPRAISERS	CBD-1	CBD-2
SERVICES	ARCHITECTS	CBD-1	CBD-2
RETAIL	ART GALLERY	CBD-1	CBD-2
SERVICES	ARTIST - COMMERCIAL ARTIST	CBD-1	CBD-2
SERVICES	ARTIST - FINE ARTS	CBD-1	CBD-2
SERVICES	BANKS	CBD-1	CBD-2
SERVICES	ATTORNEYS	CBD-1	CBD-2
RETAIL	BAKERIES - BAKING & SELLING	CBD-1	CBD-2
RETAIL	BAKERIES -SELLING ONLY	CBD-1	CBD-2
SERVICES	BARBER SHOP	CBD-1	CBD-2
SERVICES	BEAUTY & BARBER SHOP COMBO	CBD-1	CBD-2
SERVICES	BEAUTY SHOP	CBD-1	CBD-2
RETAIL	BICYCLE SALES & SERVICE	CBD-1	CBD-2
SERVICES	BOOKKEEPING & ACCOUNTING	CBD-1	CBD-2
SERVICES	BUSINESS CREDIT OFFICES	CBD-1	CBD-2
RETAIL	CANDY, NUT & CONFECTIONERY STORE	CBD-1	CBD-2
SERVICES	CHIROPRACTORS	CBD-1	CBD-2
RETAIL	CLOTHING - BRIDAL SHOP	CBD-1	CBD-2
RETAIL	CLOTHING - FORMAL WEAR (SALE/RENT)	CBD-1	CBD-2
RETAIL	COLLECTIBLES (NOT ANTIQUES)	CBD-1	CBD-2
SERVICES	COLLECTION SERVICES	CBD-1	CBD-2
SERVICES	COMPUTER CONSULTANT	CBD-1	CBD-2
SERVICES	COMPUTER PROGRAMMING SERVICE	CBD-1	CBD-2
SERVICES	COMPUTER SOFTWARE DEVELOP.	CBD-1	CBD-2
RETAIL	CONFECTIONERY STORE	CBD-1	CBD-2
SERVICES	COUNSELING - SOCIAL SERVICES	CBD-1	CBD-2
SERVICES	COURT REPORTING SERVICES	CBD-1	CBD-2
SERVICES	DENTIST	CBD-1	CBD-2
SERVICES	DESIGNER - BUILDING/INDUSTRIAL	CBD-1	CBD-2
SERVICES	DIRECT MAIL AD SERVICE	CBD-1	CBD-2
SERVICES	DRAFTING SERVICES	CBD-1	CBD-2
SERVICES	ELECTROLYSIS CLINIC	CBD-1	CBD-2

S.I.C. TYPE	S.I.C. CODE DESCRIPTION	PRIMARY ZONING	SECONDARY ZONING
SERVICES	ENGINEERS	CBD-1	CBD-2
RETAIL	ENGRAVERS & TROPHY SHOPS	CBD-1	CBD-2
SERVICES	ENVIRONMENTAL SERVICES	CBD-1	CBD-2
SERVICES	EVENT PLANNING SERVICES	CBD-1	CBD-2
SERVICES	FACIAL SALON - SKIN CARE	CBD-1	CBD-2
RETAIL	FAST FOOD - DONUT	CBD-1	CBD-2
RETAIL	FAST FOOD - SANDWICH	CBD-1	CBD-2
SERVICES	FINGERNAIL SALON	CBD-1	CBD-2
RETAIL	FLORISTS	CBD-1	CBD-2
SERVICES	GEOLOGIST	CBD-1	CBD-2
RETAIL	GIFT SHOP & GREETING CARDS	CBD-1	CBD-2
SERVICES	GRAPHIC DESIGNER	CBD-1	CBD-2
RETAIL	GREETING CARDS & GIFT SHOP	CBD-1	CBD-2
SERVICES	HOUSE CLEANING & MAID	CBD-1	CBD-2
SERVICES	INTERIOR DESIGNERS	CBD-1	CBD-2
SERVICES	INTERNET - WEBSITE DESIGNER	CBD-1	CBD-2
SERVICES	INTERNET+C9 - MARKETING.COM	CBD-1	CBD-2
RETAIL	JEWELRY STORE	CBD-1	CBD-2
RETAIL	JEWELRY STORE - COSTUME	CBD-1	CBD-2
SERVICES	LEGAL SERVICES	CBD-1	CBD-2
SERVICES	MARKETING SERVICES	CBD-1	CBD-2
SERVICES	MEDICAL - ACUPUNCTURIST	CBD-1	CBD-2
SERVICES	MEDICAL - MASSAGE THERAPEUTIC	CBD-1	CBD-2
SERVICES	MEDICAL - PSYCHIATRIST	CBD-1	CBD-2
SERVICES	MEDICAL - PSYCHOTHERAPIST	CBD-1	CBD-2
SERVICES	MONOGRAM SHOP	CBD-1	CBD-2
RETAIL	NOVELTY, PARTY & SOUVENIR SHOP	CBD-1	CBD-2
RETAIL	NUT & CANDY & CONFECTIONERY STORE	CBD-1	CBD-2
SERVICES	PHOTOGRAPHER - COMMERCIAL	CBD-1	CBD-2
SERVICES	PHOTOGRAPHER - PORTRAIT	CBD-1	CBD-2
SERVICES	PICTURE FRAMING STORE	CBD-1	CBD-2
SERVICES	PRIVATE INVESTIGATOR	CBD-1	CBD-2
SERVICES	PSYCHOLOGIST	CBD-1	CBD-2
SERVICES	PUBLIC RELATION FIRMS	CBD-1	CBD-2
SERVICES	REAL ESTATE, BROKER & MGMT	CBD-1	CBD-2
SERVICES	RESEARCH SERVICES	CBD-1	CBD-2
RETAIL	RESTAURANT - CAFES & DINERS	CBD-2	CBD-2
RETAIL	RESTAURANT - CAFETERIA	CBD-2	CBD-2
SERVICES	SEAMSTRESS	CBD-1	CBD-2
SERVICES	SECRETARIAL SERVICES	CBD-1	CBD-2
RETAIL	SNACK BARS	CBD-1	CBD-2
RETAIL	SOUVENIR, NOVELTY & PARTY SHOP	CBD-1	CBD-2

S.I.C. TYPE	S.I.C. CODE DESCRIPTION	PRIMARY ZONING	SECONDARY ZONING
SERVICES	SPAS - DAY HEALTH SPAS	CBD-1	CBD-2
SERVICES	STOCK BROKERS	CBD-1	CBD-2
SERVICES	TAILOR	CBD-1	CBD-2
SERVICES	TALENT AGENTS	CBD-1	CBD-2
SERVICES	TAX RETURN PREPARATION	CBD-1	CBD-2
SERVICES	TELEPHONE ANSWERING SERVICE	CBD-1	CBD-2
SERVICES	TRAVEL AGENCIES	CBD-1	CBD-2
RETAIL	TROPHY SHOPS & ENGRAVERS	CBD-1	CBD-2
SERVICES	WEDDING CHAPEL	CBD-1	CBD-2
RETAIL	RESTAURANT - WITH BAR	CBD-2	CBD-2
RETAIL	RESTAURANT - WITHOUT BAR	CBD-2	CBD-2
RETAIL	RESTAURANT W/O BAR - MULTI-LOCATION	CBD-2	CBD-2
RETAIL	RESTAURANT WITH BAR - MULTI-LOCATION	CBD-2	CBD-2
RETAIL	TOOL DISTRIBUTOR - MOBILE	CBD-2	
RETAIL	GUTTER SALES & INSTALLERS	CBD-2	
RETAIL	ORTHOPEDIC APPLIANCES	CBD-2	
RETAIL	LIGHTING FIXTURES - RETAIL	CBD-2	
RETAIL	AUTO RADIO & SOUND SYSTEMS -SALES & SERVICE	CBD-2	
RETAIL	OFFICE FURNITURE STORE	CBD-2	
RETAIL	MATTRESS & BED SALES	CBD-2	
RETAIL	CARPET & FLOOR COVERINGS	CBD-2	
RETAIL	APPLIANCE STORE	CBD-2	
RETAIL	SEWING MACHINE SALES & SERVICE	CBD-2	
RETAIL	VACUUM CLEANER SALES & SERVICE	CBD-2	
RETAIL	ELECTRONICS & TV & STEREO	CBD-2	
RETAIL	STEREO & ELECTRONICS & TV	CBD-2	
RETAIL	TELEVISION, STEREO & ELECTRONICS	CBD-2	
RETAIL	TELEPHONE - BUSINESS SYSTEMS SALES	CBD-2	
RETAIL	TELEPHONE - RETAIL SALES (NON-COMMERCIAL)	CBD-2	
RETAIL	STEREO & HI-FI EQUIPMENT SALES	CBD-2	
RETAIL	ELECTRONICS & COMPUTERS SALES	CBD-2	
RETAIL	COMPUTER - SOFTWARE SALES	CBD-2	
RETAIL	CAMERAS & PHOTO SUPPLIES	CBD-2	
RETAIL	PAINT & WALLPAPER STORES	CBD-2	
RETAIL	HARDWARE STORES	CBD-2	
RETAIL	HAND & ELECTRIC TOOL STORE	CBD-2	
RETAIL	FEED STORE	CBD-2	
RETAIL	GROCERY - SUPERMARKET	CBD-2	
RETAIL	GROCERY - RURAL (GENERAL STORE)	CBD-2	

S.I.C. TYPE	S.I.C. CODE DESCRIPTION	PRIMARY ZONING	SECONDARY ZONING
RETAIL	FISH & MEAT MARKETS	CBD-2	
RETAIL	GROCERY - PRODUCE MARKET	CBD-2	
RETAIL	DRUG STORES	CBD-2	
RETAIL	PHARMACY	CBD-2	
RETAIL	COSMETICS & PERFUME RETAILER	CBD-2	
RETAIL	OPTICAL GOODS STORE	CBD-2	
RETAIL	HEALTH FOOD & VITAMIN STORE	CBD-2	
RETAIL	HEARING AIDS SALES	CBD-2	
RETAIL	CONVENIENCE STORE - NO GAS	CBD-2	
RETAIL	CLOTHING - MEN & BOYS	CBD-2	
RETAIL	CLOTHING - MEN'S ACCESSORY	CBD-2	
RETAIL	CLOTHING - WOMEN'S READY WEAR	CBD-2	
RETAIL	CLOTHING - MATERNITY	CBD-2	
RETAIL	CLOTHING - WOMEN'S ACCESSORY	CBD-2	
RETAIL	CLOTHING - CHILDREN & INFANT	CBD-2	
RETAIL	CLOTHING - FAMILY	CBD-2	
RETAIL	CLOTHING - DANCE & COSTUME (SALE & RENT)	CBD-2	
RETAIL	CLOTHING - WOMEN'S LINGERIE	CBD-2	
RETAIL	CLOTHING - T SHIRTS	CBD-2	
RETAIL	CLOTHING - FURRIER	CBD-2	
RETAIL	SHOE STORE - MIXED	CBD-2	
RETAIL	SHOE STORE - LADIES	CBD-2	
RETAIL	SHOE STORE - MEN'S	CBD-2	
RETAIL	SHOE STORE - ATHLETIC	CBD-2	
RETAIL	SHOE STORE - WESTERN BOOTS	CBD-2	
RETAIL	LEATHER GOODS & LUGGAGE SALES	CBD-2	
RETAIL	SPORTING GOODS STORES	CBD-2	
RETAIL	EXERCISE EQUIPMENT SALES	CBD-2	
RETAIL	FISHING TACKLE SHOP	CBD-2	
RETAIL	SADDLE SHOPS	CBD-2	
RETAIL	TOY STORES	CBD-2	
RETAIL	ARTS & CRAFTS STORE	CBD-2	
RETAIL	HOBBY & GAMES SHOP	CBD-2	
RETAIL	CERAMIC PRODUCTS SUPPLIES	CBD-2	
RETAIL	FABRIC SHOP	CBD-2	
RETAIL	MUSICAL INSTRUMENTS	CBD-2	
RETAIL	BOOK STORE - NEW	CBD-2	
RETAIL	BOOK STORE - USED	CBD-2	
RETAIL	MUSIC - RECORDS & CD'S & TAPES	CBD-2	
RETAIL	DEPARTMENT STORES - DISCOUNT	CBD-2	
RETAIL	VARIETY STORES	CBD-2	

S.I.C. TYPE	S.I.C. CODE DESCRIPTION	PRIMARY ZONING	SECONDARY ZONING
RETAIL	OFFICE SUPPLY	CBD-2	
RETAIL	CURIO SHOP - IMPORTED GOODS	CBD-2	
RETAIL	PET SHOP & SUPPLIES	CBD-2	
RETAIL	TOBACCO STORES RETAIL	CBD-2	
RETAIL	PAGING EQUIPMENT & SUPPLIES	CBD-2	
RETAIL	COIN & GOLD DEALER	CBD-2	
RETAIL	COMIC BOOK STORE	CBD-2	
RETAIL	MONUMENTS & TOMBSTONES	CBD-2	
RETAIL	CATALOG SHOWROOMS	CBD-2	
RETAIL	MAIL ORDER SALES	CBD-2	
RETAIL	WATER FILTERS & SOFTENERS SALES	CBD-2	
RETAIL	PAWN SHOPS	CBD-2	
RETAIL	VIDEO TAPE RENTAL & SALES	CBD-2	
RETAIL	RESTAURANT - CAFES & DINERS	CBD-2	
RETAIL	FAST FOOD - BBQ	CBD-2	
RETAIL	FAST FOOD - CHICKEN	CBD-2	
RETAIL	FAST FOOD - FISH	CBD-2	
RETAIL	FAST FOOD - HAMBURGER	CBD-2	
RETAIL	FAST FOOD - ICE CREAM	CBD-2	
RETAIL	FAST FOOD - MEXICAN	CBD-2	
RETAIL	FAST FOOD - PIZZA	CBD-2	
RETAIL	FAST FOOD - STEAK	CBD-2	
RETAIL	FAST FOOD - TACO STAND	CBD-2	
RETAIL	RESTAURANT - CAFETERIA	CBD-2	
RETAIL	CATERING SERVICE	CBD-2	
RETAIL	FOOD PREPARATION COMMISSARY	CBD-2	
RETAIL	FURNITURE STORE - NEW	CBD-2	
RETAIL	CLOTHING - WESTERN WEAR	CBD-2	
RETAIL	SEWING & NEEDLEWORK SUPPLIES	CBD-2	
RETAIL	MAGAZINE & NEWS STANDS	CBD-2	
RETAIL	RESTAURANT - WITH BAR	CBD-2	
RETAIL	RESTAURANT - WITHOUT BAR	CBD-2	
RETAIL	RESTAURANT WITH BAR - MULTI-LOCATION	CBD-2	
RETAIL	RESTAURANT W/O BAR - MULTI-LOCATION	CBD-2	
SERVICES	SILK SCREEN PRINTING	CBD-2	
SERVICES	PHOTOCOPY & DUPLICATING SERVICE	CBD-2	
SERVICES	FILM &/OR VIDEO PRODUCTION	CBD-2	
SERVICES	MOVIE THEATRE	CBD-2	
SERVICES	RECORDING STUDIOS	CBD-2	
SERVICES	RADIO STATION	CBD-2	
SERVICES	NEWS SERVICES (NO PRINTING)	CBD-2	

S.I.C. TYPE	S.I.C. CODE DESCRIPTION	PRIMARY ZONING	SECONDARY ZONING
SERVICES	INTERNET - I.S.P. (Internet Service Provider)	CBD-2	
SERVICES	INTERNET - HOST / COLLOCATION FACILITY	CBD-2	
SERVICES	BANKS	CBD-2	
SERVICES	AUTOMATIC TELLER MACHINE LOCATION	CBD-2	
SERVICES	CREDIT UNIONS	CBD-2	
SERVICES	MORTGAGE BANKERS & BROKERS	CBD-2	
SERVICES	COMPUTER RENTAL & LEASING	CBD-2	
SERVICES	SURVEYING SERVICES	CBD-2	
SERVICES	VETERINARY CLINIC & SERVICES	CBD-2	
SERVICES	MANUFACTURERS REP OFFICE	CBD-2	
SERVICES	SALES OFFICE / MANUFACTURERS REP.	CBD-2	
SERVICES	EMPLOYMENT AGENCIES	CBD-2	
SERVICES	TEMPORARY HELP SERVICES	CBD-2	
SERVICES	MAILING PRINTING SERVICES	CBD-2	
SERVICES	TELEMARKETING SERVICE	CBD-2	
SERVICES	CREDIT REPORTING SERVICE	CBD-2	
SERVICES	MAILBOX RENTAL SERVICES	CBD-2	
SERVICES	TOUR OPERATORS	CBD-2	
SERVICES	DETECTIVE & SECURITY GUARD SERVICE	CBD-2	
SERVICES	SECURITY GUARD & DETECTIVE SERVICE	CBD-2	
SERVICES	LOCKS & LOCKSMITHS	CBD-2	
SERVICES	JANITORIAL SERVICES	CBD-2	
SERVICES	SCHOOLS - BUSINESS & SECRETARY	CBD-2	
SERVICES	SCHOOLS - COMPUTER	CBD-2	
SERVICES	SCHOOLS - VOCATIONAL	CBD-2	
SERVICES	MARTIAL ARTS SCHOOLS	CBD-2	
SERVICES	SCHOOLS - DRIVING SCHOOLS	CBD-2	
SERVICES	SCHOOLS - EDUCATIONAL	CBD-2	
SERVICES	MEDICAL CLINICS	CBD-2	
SERVICES	AMBULANCE SERVICE	CBD-2	
SERVICES	THEATER - LIVE	CBD-2	
SERVICES	MUSICAL GROUPS & ARTISTS	CBD-2	
SERVICES	THEATRICAL PRODUCTIONS & SERVICES	CBD-2	
SERVICES	BINGO HALLS	CBD-2	
SERVICES	BILLIARDS - POOL HALL	CBD-2	
SERVICES	DANCE & YOGA STUDIO	CBD-2	
SERVICES	CAR WASH - SELF SERVICE	CBD-2	
SERVICES	RADIO & TELEVISION REPAIR SHOP	CBD-2	
SERVICES	CAMERA & VCR REPAIR	CBD-2	
SERVICES	VCR & CAMERA REPAIR	CBD-2	
SERVICES	COMPUTER MAINTENANCE & REPAIR	CBD-2	
SERVICES	ELECTRONIC REPAIR	CBD-2	

S.I.C. TYPE	S.I.C. CODE DESCRIPTION	PRIMARY ZONING	SECONDARY ZONING
SERVICES	FURNITURE REFINISHING & REPAIR	CBD-2	
SERVICES	UPHOLSTERY REPAIR SHOP	CBD-2	
SERVICES	SHOE REPAIR	CBD-2	
SERVICES	WATCH & CLOCK & JEWELRY REPAIR	CBD-2	
SERVICES	TANNING SALONS	CBD-2	
SERVICES	LAUNDRY - COIN OPERATED	CBD-2	
SERVICES	LAUNDRY - PICKUP STATION	CBD-2	
SERVICES	PHOTOFINISHING LAB - 1 HOUR	CBD-2	
SERVICES	PHOTOFINISHING LAB - PICKUP ONLY	CBD-2	
SERVICES	PARKING LOT	CBD-2	
SERVICES	BAIL BONDS	CBD-2	
SERVICES	CIVIC, SOCIAL & FRATERNAL ASSOCIATIONS	CBD-2	
SERVICES	BUSINESS ASSOCIATIONS	CBD-2	
SERVICES	PROFESSIONAL MEMBERSHIP ASSOCIATIONS	CBD-2	
SERVICES	UNIONS & OTHER LABOR GROUPS	CBD-2	
SERVICES	LOBBYIST & POLITICAL ORGANIZATIONS	CBD-2	
SERVICES	POLITICAL ORGANIZATIONS & LOBBYIST	CBD-2	
SERVICES	SCHOOLS - FLYING	CBD-2	
MANUFACTURING	FOOD - WINERY (WINE)	RS	W
RETAIL	FARM EQUIPMENT SALES	RS	W
RETAIL	AUTO DEALER - NEW	RS	W
RETAIL	AUTO DEALER - TRUCK (NEW)	RS	W
RETAIL	AUTO DEALER - USED	RS	W
RETAIL	MOTORCYCLE DEALERS	RS	W
RETAIL	BOAT DEALERS	RS	W
RETAIL	GOLF CART SALES	RS	W
RETAIL	AUTO PARTS - NEW	RS	W
RETAIL	TIRE STORE	RS	W
RETAIL	BUILDING MATERIALS	RS	W
RETAIL	LUMBER YARD	RS	W
RETAIL	CEILING FANS	RS	W
RETAIL	GLASS & MIRROR - HOME & COMMERCIAL	RS	W
RETAIL	MIRROR & GLASS - HOME & COMMERCIAL	RS	W
RETAIL	NURSERY (LAWN & GARDEN)	RS	W
RETAIL	LIQUOR STORES	RS	W
RETAIL	GAS (SELF SERV) - GAS & GROCERY & CAR WA	RS	W
RETAIL	GAS SERVICE STATION	RS	W
RETAIL	GOLF & TENNIS - CLUB PRO SHOPS	RS	W
RETAIL	GOLF EQUIPMENT	RS	W
RETAIL	SCUBA DIVE GEAR SHOP	RS	W

S.I.C. TYPE	S.I.C. CODE DESCRIPTION	PRIMARY ZONING	SECONDARY ZONING
RETAIL	GUN SHOP	RS	W
RETAIL	AUTO & HOME SUPPLY STORES	RS	W
RETAIL	BUSINESS MACHINES - SALES & SERVICE	RS	W
RETAIL	SPAS & HOT TUB SALES	RS	W
RETAIL	SWIMMING POOL SUPPLIES	RS	W
RETAIL	JET SKI & BOAT RENTAL	RS	W
RETAIL	RENTAL CENTER -FURNITURE & APPLIANCES	RS	W
RETAIL	RENTAL CENTER - TOOLS & EQUIPMENT	RS	W
RETAIL	COSTUME SALES & RENTAL	RS	W
RETAIL	FIRE & SECURITY SYSTEMS	RS	W
RETAIL	BAR	RS	W
RETAIL	LAWN MOWER SALES & SERVICE	RS	W
RETAIL	BOTTLED WATER	RS	W
RETAIL	BREW PUB	RS	W
SERVICES	A/C & HEATING SERVICES	RS	W
SERVICES	HEATING & AC SERVICES	RS	W
SERVICES	AUTO REPAIR - MACHINE SHOP	RS	W
SERVICES	COMMERCIAL PRINTING - LITHOGRAPHY	RS	W
SERVICES	PRINT - COMMERCIAL LITHOGRAPHY	RS	W
SERVICES	PRINT - BOOKBINDING	RS	W
SERVICES	PRINT - TYPESETTING	RS	W
SERVICES	PRINT - LITHO PLATE MAKING	RS	W
SERVICES	ELECTRONICS & COMPUTERS -R & D	RS	W
SERVICES	DENTAL LABORATORIES	RS	W
SERVICES	BILLBOARD BUSINESS OFFICE	RS	W
SERVICES	ELEVATOR SALES & SERVICE	RS	W
SERVICES	COURIER SERVICES	RS	W
SERVICES	MOTION PICTURE - DISTRIBUTION	RS	W
SERVICES	T V STATION	RS	W
SERVICES	TELEVISION - CABLE	RS	W
SERVICES	SEMICONDUCTOR INDUSTRY SERVICES	RS	W
SERVICES	LANDSCAPE PLANNING & SERVICE	RS	W
SERVICES	CARPET & UPHOLSTERY CLEANING	RS	W
SERVICES	MEDICAL - KIDNEY DIALYSIS CLINIC	RS	W
SERVICES	MEDICAL - EMERGENCY CLINIC	RS	W
SERVICES	LABORATORIES - MEDICAL	RS	W
SERVICES	LABORATORIES - CLINICAL	RS	W
SERVICES	LABORATORIES - PATHOLOGICAL	RS	W
SERVICES	LABORATORIES - ANALYTICAL	RS	W
SERVICES	LABORATORIES -RESEARCH & DEVELOPMENT	RS	W
SERVICES	LABORATORIES - TESTING	RS	W

S.I.C. TYPE	S.I.C. CODE DESCRIPTION	PRIMARY ZONING	SECONDARY ZONING
SERVICES	MEDICAL - MAGNETIC IMAGING CENTER	RS	W
SERVICES	HOSPITAL	RS	W
SERVICES	MEDICAL - REHABILITATION CLINICS	RS	W
SERVICES	MEDICAL REHABILITATION SERVICES	RS	W
SERVICES	NURSING & CONVALESCENT HOMES	RS	W
SERVICES	RETIREMENT HOMES - FULL SERVICE	RS	W
SERVICES	TAXIDERMISTS	RS	W
SERVICES	HOTEL	RS	W
SERVICES	BED & BREAKFAST	RS	W
SERVICES	FRATERNITY & SORORITY HOUSES	RS	W
SERVICES	DORMITORY (STUDENT)	RS	W
SERVICES	AUTO REPAIR - GENERAL REPAIR	RS	W
SERVICES	AUTO DETAILING	RS	W
SERVICES	AUTO INSPECTION STATION	RS	W
SERVICES	AUTO REPAIR - BODY & PAINT	RS	W
SERVICES	GLASS TINTING - AUTO & HOME	RS	W
SERVICES	CAR WASH - AUTOMATIC	RS	W
SERVICES	SMALL ENGINE REPAIR	RS	W
SERVICES	BOAT & BOAT MOTOR REPAIR	RS	W
SERVICES	MOTORCYCLE REPAIR	RS	W
SERVICES	APPLIANCE REPAIR - HOUSEHOLD	RS	W
SERVICES	TATTOO PARLOR	RS	W
SERVICES	FUNERAL HOME	RS	W
SERVICES	LAUNDRY - LINEN SERVICE	RS	W
SERVICES	UNIFORM SERVICE - LAUNDRY	RS	W
SERVICES	DOG & CAT KENNEL	RS	W
SERVICES	PET GROOMING	RS	W
SERVICES	DISC JOCKEY & PARTY SERVICE	RS	W
SERVICES	LABORATORIES - X RAY	RS	W
SERVICES	GYMS	RS	W
TRANSPORTATION	TAXICABS (DRIVER OWNED)	RS	W
TRANSPORTATION	LIMOUSINE RENTAL	RS	W
TRANSPORTATION	BUS TERMINAL FACILITY	RS	W
TRANSPORTATION	AUTO RENTAL AGENCY OFFICE	RS	W
TRANSPORTATION	TRUCK RENTAL & LEASING OFFICE	RS	W
TRANSPORTATION	TRAILER RENTAL	RS	W
WHOLESALE	A/C & HEATING EQUIPMENT	W	CM
WHOLESALE	BEER DISTRIBUTOR	W	CM
WHOLESALE	DAIRY PRODUCTS WHOLESALER	W	CM
WHOLESALE	GAS - INDUSTRIAL & MEDICAL	W	CM
CONSTRUCTION	INSULATION & DRYWALL CONTRACTOR	W	CM
SERVICES	LAWN & GARDEN SERVICES	W	CM

S.I.C. TYPE	S.I.C. CODE DESCRIPTION	PRIMARY ZONING	SECONDARY ZONING
WHOLESALE	OFFICE SUPPLIES WHOLESALER	W	CM
WHOLESALE	POULTRY PRODUCTS WHOLESALER	W	CM
WHOLESALE	SOFT DRINKS DISTRIBUTOR	W	CM
CONSTRUCTION	SPRINKLER SYSTEMS CONTRACTOR - LAWN	W	CM
WHOLESALE	TOILETRIES & DRUGS WHOLESALER	W	CM
SERVICES	TREE SURGEON AND SERVICES	W	CM
TRANSPORTATION	TRUCKING - EXCEPT LOCAL	W	CM
TRANSPORTATION	TRUCKING TERMINAL FACILITY	W	CM
CONSTRUCTION	WATER WELL DRILLING CONTRACTOR	W	CM
CONSTRUCTION	A/C & HEATING CONTRACTOR	W	CM
SERVICES	AIRCRAFT SERVICE & REPAIR	W	CM
SERVICES	ARMATURE REWINDING SHOP	W	CM
SERVICES	ARMORED CAR SERVICE	W	CM
WHOLESALE	ARTS & CRAFTS WHOLESALER	W	CM
MANUFACTURING	ATHLETIC & SPORTING GOODS MFG	W	CM
WHOLESALE	AUTO WHOLESALER	W	CM
WHOLESALE	AUTOMOTIVE PARTS WHOLESALER	W	CM
CONSTRUCTION	BRICK & STONE MASON CONTRACTOR	W	CM
WHOLESALE	BRICK & STONE WHOLESALER	W	CM
TRANSPORTATION	BUS CHARTER SERVICE	W	CM
TRANSPORTATION	BUS LINES	W	CM
MANUFACTURING	CABINET SHOP	W	CM
CONSTRUCTION	CABLE INSTALLATION CONTRACTOR	W	CM
CONSTRUCTION	CARPENTRY WORK CONTRACTOR	W	CM
CONSTRUCTION	CARPET & FLOOR LAYING CONTRACTOR	W	CM
SERVICES	COFFEE SERVICE - OFFICE	W	CM
CONSTRUCTION	COMMERCIAL BUILDINGS CONTRACTOR	W	CM
MANUFACTURING	COMMUNICATION DEVICES MFG (not TELEPHONE)	W	CM
MANUFACTURING	COMPUTER - COMPUTER MFG	W	CM
MANUFACTURING	COMPUTER - SEMICONDUCTOR MFG EQUIP	W	CM
CONSTRUCTION	CONCRETE CONTRACTOR	W	CM
CONSTRUCTION	CONTRACTOR -HIGHWAY & ROAD CONSTRUCTION	W	CM
MANUFACTURING	COSTUME JEWELRY MFG	W	CM
SERVICES	DELIVERY SERVICES	W	CM
CONSTRUCTION	DEMOLITION & WRECKING WORK	W	CM
MANUFACTURING	DETECTION & SEARCH & NAVIGATION EQUIP.	W	CM
RETAIL	DIRT & LOAM PRODUCT SALES	W	CM
MANUFACTURING	DOLL MANUFACTURER	W	CM
CONSTRUCTION	DRILLING CONTRACTOR - WATER WELL	W	CM

S.I.C. TYPE	S.I.C. CODE DESCRIPTION	PRIMARY ZONING	SECONDARY ZONING
CONSTRUCTION	DRYWALL & INSULATION CONTRACTOR	W	CM
UTILITIES	ELECTRIC COMPANIES	W	CM
CONSTRUCTION	ELECTRICAL CONTRACTOR	W	CM
MANUFACTURING	ELECTRICAL EQUIP MFG - VEHICLE	W	CM
MANUFACTURING	ELECTRONIC CONNECTORS MFG	W	CM
CONSTRUCTION	EXCAVATING & FOUNDATION CONTRACTOR	W	CM
CONSTRUCTION	FENCING CONTRACTOR	W	CM
RETAIL	FLEA MARKET BOOTH	W	CM
RETAIL	FLEA MARKET OPERATOR	W	CM
CONSTRUCTION	FLOOR & CARPET LAYING CONTRACTOR	W	CM
WHOLESALE	FLORISTS & FLOWERS SUPPLY-WHOLESALE	W	CM
MANUFACTURING	FOOD - COOKIES & CHIPS & SNACKS	W	CM
MANUFACTURING	FOOD - PREPARED (NON-FROZEN)	W	CM
CONSTRUCTION	FOUNDATION REPAIR CONTRACTOR	W	CM
MANUFACTURING	FURNITURE MFG - HOUSEHOLD	W	CM
CONSTRUCTION	GENERAL CONTRACTOR OFFICE	W	CM
CONSTRUCTION	GLASS & GLAZING CONTRACTOR	W	CM
WHOLESALE	HARDWARE WHOLESALE	W	CM
CONSTRUCTION	HEATING & A/C CONTRACTOR	W	CM
MANUFACTURING	HEATING & FIREPLACE EQUIPMENT MFG	W	CM
RETAIL	HEAVY EQUIPMENT SALES	W	CM
CONSTRUCTION	HOME CONSTRUCTION CONTRACTOR	W	CM
MANUFACTURING	INDUSTRIAL MEASUREMENT PRODUCTS	W	CM
MANUFACTURING	JEWELRY MFG - PRECIOUS METAL	W	CM
WHOLESALE	JEWELRY WHOLESALE	W	CM
SERVICES	LAUNDRY - CLEANING PLANT	W	CM
RETAIL	LIQUEFIED PETRO/BOTTLED GAS	W	CM
WHOLESALE	LIQUOR & WINE WHOLESALE	W	CM
TRANSPORTATION	LOCAL & SUBURBAN TRANSIT	W	CM
TRANSPORTATION	LOCAL TRUCKING W/O STORAGE	W	CM
MANUFACTURING	MACHINE SHOP (NOT AUTO)	W	CM
MANUFACTURING	MACHINE TOOL & ACCESSORIES MFG	W	CM
CONSTRUCTION	MECHANICAL CONTRACTORS	W	CM
MANUFACTURING	METAL WORK - ORNAMENTAL	W	CM
SERVICES	MINI-WAREHOUSE OFFICE	W	CM
SERVICES	MOBILE HOME - TRANSPORT SERVICE	W	CM
RETAIL	MOBILE HOME DEALERS	W	CM
SERVICES	MOVERS - HOME & OFFICE	W	CM
SERVICES	NEWSPAPER (PUBLISH & PRINT)	W	CM
WHOLESALE	NEWSPAPER & MAGAZINE WHOLESALE	W	CM
RETAIL	NIGHTCLUB	W	CM

S.I.C. TYPE	S.I.C. CODE DESCRIPTION	PRIMARY ZONING	SECONDARY ZONING
SERVICES	PACKING & CRATING SERVICE	W	CM
CONSTRUCTION	PAINT & WALLPAPER HANGING CONTRACTOR	W	CM
WHOLESALE	PAINT WHOLESALER	W	CM
WHOLESALE	PAPER WHOLESALER	W	CM
SERVICES	PEST CONTROL	W	CM
CONSTRUCTION	PLUMBING CONTRACTOR	W	CM
SERVICES	PRINT - PUBLISHING & PRINTING	W	CM
WHOLESALE	PRODUCE WHOLESALER	W	CM
TRANSPORTATION	RAILROAD SIDE TRACK	W	CM
SERVICES	RIFLE & PISTOL RANGE	W	CM
CONSTRUCTION	ROOFING & SIDING CONTRACTOR	W	CM
RETAIL	RV & UTILITY TRAILER DEALERS	W	CM
TRANSPORTATION	SCHOOL BUSES	W	CM
MANUFACTURING	SEWING GIFT PRODUCTS	W	CM
CONSTRUCTION	SIDING & ROOFING CONTRACTOR	W	CM
CONSTRUCTION	STEEL ERECTORS	W	CM
WHOLESALE	STONE & BRICK WHOLESALER	W	CM
CONSTRUCTION	SWIMMING POOL CONTRACTOR	W	CM
CONSTRUCTION	TILE & MARBLE CONTRACTOR	W	CM
WHOLESALE	TIRE WHOLESALER	W	CM
WHOLESALE	TOBACCO PRODUCTS WHOLESALER	W	CM
SERVICES	UPHOLSTERY & CARPET CLEANING	W	CM
CONSTRUCTION	UTILITY CONTRACTOR	W	CM
RETAIL	UTILITY TRAILER & RV DEALERS	W	CM
SERVICES	VENDING MACHINE - OFFICE	W	CM
SERVICES	WAREHOUSING - REFRIGERATED	W	CM
SERVICES	WAREHOUSING & STORAGE - GENERAL	W	CM
SERVICES	WELDING SHOP	W	CM
SERVICES	WRECKER SERVICE	W	CM
CONSTRUCTION	WRECKING & DEMOLITION WORK	W	CM
WHOLESALE	APPLIANCE WHOLESALER - ELECTRICAL	W	CM
WHOLESALE	ELECTRICAL APPLIANCES	W	CM
WHOLESALE	ELECTRICAL EQUIPMENT & SUPPLIES	W	CM
WHOLESALE	ELECTRONIC PARTS & EQUIPMENT	W	CM
WHOLESALE	GROCERY DISTRIBUTOR -WHOLESALER	W	CM
WHOLESALE	INDUSTRIAL SUPPLIES	W	CM
WHOLESALE	INSULATION & SIDING & ROOFING	W	CM
WHOLESALE	JANITORIAL SUPPLIES	W	CM
WHOLESALE	MEDICAL GOODS & EQUIPMENT	W	CM
WHOLESALE	PLUMBING FIXTURES & SUPPLIES	W	CM
WHOLESALE	REFRIGERATION EQUIPMENT	W	CM
WHOLESALE	RESTAURANT EQUIPMENT & SUPPLIES	W	CM

S.I.C. TYPE	S.I.C. CODE DESCRIPTION	PRIMARY ZONING	SECONDARY ZONING
WHOLESALE	ROOFING & SIDING & INSULATION	W	CM
TRANSPORTATION	TAXICAB COMPANY	W	CM
MANUFACTURING	LIMESTONE MINING	CM	
RETAIL	AUTO PARTS - USED & SALVAGE	CM	
MANUFACTURING	BED & MATTRESS MFG	CM	
MANUFACTURING	BIOLOGICAL PRODUCTS MFG	CM	
MANUFACTURING	BREWERY (BEER)	CM	
MANUFACTURING	CELLULOSE MAN MADE FIBERS MFG	CM	
MANUFACTURING	CONCRETE (READY MIX PLANT)	CM	
MANUFACTURING	DRUG & PHARMACEUTICALS MFG	CM	
MANUFACTURING	EXPLOSIVES MFG	CM	
MANUFACTURING	FOOD - BREWERY (BEER)	CM	
MANUFACTURING	FOOD - CANNED GOODS	CM	
MANUFACTURING	FOOD - DAIRY PRODUCTS	CM	
MANUFACTURING	FOOD - FLAVOR EXTRACTS & SYRUPS	CM	
MANUFACTURING	FOOD - FLOUR & GRAIN PRODUCTS	CM	
MANUFACTURING	FOOD - FROZEN GOODS	CM	
MANUFACTURING	FOOD - SAUSAGE & PREPARED MEATS	CM	
MANUFACTURING	FOOD - SOFT DRINK & CARBONATED WATER	CM	
MANUFACTURING	FOOD PRODUCTS MACHINERY MFG	CM	
MANUFACTURING	ICE MANUFACTURER	CM	
MANUFACTURING	INDUSTRIAL GASES MFG	CM	
MANUFACTURING	LIME MFG	CM	
MANUFACTURING	LUMBER MILL	CM	
MANUFACTURING	MANUFACTURED HOMES MFG	CM	
MANUFACTURING	METAL COATING - PLASTICS & RESIN	CM	
MANUFACTURING	METAL PLATING & POLISHING	CM	
MANUFACTURING	MOBILE HOMES MFG	CM	
MANUFACTURING	MOTOR & GENERATOR MFG	CM	
MANUFACTURING	MULCH & RECONSTITUTED WOOD	CM	
MANUFACTURING	NAVIGATION & DETECTION & SEARCH EQUIP.	CM	
MANUFACTURING	NON-METALLIC MINERAL PROD MFG	CM	
MANUFACTURING	OFFICE MACHINES MFG	CM	
MANUFACTURING	OIL FIELD MACHINERY MFG	CM	
SERVICES	OIL WELL DRILLING & SERVICE	CM	
MANUFACTURING	OPHTHALMIC GOODS	CM	
MANUFACTURING	PAPER & PLASTIC FILM MFG	CM	
MANUFACTURING	PERFUMES & COSMETICS MFG	CM	
MANUFACTURING	PHOTO EQUIP & ACCESS. - MFG	CM	
MANUFACTURING	PLASTIC FOAM PRODUCTS MFG	CM	
MANUFACTURING	PRECAST CONCRETE PRODUCT MFG	CM	

S.I.C. TYPE	S.I.C. CODE DESCRIPTION	PRIMARY ZONING	SECONDARY ZONING
SERVICES	RECYCLING - SCRAP & METALS	CM	
SERVICES	REFUSE COLLECTION SYSTEMS	CM	
RETAIL	RENTAL CENTER - HEAVY EQUIPMENT	CM	
RETAIL	SAND & GRAVEL - CONSTRUCTION	CM	
MANUFACTURING	SAWMILLS	CM	
MANUFACTURING	SHEET METAL WORK	CM	
MANUFACTURING	SOUNDPROOF ROOM MFG	CM	
MANUFACTURING	SPORTING & ATHLETIC GOODS MFG	CM	
MANUFACTURING	STEEL PIPE & POSTS MFG	CM	
RETAIL	STEEL SALES	CM	
MANUFACTURING	STRUCTURAL WOOD MEMBER MFG	CM	
MANUFACTURING	SURGICAL & PROSTHETIC PRODUCTS MFG	CM	
MANUFACTURING	SWITCHBOARD APPARATUS MFG	CM	
MANUFACTURING	TELEPHONE EQUIPMENT MFG	CM	
SERVICES	TOILETS - PORTABLE	CM	
MANUFACTURING	TOTALIZING FLUID DEVICE MFG	CM	
MANUFACTURING	TRAILER & TRAILER HITCH MFG	CM	
MANUFACTURING	VEHICLE ELECTRICAL EQUIP MFG	CM	
MANUFACTURING	WATER & WASTEWATER SYSTEMS MFG	CM	
WHOLESALE	FUEL OIL DEALERS	CM	
WHOLESALE	PETROLEUM BULK TERMINALS	CM	

