

ZONING ORDINANCE

ORDINANCE 2008-03

A ZONING ORDINANCE REPLACING IN ITS ENTIRETY THE EXISTING ZONING ORDINANCE OF THE CITY OF LA FERIA, TEXAS WITH A NEW ZONING ORDINANCE AND ESTABLISHING NEW ZONING DISTRICTS AND LAND USE REGULATIONS; ADOPTING A NEW ZONING MAP; REGULATING THE SIZE AND USE OF BUILDINGS AND LOTS THAT MAY BE OCCUPIED; ESTABLISHING PARKING REQUIREMENTS; PROVIDING FOR THE ISSUANCE OF SPECIFIC USE PERMITS; REGULATING HOME OCCUPATIONS; REQUIRING OFF-STREET PARKING AND LOADING; ESTABLISHING STANDARDS FOR CONDOMINIUM AND TOWNHOUSE DEVELOPMENT PROVIDING FOR THE CLASSIFICATION OF NEW AND UNLISTED USES; REGULATING NON-CONFORMING USES; PROVIDING FOR THE CREATION, APPOINTMENT, AND DUTIES OF THE ZONING BOARD OF ADJUSTMENTS; PROVIDING FOR AMENDMENTS TO THE ZONING ORDINANCE; PROVIDING FOR INTERPRETATION AND CONFLICTS; PRESERVING RIGHTS IN PENDING LITIGATION AND VIOLATIONS UNDER EXISTING ORDINANCES; REPEALING CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY OF EACH SECTION, PARAGRAPH, SENTENCES, CLAUSES AND PHRASES OF THE ZONING ORDINANCE; PROVIDING FOR A GENERAL PENALTY FOR VIOLATIONS NOT TO EXCEED \$2,000.00 FOR EACH OFFENSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of La Feria is empowered by Chapter 211 of the Texas Local Government Code to establish a zoning ordinance;

WHEREAS, the Planning & Zoning Commission of the City of La Feria has given appropriate and reasonable consideration to the zoning regulations and districts most appropriate for the City and made such recommendations to the La Feria City Commission;

WHEREAS, both the Planning & Zoning Commission and the City Commission of the City of La Feria have duly held public hearings and given proper notice pertaining to the adoption of this zoning ordinance;

WHEREAS, the La Feria City Commission finds that the zoning ordinance represents the best interest of all citizens of La Feria and promotes aesthetics, health, safety, general welfare and convenience of the people;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF LA FERIA, TEXAS:

SECTION 1: PURPOSE AND INTENT

This ordinance is prepared under the authority of V.T.C.A., Local Government Code, Chapter 211, to promote health, safety, morals, and for the protection and preservation of places and areas of historical and cultural importance and significance, and the general welfare of the community. These zoning regulations are made in accordance with the spirit of the city comprehensive plan and designed to lessen congestion in the streets; to secure safety from fire, panic, and other dangers; to promote the general welfare of the community; to provide adequate light and air; to prevent overcrowding of land; to avoid undue concentration of population; and to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements. These regulations are made with reasonable consideration, among other things, to the character of the district and its peculiar suitability for particular uses, and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the city.

SECTION 2: ZONING ADMINISTRATION**A. ADMINISTRATION**

The city manager is hereby designated by the city commission as the administrative official to supervise the administration and enforcement of these regulations. The city manager may appoint an assistant to help him or her with the general administration and enforcement duties required for this implementation of this zoning ordinance.

If the city manager or his or her designated administrative official finds that any of the provisions of this ordinance are being violated, the city manager or his or her designated administrative official shall notify, in writing, the person responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it. The city manager or his or her designated administrative official shall order the discontinuance of any illegal use of land, buildings or structures, the removal of any illegal buildings or structures or of any illegal additions, alterations or structural changes, the discontinuance of any illegal work being performed; or shall take any other action authorized by this ordinance to insure compliance with or to prevent violation of these provisions.

B. INTERPRETATION AND APPEALS

It is the intent of this ordinance that all questions of interpretation and enforcement shall be first presented to the city manager or his or her designated representative, and that such questions shall be presented to the zoning board of adjustment only on appeal from the decision of the city manager or other administrative official, and that recourse from the decisions of the zoning board of adjustment shall be to the courts as provided by law.

C. CITY COMMISSION DUTIES

It is further the intent of this ordinance that the duties of the city commission, in connection with this ordinance, shall have the duty [sic] of considering and adopting or rejecting proposed amendments to this ordinance or of its repeal, and of establishing a schedule of fees and charges as stated in subsection D here below.

D. FEES

The city commission shall, by ordinance or resolution, establish a schedule of fees and charges for the permits, certificates of occupancy, zoning change requests, zoning board of adjustment appeals and other matters pertaining to this ordinance. The schedule of fees and charges may be altered or amended only by action of the city commission. Until all applicable fees and charges have been paid in full, no action shall be taken on any zoning application or appeal.

E. BUILDING PERMITS AND CERTIFICATES OF OCCUPANCY**(1) Building Permits Required**

No building or other structure shall be erected, moved, added to, enclosed or structurally altered without a permit therefor, where applicable, and issued by the City of La FERIA. No building permit shall be issued by the city except in conformity with the provisions of this ordinance, unless a written order from the zoning board of adjustment for a variance, as provided by this ordinance, has been granted.

(2) Certificate of Occupancy Required for New, Altered or Changes in Use or Nonconforming Uses

(a) It shall be unlawful to use, occupy, or permit the uses or occupancy of any building or premise [premises], or both, or part thereof hereafter created, erected, changed, converted or wholly or partly altered or enlarged in its use or structure until a certificate of occupancy shall have been issued therefor by the City of La FERIA stating that the proposed use of the principal building or land conforms to the requirements of this ordinance. Application for a certificate of occupancy shall be made at the same time as the application for the building permit for such building.

(b) No nonconforming building or use shall be maintained, renewed, changed or altered until a certificate of occupancy shall have been issued by the building inspector. The certificate of occupancy shall state specifically how the nonconforming use differs from the provisions of this zoning ordinance. After the enactment of this ordinance, the owner or occupant of a nonconforming use or building shall apply to the city for a certificate of occupancy. Upon receipt of the application for a certificate of occupancy, each owner or occupant shall be required to file an affidavit stating that such building or land occupied by the nonconforming use was in lawful use or lawfully existed as of the date of adoption of this zoning ordinance. Upon receipt of such application for a certificate of occupancy and the affidavit, the city shall issue a certificate of occupancy for any lawful nonconforming use if the city is satisfied that such nonconforming use or building was in existence at the time of adoption of this zoning ordinance. Any person denied a certificate of occupancy shall have the right to appeal the decision to the zoning board of adjustments.

(c) No building permit for erection, alteration, moving or structural repair of any structure or building shall be issued until an application has been made for a certificate of occupancy, and the certificate shall be issued in conformity with the provisions of this ordinance upon completion of the work.

(d) A temporary certificate of occupancy may be issued by the city for a period not exceeding three (3) months during alterations or partial occupancy of a building pending its completion, provided that said temporary certificate may include such conditions and safeguards as will protect the safety of the occupants and the public.

(e) The City of La FERIA shall maintain a public record of all certificates of occupancy.

(f) Failure to obtain a certificate of occupancy shall be a violation of this ordinance and punishable by fine.

(3) Construction and Use to be As Provided in Applications, Plans, Permits and Certificates of Occupancy

Building permits or certificates of occupancy issued on the basis of plans and applications approved by the City of La FERIA authorize only the use, arrangement, or construction set forth in such

approved plans and applications, and any other use, arrangement, or construction shall be deemed a violation of this ordinance and punishable by fine.

SECTION 3: ZONING DISTRICT MAP

A. OFFICIAL ZONING MAP

The city is hereby divided into zoning districts, as shown on the official zoning map, which together with all explanatory matter thereon, is hereby adopted and declared to be a part of this zoning ordinance. This map shall be kept on file in the office of the city manager and shall be available for public inspection during regular office hours. The official zoning map shall be identified by the signature of the mayor, attested by the city manager, and bearing the seal of the city under the following words:

"This is the official zoning map as adopted by part of Ordinance No. 92-7 on July 23, 1992 by the City Commission of the City of La Feria, Texas."

When changes are made in any zoning district boundaries, such changes shall be entered on the official zoning map promptly after the amendment has been approved by the city commission. No zoning change shall become effective until after its approval by the city commission.

B. ZONING MAP REPLACEMENT

The city commission may, by ordinance, adopt a new official zoning map should the original official zoning map be damaged, destroyed, lost or become ambiguous because of the nature or number of changes and additions. The new official zoning map may correct drafting or other errors or omissions in the prior official zoning map or any subsequent amendment thereof. The new official zoning map shall also be identified by the signature of the mayor attested by the city manager, and bearing the seal of the city under the following words:

"This is to certify that this official zoning map supersedes and replaces the official zoning map adopted (date of adoption of map being replaced) as a part of the zoning ordinance of the City of La Feria, Texas."

C. RULES FOR INTERPRETATION OF DISTRICT BOUNDARIES

Where uncertainty exists as to the boundaries of zoning districts as shown on the official zoning map, the following shall apply:

- (1) When the district boundaries are roads or streets, unless otherwise shown, and where the designation of the district map indicates that the various districts are bounded by a road or street line, the centerline of such road or street shall be construed to be the district boundary line;
- (2) Where the district boundaries indicated follow platted lot or tract lines, the district boundaries shall be construed to follow such lot or tract lines.
- (3) Where the district boundaries indicated appear to follow city limit boundaries, the district boundaries shall be construed to follow the city limit boundaries.
- (4) Where district boundaries [are] indicated as dividing a lot or tract, the district boundaries shall be construed as being located as shown on the Zoning District Map. Distances not specifically indicated on the Zoning District Map shall be determined by the scale of the map.
- (5) Where district boundaries are disputed or not otherwise clearly designated, or where the physical or structural features are at variance with the official zoning map or in other circumstances not covered in this section, the zoning board of adjustment shall interpret the district boundaries.

SECTION 4: ZONING DISTRICTS GENERALLY**A. ESTABLISHMENT OF DISTRICTS**

For the purpose of this ordinance, the City of La Feria, Texas, is hereby divided into thirteen (13) zoning districts as follows:

"AG"	–	Agricultural District
"R-1"	–	Single Family Residential District
"R-2"	–	Single Family Residential District
"R-3"	–	Single Family Residential District
"D"	–	Two Family (Duplex) Residential District
"MF"	–	Multi-Family District
"MH"	–	Mobile Home District
"LC"	–	Light Commercial
"C-1"	–	Restricted Commercial District
"C-2"	–	General Commercial District
"I"	–	Industrial District
"PD"	–	Planned Development District
"FP"	–	Floodplain District (overlay district)

B. NEWLY ANNEXED TERRITORY**(1) Annexed Territory to be Zoned R-1**

All territory hereafter annexed to the city shall be temporarily zoned as "R-1" District, until permanent zoning is established by the city commission, except as provided in paragraph (3) below. The procedure for establishing permanent zoning on newly annexed territory shall conform to the procedure established by law for the adoption of the original zoning regulations.

(2) Regulations for Temporary R-1 Districts

In an area temporarily classified as R-1:

- (a) No person shall erect, construct or add to any building or structure or cause same to be done in any newly annexed territory without first applying for and obtaining a building permit or certificate of occupancy from the city as required herein.
- (b) No permit for the construction of a building or use of land shall be issued other than a permit which will allow construction of a building permitted in R-1 District(s) unless and until such territory has been permanently zoned.
- (c) An application for a permit for any use other than that specified above shall be made to the city commission for their consideration and recommendation. The city commission in making its recommendation shall take into consideration the appropriate land use for the area and the overall plans for the city. The city commission may, by majority vote, authorize the issuance of such building permit or certificate of occupancy or may disapprove the application as their findings may indicate it is inappropriate in the public interest.

(3) Concurrent Rezoning and Annexation

Application(s) for permanent zoning of a newly annexed area may be considered by the city at the same time as the area is being considered for annexation, although annexation procedures must be completed prior to any final zoning actions by the city commission.

C. GENERAL COMPLIANCE WITH DISTRICT REGULATIONS

The regulations established by this ordinance within each district shall be minimum regulations and shall apply uniformly to each class and kind of structure or land, and in accordance with the following:

(1) Conformity with District Required

No building, structure or land shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, reconstructed, enlarged or structurally altered except in conformity with all of the regulations herein specified for the district in which it is located.

(2) Height and Lot Coverage to Conform with District Regulations

No building or other structure shall hereafter be erected, reconstructed, enlarged or structurally altered to exceed the height or to occupy a greater percentage of lot area in which it is located.

(3) Height and Area Exceptions

The regulations contained herein relating to the height of buildings or structures and the size of yards and other open spaces shall be subject to the following exceptions:

- (a) Chimneys, noncommercial television receiving antennas, and satellite dishes as part of a residential development or use are hereby excepted from the height regulations as established herein.
- (b) Church steeples or spires, cooling towers, tanks, water towers, microwave radio and television relay or broadcasting towers, mast or aerials and necessary mechanical appurtenances are hereby excepted from the height regulations as established herein; provided, a specific use permit or variance is granted.
- (c) When a lot has an area less than the minimum number of square feet as required for the district in which it is located, and was of record as such at the time of the passage of this zoning ordinance, such lot may be continued to be occupied or used. However, no building or structure shall be erected, reconstructed, enlarged or structurally altered unless a variance has been granted.
- (d) An open, uncovered porch or paved terrace may project into a required front or back yard for a distance of not more than ten (10) feet, but shall not be interpreted to include or permit fixed canopies.

(4) Yards to Conform with District Regulations

No building or other structure shall have narrower or smaller rear yards, front yards, side yards or other open spaces than herein required or in any other manner be contrary to the provisions of these regulations unless existing at the time of passage of this ordinance, in which case, they shall not be further reduced in size.

(5) No Yard or Other Integral Component Required for Any Building Shall be Counted Twice

No part of a yard or other open space, off-street parking or loading space required about or in connection with any building for the purpose of complying with these regulations shall be included

as a part of a yard, open space, off-street parking or loading space similarly required for any other building.

(6) Visibility at Intersections Required

On a corner lot, nothing shall be erected, placed or planted, or allowed to grow in such a manner as materially to interfere with traffic visibility across the corner. This visibility area shall be a triangle measured twenty feet (20') from the point of right-of-way line at the corner intersection. All objects on the ground in said triangle should not exceed two and one-half feet (2-1/2') in height and vegetation should not droop to less than ten feet (10') from the ground.

(7) Special Scenic Corridor Regulations

All property within one thousand (1,000) feet of Expressway 83, within three hundred feet (300') of Business Highway 83 (East and West), and within one hundred and fifty (150') feet of Main Street (North and South) shall adhere to special design guidelines and development standards in addition to its standard or base zoning. These guidelines and standards regulate building design and placement, landscaping, screening and buffering, signage, and lighting and are regulated through such standards as adopted by an ordinance of the La FERIA City Commission and which is on file in the office of the city manager. See Scenic Corridor Ordinance # 92-10.

(8) Television Satellite Dishes

(a) One (1) television satellite dish per single family residential dwelling and one (1) per apartment (multifamily) complex or mobile home park shall be permitted as an accessory use incidental to the main use, under the following conditions:

- (i) the dish shall not exceed ten and one-half feet (10-1/2') in diameter;
- (ii) the dish shall not be erected in front of the main building or the front building line;
- (iii) the overall height of the dish, at any position, shall not exceed twelve and one-half feet (12-1/2');
- (iv) the dish shall not be erected closer than five feet (5') from the rear property line or side property line;
- (v) a screening fence, wall or hedge shall be erected, grown and maintained around the dish, wherever installed, unless a six foot (6) backyard fence or wall around the perimeter of the backyard is already in place;
- (vi) roof-top installations of dishes are prohibited; and
- (vii) no lettering, logo or any form of advertising or other writing shall appear on the face or back of such satellite dishes, except the name of the manufacturer, distributor or seller of such dish, and provided the lettering does not exceed two inches (2") in height.

(b) One (1) television satellite dish per building in all nonresidential districts shall be permitted as an accessory use incidental to the main use, under the following conditions:

- (i) the dish shall not be erected in front of the main building or the front building line;
- (ii) when the occupancy is adjacent to a residential district, the overall height of the dish, at any position, shall not exceed more than ten feet (10') in height when located closer than twenty-five feet (25') to a residential district; twenty feet (20') in height when located closer than fifty feet (50'); thirty feet (30') in height when located closer than one hundred feet

(100'); forty feet (40') in height when located closer than one hundred fifty feet (150'); forty feet (40') in height when located closer than one hundred fifty feet (150'); sixty feet (60') in height when located closer than two hundred feet (200'); or seventy feet (70') in height when located closer than two hundred fifty feet (250');

(iii) the dish shall not be erected closer than five feet (5') from the rear property line or side property line; and

(iv) no lettering, logo or any form of advertising or other writing shall appear on the face or back of such satellite dishes, except the name of the manufacturer, distributor or seller of such dish, and provided the lettering does not exceed two inches (2") in height.

D. SCHEDULE OF DISTRICT REGULATIONS ADOPTED

The following table of district regulations is hereby adopted and shall be considered as part of each applicable zoning district regulations as hereafter described in this ordinance:

	AG	R-1	R-2	R-3	D	MF	MH	LC	C-1	C-2	I
Lot area (sq. ft.)	1 Acre	9,000	6,000	5,000	6,000	(a)	(b)	3,000	3,000	3,000	N/A
Minimum lot width (ft.)	N/A	80	50	50	50	75	40* 100*	25	25	25	N/A
Minimum lot depth (ft.)	N/A	100	90	90	100	120	75* 100*	120	120	120	N/A
Front yard setback (ft.)	25	25	20	20	20	20	20* 25*	(c)	(c)	(c)	(c)
Rear yard setback (ft.)	25	25	25	20	20	15	15* 25**	(b)	(b)	(d)	(d)
Side yard setback (ft.), Interior lot _____	25	7.5	5	5	7.5	7.5	1.5	(e)	(e)	(e)	(e)
Side yard set back (ft.), Corner lot _____	15	15	15	15	15	15	7.5	15	15	15	15
Aggregates of side yard	12	12	12	12	12	12	12	None	None	None	None
Maximum height in (stories) _____ (ft.) _____	2.5 35	25 35	2.5 35	2.5 35	2.5 35	3 45	1.5 22.5	3 45	3 45	10 125	8 100
Maximum lot coverage	40%	40%	40%	40%	40%	50%	50%	N/A	N/A	N/A	50%
Minimum living area, excludes garage (sq. ft.)	1,000	1,500	1,200	1,000	1,000/ unit	(f)	450	N/A	N/A	N/A	N/A

* pertains to mobile home park.

** pertains to individually-owned mobile home lots.

(a) The minimum lot area for multifamily dwellings shall be 2,000 square feet per apartment.

(b) For mobile home lots which are individually owned, the minimum lot area shall be three thousand seven hundred and fifty (3,750) square feet when a public sewer system is available or twenty-one thousand seven hundred eighty (21,780) square feet or one-half acre where no public sewer system is available and septic tanks are used for sewage disposal.

For mobile home parks, the minimum lot area shall be at least three (3) times larger than the mobile home to be placed thereon and in no event less than three thousand (3,000) square feet in area when a public sewer system serves the park. Where no public sewer system is available and septic tanks are used for sewage disposal, the minimum lot area shall be twenty-one thousand seven hundred eighty (21,780) square feet or one-half acre per mobile home lot or space.

(c) No front yard or setback is required except where a lot adjoins a residential district or lot, in which instance the front yard in the residential district shall be provided for a distance of not less than twenty-five (25) feet from the boundary of said residential district.

- (d) No rear yard setback required except that a rear yard of not less than fifteen (15) feet in depth shall be provided upon that portion of a lot adjoining or abutting upon a residential district or lot.
- (e) No side yard shall be required except that a side yard of not less than six (6) feet in width shall be provided on the side of a lot adjoining a residential district.
- (f) The minimum living area per unit shall be five hundred (500) square feet for an efficiency, six hundred fifty (650) square feet for one (1) bedroom, eight hundred (800) square feet for two (2) bedrooms, and nine hundred (900) square feet for three (3) bedrooms. However, the average living area for all apartments in an apartment building must be a minimum of eight hundred (800) square feet.

SECTION 5: "AG" AGRICULTURAL DISTRICT

A. PURPOSE

The "AG" District is established to be used primarily in areas where agricultural uses or open space should be retained. These lands should be continued to be used for agricultural purposes until needed for urban purposes in conformity with the orderly growth of the city.

B. PERMITTED USES

The uses permitted in the "AG" District include those in the "Schedule of Uses" found in Section 17 18 hereof.

C. AREA; YARD; HEIGHT; LOT COVERAGE; AND BUILDING SIZE

The requirements regulating the minimum lot size, minimum yard sizes (front, side and rear), maximum building height, maximum percent of lot coverage by buildings and the minimum size of buildings, as pertains to this district, shall conform with the provisions of the "Schedule of District Regulations" found in Section 4-D and any other applicable regulations as herein provided.

D. SCREENING REQUIREMENTS

- (1) Except as otherwise provided, a solid fence, wall or hedge must be erected, placed, grown and maintained along a boundary line of any single family residential district when adjacent to any mobile home district, multifamily or nonresidential use or district. Such fence, wall or hedge shall not be less than six feet (6) in height nor greater than eight feet (8') in height. However, no fence, wall or hedge on a corner lot shall have a height in conflict with the regulations governing visibility at intersections as prescribed in Section 4-C (6) of these regulations.
- (2) Additionally, any parking lot, playground, ballfield, tennis court or swimming pool, when adjacent to any nonresidential use or district, shall be suitably screened from view with a fence, wall or hedge of at least three and one-half feet (3-1/2') in height.
- (3) No fence or wall shall be erected or placed in any dedicated easement or right-of-way because it would interfere with the installation or maintenance of any public utility line, service, thoroughfare or drainageway.

E. PARKING REQUIREMENTS

Off-street parking requirements shall be in accordance with the parking schedule found in Section 22 hereof. Such off-street parking shall be enclosed by a garage or covered by a carport.

SECTION 6: "R-1" SINGLE FAMILY RESIDENTIAL DISTRICT**A. PURPOSE**

The "R-1" District is established to allow for larger lots with larger single family dwelling structures per lot. This district is intended to provide a more rural and estate setting.

B. PERMITTED USES

The uses permitted in the "R-1" District include those listed in the "Schedule of Uses" found in Section 18 hereof.

C. AREA; YARD; HEIGHT; LOT COVERAGE; AND BUILDING SIZE

The requirements regulating the minimum lot size, minimum yard sizes (front, side and rear), maximum building height, maximum percent of lot coverage by buildings and the minimum size of buildings, as pertains to this district, shall conform with the provisions of the "Schedule of District Regulations" found in Section 4-D and any other applicable regulations as herein provided.

D. SCREENING REQUIREMENTS

- (1) Except as otherwise provided, a solid fence, wall or hedge must be erected, placed, grown and maintained along a boundary line of any single family residential district when adjacent to any mobile home district, multifamily or nonresidential use or district. Such fence, wall or hedge shall not be less than six feet (6') in height nor greater than eight feet (8') in height. However, no fence, wall or hedge on a corner lot shall have a height in conflict with the regulations governing visibility at intersections as prescribed in Section 4-C (6) of these regulations.
- (2) Additionally, any parking lot, playground, ballfield, tennis court or swimming pool, when adjacent to any nonresidential use or district, shall be suitably screened from view with a fence, wall or hedge of at least three and one-half feet (3-1/2') in height.
- (3) No fence or wall shall be erected or placed in any dedicated easement or right-of-way because it would interfere with the installation or maintenance of any public utility line, service, thoroughfare or drainageway.

E. PARKING REQUIREMENTS

Off-street parking requirements shall be in accordance with the parking schedule found in Section 22 hereof. Such off-street parking shall be enclosed by a garage or covered by a carport.

SECTION 7: "R-2" SINGLE FAMILY RESIDENTIAL DISTRICT**A. PURPOSE**

This district is one of the preferred single family housing districts for the city. Unless otherwise specified or requested, all residentially suited areas presently undeveloped should be zoned in this classification. Development in the "R-2" District is limited primarily to single family dwellings and certain community and recreational facilities to serve residents of the district.

B. PERMITTED USES

The uses permitted in the "R-2" District include those listed in "Schedule of Uses" found in Section 18 hereof.

C. AREA; YARD; HEIGHT; LOT COVERAGE; BUILDING SIZE

The requirements regulating the minimum lot size, minimum yard sizes (front, side and rear), maximum building height, maximum percent of lot coverage by buildings and the minimum size of buildings, as pertains to this district, shall conform with the provisions of the "Schedule of District Regulations" found in Section 4-D and any other applicable regulations as herein provided.

D. SCREENING REQUIREMENTS

- (1) Except as otherwise provided, a solid fence, wall or hedge must be erected, placed, grown and maintained along a boundary line of any single family residential district when adjacent to any mobile home district, multifamily or nonresidential use or district. Such fence, wall or hedge shall not be less than six feet (6') in height nor greater than eight feet (8') in height. However, no fence, wall or hedge on a corner lot shall have a height in conflict with the regulations governing visibility at intersections as prescribed in Section 4-C (6) of these regulations.
- (2) Additionally, any parking lot, playground, ballfield, tennis court or swimming pool, when adjacent to any nonresidential use or district, shall be suitably screened from view with a fence, wall or hedge of at least three and one-half feet (3-1/2') in height.
- (3) No fence or wall shall be erected or placed in any dedicated easement or right-of-way because it would interfere with the installation or maintenance of any public utility line, service, thoroughfare or drainageway.

E. PARKING REQUIREMENTS

Off-street parking requirements shall be in accordance with the parking schedule found in Section 22 hereof. Such off-street parking shall be enclosed by a garage or covered by a carport.

SECTION 8: "R-3" SINGLE FAMILY RESIDENTIAL DISTRICT**A. PURPOSE**

This district is one of the predominate [predominant] single family housing districts that now exists in the city. This district allows for smaller and more affordable housing for residents. Development in the "R-3" District is limited primarily to single family dwellings and certain community and recreational facilities to serve residents of the district.

B. PERMITTED USES

The uses permitted in the "R-3" District include those listed in the "Schedule of Uses" found in Section 18 hereof.

C. AREA; YARD; HEIGHT; LOT COVERAGE; AND BUILDING SIZE

The requirements regulating the minimum lot size, minimum yard sizes (front, side and rear), maximum building height, maximum percent of lot coverage by buildings and the minimum size of buildings, as pertains to this district, shall conform with the provisions of the "Schedule of District Regulations" found in Section 4-D and any other applicable regulations as herein provided.

D. SCREENING REQUIREMENTS

- (1) Except as otherwise provided, a solid fence, wall or hedge must be erected, placed, grown and maintained along a boundary line of any single family residential district when adjacent to any mobile home district, multifamily or nonresidential use or district. Such fence, wall or hedge shall not be less than six feet (6') in height nor greater than eight feet (8') in height. However, no fence, wall or hedge on a corner lot shall have a height in conflict with the regulations governing visibility at intersections as prescribed in Section 4-C (6) of these regulations.
- (2) Additionally, any parking lot, playground, ballfield, tennis court or swimming pool, when adjacent to any nonresidential use or district, shall be suitably screened from view with a fence, wall or hedge of at least three and one-half feet (3-1/2') in height.
- (3) No fence or wall shall be erected or placed in any dedicated easement or right-of-way because it would interfere with the installation or maintenance of any public utility line, service, thoroughfare or drainageway.

E. PARKING REQUIREMENTS

Off-street parking requirements shall be in accordance with the parking schedule found in Section 22 hereof. Such off-street parking shall be enclosed by a garage or covered by a carport.

SECTION 9: "D" TWO-FAMILY (DUPLEX) RESIDENTIAL DISTRICT**A. PURPOSE**

The "D" District is established in order to allow more affordable housing for both rental and ownership. The "D" District is established to meet the needs for medium density residential development where such areas are suitable for higher development than traditional areas of single family dwellings.

B. PERMITTED USES

The uses permitted in the "D" District include those listed in the "Schedule of Uses" found in Section 18 hereof.

C. AREA; YARD; HEIGHT; LOT COVERAGE; BUILDING SIZE

The requirements regulating the minimum lot size, minimum yard sizes (front, side and rear), maximum building height, maximum percent of lot coverage by buildings and the minimum size of buildings, as pertains to this district, shall conform with the provisions of the "Schedule of District Regulations" found in Section 4-D and any other applicable regulations as herein provided.

D. SCREENING REQUIREMENTS

- (1) Except as otherwise provided, a solid fence, wall or hedge must be erected, placed, grown and maintained along a boundary line of any two-family residential district when adjacent to any single-family residential, mobile home, multifamily or nonresidential use or district. Such fence, wall or hedge shall not be less than six feet (6') in height nor greater than eight feet (8') in height. However, no fence, wall or hedge on a corner lot shall have a height in conflict with the regulations governing visibility at intersections as prescribed in Section 4-C (6) of these regulations
- (2) Additionally, any parking lot, playground, ballfield, tennis court or swimming pool, when adjacent to any nonresidential use or district, shall be suitably screened from view with a screening fence, wall or hedge of at least three and one-half feet (3-1/2') in height.

- (3) No fence or wall shall be erected or placed in any dedicated easement or right-of-way because it would interfere with the installation or maintenance of any public utility line, service, thoroughfare or drainageway.

E. PARKING REQUIREMENTS

Off-street parking requirements shall be in accordance with the parking schedule found in Section 22 hereof. Such off-street parking shall be enclosed by a garage or covered by a carport.

SECTION 10: "MF" MULTI-FAMILY RESIDENTIAL DISTRICT

A. PURPOSE

The "MF" District is established to meet the needs for medium to high density residential development where such areas are suitable for higher impact development and higher volume traffic while encouraging the provision of conveniently located rental accommodations.

B. PERMITTED USES

The uses shall [sic] permitted in the "MF" District [include those listed] in the "Schedule of Uses" found in Section 18 hereof.

C. AREA; YARD; HEIGHT; LOT COVERAGE; BUILDING SIZE

The requirements regulating the minimum lot size, minimum yard sizes (front, side and rear), maximum building height, maximum percent of lot coverage by buildings and the minimum size of buildings, as pertains to this district, shall conform with the provisions of the "Schedule of District Regulations" found in Section 4-D and any other applicable regulations as herein provided.

D. SCREENING REQUIREMENTS

- (1) Except as otherwise provided, a solid fence, wall or hedge must be erected, placed, grown and maintained along a boundary line of any multifamily residential district when adjacent to any single family, two-family or nonresidential use or district. Such fence, wall or hedge shall not be less than six feet (6') in height nor greater than eight feet (8') in height. However, no fence, wall or hedge on a corner lot shall have a height in conflict with the regulations governing visibility at intersections as prescribed in Section 4-C (6) of these regulations.
- (2) Additionally, any parking lot, playground, ballfield, tennis court or swimming pool, when adjacent to any nonresidential use or district, shall be suitably screened from view with a fence, wall or hedge of at least three and one-half feet (3-1/2') in height.
- (3) No fence or wall shall be erected or placed in any dedicated easement or right-of-way because it would interfere with the installation or maintenance of any public utility line, service, thoroughfare or drainageway.
- (4) Garbage, refuse, and trash collection/storage areas in any multifamily residential district and any condominium or townhouse project shall be enclosed on at least three (3) sides by a dense screening element to adequately screen such area from view of the surrounding area.

E. PARKING REQUIREMENTS

Off-street parking requirements shall be in accordance with the parking schedule found in Section 22 hereof. No covered parking is specifically required, however, carports are encouraged.

F. MINIMUM SETBACK REQUIREMENTS FOR CARPORTS AND ACCESSORY BUILDINGS

Carports or other detached accessory buildings shall be located within the rear portion of the lot and shall not exceed one (1) story in height nor shall any such structure be located closer than fifteen feet (15') to the main building nor closer than seven and one-half feet (7-1/2') to a side lot line, nor closer than ten feet (10') to any rear lot line nor closer than fifteen feet (15') to any side street in the case of a corner lot.

SECTION 11: "MH" MOBILE HOME DISTRICT**A. PURPOSE**

The "MH" District is intended to provide for quality mobile home park subdivision development and trailer park development containing many of the characteristics and atmosphere of a conventional type single family residential subdivision.

B. PERMITTED USES

The uses permitted in the "MH" District include those listed in the "Schedule of Uses" found in Section 18 hereof.

C. AREA; YARD; HEIGHT; LOT COVERAGE; BUILDING SIZE AND PARKING REQUIREMENTS

The requirements regulating the minimum lot size, minimum yard sizes (front, side and rear), maximum building height, maximum percent of lot coverage by buildings and the minimum size of buildings and parking requirements, as pertains to this district, shall conform with the provisions of the "Schedule of District Regulations" found in Section 4-D and any other applicable regulations as herein provided.

D. SCREENING REQUIREMENTS

- (1) Except as otherwise provided, a solid fence, wall or hedge must be erected, placed, grown and maintained along a boundary line of any mobile home residential district when adjacent to any single family, two-family, multifamily or nonresidential use or district. Such fence, wall or hedge shall not be less than six feet (6') in height nor greater than eight feet (8') in height. However, no fence, wall or hedge on a corner lot shall have a height in conflict with the regulations governing visibility at intersections as prescribed in-Section 4-C (6) of these regulations.
- (2) Additionally, any parking lot, playground, ballfield, tennis court or swimming pool, when adjacent to any nonresidential use or district, shall be suitably screened from view with a fence, wall or hedge of at least three and one-half feet (3-1/2') in height.
- (3) No fence or wall shall be erected or placed in any dedicated easement or right-of-way because it would interfere with the installation or maintenance of any public utility line, service, thoroughfare or drainageway.
- (4) Garbage, refuse, and trash collection/storage areas in any mobile home park district shall be enclosed on at least three (3) sides by a dense screening element to adequately screen such area from view of the surrounding area.

E. PARKING REQUIREMENTS

Off-street parking requirements shall be in accordance with the parking schedule found in Section 22 hereof. No covered parking is specifically required, however, carports and garages are encouraged.

SECTION 12: "LC" LIGHT COMMERCIAL DISTRICT**A. PURPOSE**

The "LC" District is created to accommodate office uses, office sales uses and certain personal services of a nature that will not have a blighting effect on adjacent residential areas, be suited for shallow depth lots along major streets and not create excessive amounts of traffic. This district is designed for a limited area of the city to protect and encourage a transitional character by permitting a limited group of uses

B. PERMITTED USES

The uses permitted in the "LC" District include those listed in the "Schedule of Uses" found in Section 18 hereof.

C. AREA; YARD; HEIGHT; LOT COVERAGE; BUILDING SIZE

The requirements regulating the minimum lot size, minimum yard sizes (front, side and rear), maximum building height, maximum percent of lot coverage by buildings and the minimum size of buildings, as pertains to this district, shall conform with the provisions of the "Schedule of District Regulations" found in Section 4-D and any other applicable regulations as herein provided.

D. SCREENING REQUIREMENTS

- (1) Except as otherwise provided, a solid fence, wall or hedge must be erected, placed, grown and maintained along a boundary line of any commercial use or district when adjacent to any residentially zoned property to a height of not less than six feet (6') nor more than eight feet (8') above ground level. However, no fence, wall or hedge on a corner lot shall have a height in conflict with the regulations governing visibility at intersections as prescribed in Section 4-C (6) of these regulations. Also, no fence or wall shall be erected or placed in any dedicated easement or right-of-way.
- (2) All storage within one hundred feet (100') of a residential use or district, except for motor vehicles in operable condition, shall be within completely enclosed buildings or effectively screened with a fence, wall or hedge not less than six feet (6') nor more than eight feet (8') in height, provided no storage located within fifty feet (50') of such screening shall exceed the height of such screening.
- (3) When the rear or side property line of a commercial use or district abuts a residential district or use, or when the refuse and trash collection/storage areas are visible from a public thoroughfare, then the garbage, refuse and trash collection/storage areas shall be enclosed on at least three (3) sides, by a dense screening element to adequately screen such area from view of the surrounding area.

E. PARKING REQUIREMENTS

Off-street parking requirements shall be in accordance with the parking schedule found Section 22 hereof. No covered parking is specifically required.

F. ALL COMMERCIAL OPERATIONS TO BE ENCLOSED; EXCEPTIONS

All commercial uses, except for off-street parking and off-street loading facilities[,] shall be conducted within completely enclosed buildings unless otherwise indicated in this section. The city commission may grant a permit to businesses for sidewalk sales for a period up to thirty (30) days.

SECTION 13: "C-1" RESTRICTED COMMERCIAL DISTRICT**A. PURPOSE**

The "C-1" District has been established because it is recognized that the downtown business area was generally developed without setback and without off-street parking. Therefore, this district is provided to accommodate this existing development and to encourage compatible future development. This district is designed for a limited area of the city, being the central business district area. This district will accommodate the basic shopping needs of residents and to provide retail and office space for merchants and financial, administrative, government and business services. Businesses in this district should be oriented to satisfying the daily and frequent shopping needs or personal services of the citizens.

B. PERMITTED USES

The uses permitted in the "C-1" District include those listed in the "Schedule of Uses" found in Section 18 hereof.

C. AREA; YARD; HEIGHT; LOT COVERAGE; BUILDING SIZE

The requirements regulating the minimum lot size, minimum yard sizes (front, side and rear), maximum building height, maximum percent of lot coverage by buildings and the minimum size of buildings, as pertains to this district, shall conform with the provisions of the "Schedule of District Regulations" found in Section 4-D and any other applicable regulations as herein provided.

D. SCREENING REQUIREMENTS

- (1) Except as otherwise provided, a solid fence, wall or hedge must be erected, placed, grown and maintained along a boundary line of any commercial use or district when adjacent to any residentially zoned property to a height of not less than six feet (6') nor more than eight feet (8') above ground level. When a parking lot or facility is adjacent to any residential use or boundary, then a fence, wall or hedge will be required along the common boundary in order to provide suitable screening. Such fence, wall or hedge must be at least three and one-half feet (3-1/2') in height. However, no fence, wall or hedge on a corner lot shall have a height in conflict with the regulations governing visibility at intersections as prescribed in Section 4-C (6) of these regulations. Also, no fence or wall shall be erected or placed in any dedicated easement or right-of-way.
- (2) All storage within one hundred feet (100') of a residential use or district, except for motor vehicles in operable condition, shall be within completely enclosed buildings or effectively screened with a fence, wall or hedge not less than six feet (6') nor more than eight feet (8') in height, provided no storage located within fifty feet (50') of such screening shall exceed the height of such screening.
- (3) When the rear or side property line of a commercial use or district abuts a residential district or use, or when the refuse and trash collection/storage areas are visible from a public thoroughfare, then the garbage, refuse and trash collection/storage areas shall be enclosed on at least three (3) sides, by a dense screening element to adequately screen such area from view of the surrounding area.

E. PARKING REQUIREMENTS

Off-street parking requirements shall be in accordance with the parking schedule found in Section 22 hereof. No covered parking is specifically required.

F. ALL COMMERCIAL OPERATIONS TO BE ENCLOSED; EXCEPTIONS

All commercial uses, except for off-street parking and off-street loading facilities[,] shall be conducted within completely enclosed buildings unless otherwise indicated in this section. The city commission may grant a permit to businesses for sidewalk sales for a period up to thirty (30) days.

SECTION 14: "C-2" GENERAL COMMERCIAL DISTRICT**A. PURPOSE**

The "C-2" District is established to accommodate those uses that are of city-wide and regional significance. Within this district are permitted retail, service and office uses characteristic of retailing and wholesaling markets. This district is intended to accommodate commercial activities that cannot generally be accommodated in the "C-1" District.

B. PERMITTED USES

The uses permitted in the "C-2" District include those listed in the "Schedule of Uses" found in Section 18 hereof.

C. AREA; YARD; HEIGHT; LOT COVERAGE; BUILDING SIZE

The requirements regulating the minimum lot size, minimum yard sizes (front, side and rear), maximum building height, maximum percent of lot coverage by buildings and the minimum size of buildings, as pertains to this district, shall conform with the provisions of the "Schedule of District Regulations" found in Section 4-D and any other applicable regulations as herein provided.

D. SCREENING REQUIREMENTS

- (1) Except as otherwise provided, a solid fence, wall or hedge must be erected, placed, grown and maintained along a boundary line of any commercial use or district when adjacent to any residentially zoned property to a height of not less than six feet (6') nor more than eight feet (8') above ground level. When a parking lot or facility is adjacent to any residential use or boundary, then a fence, wall or hedge will be required along the common boundary in order to provide suitable screening. Such fence, wall or hedge must be at least three and one-half feet (3-1/2') in height. However, no fence, wall or hedge on a corner lot shall have a height in conflict with the regulations governing visibility at intersections as prescribed in Section 4-C (6) of these regulations. Also, no fence or wall shall be erected or placed in any dedicated easement or right-of-way.
- (2) All storage within one hundred feet (100') of a residential use or district, except for motor vehicles in operable condition, shall be within completely enclosed buildings or effectively screened with a fence, wall or hedge not less than six feet (6') nor more than eight feet (8') in height, provided no storage located within fifty feet (50') of such screening shall exceed the height of such screening.
- (3) When the rear or side property line of a commercial use or district abuts a residential district or use, or when the refuse and trash collection/storage areas are visible from a public thoroughfare, then the garbage, refuse and trash collection/storage areas shall be enclosed on at least three (3) sides, by a dense screening element to adequately screen such area from view of the surrounding area.

E. PARKING REQUIREMENTS

Off-street parking requirements shall be in accordance with the parking schedule found in Section 22 hereof. No covered parking is specifically required.

SECTION 15: "I" INDUSTRIAL DISTRICT**A. PURPOSE**

The "I" District is established to accommodate most industrial and manufacturing uses, provided such use is not noxious or offensive by reason of emission of odors, soot, dust, noise, fumes or vibrations.

B. PERMITTED USES

The uses permitted in the “I” District include those listed in the “Schedule of Uses” found in Section 18 hereof.

C. AREA; YARD; HEIGHT; LOT COVERAGE; BUILDING SIZE

The requirements regulating the minimum lot size, minimum yard sizes (front, side and rear), maximum building height, maximum percent of lot coverage by buildings and the minimum size of buildings, as pertains to this district, shall conform with the provisions of the “Schedule of District Regulations” found in Section 4-D and any other applicable regulations as herein provided.

D. SCREENING REQUIREMENTS

- (1) Except as otherwise provided, a solid fence, wall or hedge must be erected, placed, grown and maintained along a boundary line of an industrial district when adjacent to any residentially zoned property to a height of not less than six feet (6') nor more than eight feet (8') above ground level.
- (2) All storage within one hundred feet (100') of a residential use or district, except for motor vehicles in operable condition, shall be within completely enclosed buildings or effectively screened with a fence, wall or hedge not less than six feet (6') nor more than eight feet (8') in height, provided no storage located within fifty feet (50') of such screening shall exceed the height of such screening.
- (3) When the rear or side property line of a [an] industrial manufacturing use or district abuts a residential district or use or when the refuse and trash collection/storage areas are visible from a public thoroughfare, then the garbage, refuse and trash collection/storage areas shall be enclosed on at least three (3) sides by a dense screening element to adequately screen such area from view of the surrounding area.

E. PARKING REQUIREMENTS

The minimum off-street parking requirements for manufacturing and industrial uses shall be one (1) space for each two (2) employees or one (1) space for each one thousand square feet of gross floor area of all buildings used for the such manufacturing or industrial purposes, whichever is greater. Such off-street parking shall also be in accordance with Section 22 hereof.

SECTION 16: “PD” PLANNED DEVELOPMENT DISTRICT**A. PURPOSE AND SCOPE**

The “PD” District is established to provide a greater flexibility in development planning and the opportunity of the application of modern planning concepts than is permitted under conventional regulations. “PD” Districts may combine a variety of land uses and/or housing types. Mixed uses may include any combination of residential, commercial or industrial uses as long as the uses are compatible with each other and with potential and existing uses surrounding the district. “PD” Districts may be established on parcels of land which are suitable for and of sufficient size to be planned and developed in a manner consistent with the purposes and objectives of this zoning ordinance.

In addition, property may be classified under the “PD” District in combination with any other zoning district (or base district) and so designated by the letters “PD” affixed to the code letters of that base district.

B. PERMITTED USES

The following uses may be permitted in a designated “PD” District:

- (1) Residential Uses, including Detached, Attached or Semi-attached Single Family Units, Row Houses, Townhouses, Condominiums, and Patio Homes, in addition to Duplexes and Multifamily Dwellings—No mobile homes or mobile home parks, recreational vehicles or recreational vehicle parks shall be allowed;
- (2) Business Park;
- (3) Office and Shopping Center;
- (4) Hotel and Motel;
- (5) Medical Clinic and Hospital;
- (6) Industrial Park;
- (7) Library, Museum and Gallery;
- (8) Community, Recreation, and Civic Center;
- (9) Park, Playground and Golf Course;
- (10) Church and School;
- (11) College and University;
- (12) Police and Fire Station;
- (13) Municipal and Governmental Building;
- (14) Water Pumping Station, Water Reservoir, Water Tower[,], Artesian Well, Sewage Lift Station and Septic Tank;
- (15) Telephone Exchange; and
- (16) Radio and Television Transmitter and Satellite Dish.

Whenever a property is classified as a “PD” District in combination with any other zoning district, the permitted uses shall primarily be those allowed under the base district. In no event shall more than thirty percent (30%) of the land area of this district be utilized as any other use than that permitted in such base district unless otherwise agreed to by a concurring vote of at least four (4) members of the city commission, and only after public hearings and proper notices to all parties affected.

C. APPLICATION FOR “PD” DISTRICT

Application for a “PD” District shall be made in the same manner as an application for any amendment to this zoning ordinance and shall include the following additional information:

(1) Proposed Uses

An application for a “PD” District shall specify and describe the category or type of use or the combination of uses proposed. Permitted uses under “PD” zoning shall be specified in each “PD” District ordinance. If such ordinance specifies permitted uses by references to a conventional zoning district, the permitted uses shall mean those uses permitted in the referenced district.

(2) Development Requirements

An application for a “PD” District shall include a list of proposed development standards, which may be incorporated into the “PD” District ordinance. Development standards shall include, but not be limited to: density; lot size; setbacks; building sizes; height and exterior requirements; lot

coverage; parking ratios; screening; landscaping; and any other requirements the city commission may deem appropriate.

Whenever a property is classified as a "PD" District in combination with any other zoning district, the standards set forth in the specific zoning district will be used as a guideline for planned development. Modifications of standards may be considered if the modification substantially meets the intent of this ordinance and improves the overall development design or if a unique project design is proposed which cannot readily be accommodated through other zoning districts, provided, that pecuniary reasons shall not be the sole reason for modifying standards.

(3) Concept Plan

An application for a "PD" District shall include a concept plan showing a preliminary layout of proposed uses, access, buildings, parking, open space and the relationship to existing natural features and adjacent properties and uses.

Upon submission of the application for a "PD" District and after proper notice has been given to all affected parties and public hearings are had, the planning and zoning commission and the city commission shall review the application and may either give approval, with or without modifications, or reject it. In approving the "PD" District, the city commission may impose conditions relative to the standard of development and such conditions shall be complied with before a Certificate of Occupancy is issued for the use of land or any structure which is part of the "PD" 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. DEVELOPMENT SITE PLAN

(1) Approval Required

In establishing a "PD" District in accordance with this section, a comprehensive site plan of the development is required. Such site plan shall be approved and filed as part of the "PD" ordinance prior to the issuance of any building permit in the "PD" District. The approval of the development site plan may also serve as preliminary plat approval, provided that all requirements of the subdivision ordinance and its subsequent amendments are satisfied. Five (5) copies of the site plan will be required to be submitted to the city prior to the issuance of any building permit.

Upon approval of a development site plan and approval of the preliminary plat, application may be made for the permits and certificates necessary for construction. Subsequent to such approval, minor changes may be authorized when such changes will not cause any of the following circumstances to occur:

- (a) a change in the character of the development;
- (b) an increase in the ratio of the gross floor area in structures to the area of any lot;
- (c) an increase in the intensity of use;
- (d) a reduction in the originally approved separations between buildings;
- (e) an increase in the problems of circulation, safety and utilities;
- (f) an increase in the external effects on adjacent property;
- (g) an increase in ground coverage by structures;
- (h) reduction in the ratio of off-street parking and loading space; or
- (i) a change in the locations, lightings or orientation of approved signs.

(2) Compliance with Approvals of Site Plan

The development site plan must comply with all provisions of the "PD" ordinance specifying development standards and substantially reflect the precepts and layout set forth in the concept plan. If, in the judgment of the planning and zoning commission or the city commission, a development site plan does not comply with the provisions of the "PD" ordinance and the concept plan incorporated therein, the planning and zoning commission or the city commission may reject such plan, in which case a new site plan may be submitted or application must be made to amend the "PD" ordinance, including all requirements for notices and public hearings. If a "PD" ordinance does not specify development standards or has not incorporated a concept plan, the development site plan approval must specify such standards. Development requirements on such site plan may be revised under the same review, notice and approval procedures as applied to the original approval of the site plan and application to amend the "PD" ordinance shall not be required.

(3) Site Plan Information

Every application for approval of a site plan under the terms of this district shall contain sufficient information delineating the characteristics of the site, changes in those characteristics as may be proposed by the development, how the development will relate to public services and facilities, and what protection features are included to insure that the development will be compatible with existing and allowable development on adjacent property. The site plan shall show at least the following items of information:

- (a) **Site/Adjacent Property Information:** The land area included within the site; the land area of all abutting sites and zoning classification; all public and private rights-of-way and easements bounding and intersecting the site and the abutting sites which are proposed to be continued, created, relocated and/or abandoned; and the north arrow, date and scale;
- (b) **Building Layout:** The location of each existing and each proposed structures on the site; the general category of use or uses to be contained therein; the number of stories, gross floor area and the location of entrances and exits to buildings; front, side and rear building setback lines; and elevation views or renderings indicating architectural design and building materials proposed;

A table showing the type of units by size, number of bedrooms and number and type for all residential dwellings, including floor plans, will also be required;

- (c) **Circulation and Parking:** The location, dimensions and proposed construction of all streets, private drives, alleys, parking areas and drive approaches, as well as their alignment with existing thoroughfares; location and dimensions of sidewalks, off-street parking areas, fire lanes and loading zones;
- (d) **Drainage and Utilities:** Existing and proposed finished grade of the site, shown to contour intervals not exceeding two (2) feet, proposed handling of on-site surface drainage, location of any floodway or flood-prone area as shown on current FIA mapping; existing and proposed water and sanitary sewer layout; and existing and proposed fire hydrants; and
- (e) **Screening, Landscaping and Recreational Facilities:** The location, height and building materials for any proposed or required walls or fences; height, location and type of any proposed berms or living screens; proposed landscaping plan; location and size of any proposed recreational facilities such as swimming pools, tennis courts and playgrounds.

SECTION 17: "FP" FLOODPLAIN DISTRICT**A. PURPOSE**

To provide for the appropriate use of land which has a history of inundation or is determined to be subject to flood hazard and to promote the general welfare and to provide protection from flooding, the "FP" District is hereby established. This district may also be coextensive with or overlay any or all of the other zoning districts or portions thereof as provided for herein.

Where a tract of land or portion thereof is zoned for the uses of one of the other zoning districts and is also zoned "FP" District, the restrictions contained in the "FP" District shall take precedence over the other zoning districts and shall be the controlling regulations for that district or portion of that district.

B. PERMITTED USES

The following uses shall only be permitted in the "FP" District:

- (1) Agricultural Activities, including the ordinary cultivation or grazing of land and legal and permitted types of animal husbandry;
- (2) Park, Playground or Golf Course;
- (3) Parking Facilities; and
- (4) Railroad Right-of-Way and Tracks, but not including railroad yards or shops, freight or service buildings.

C. SPECIFIC USES WHICH MAY BE PERMITTED

The following uses may be allowed in an "FP" District only if expressly authorized by the city commission and subject to the provisions of Section 18:

- (1) Sanitary Landfill;
- (2) Excavation and Mining Operation;
- (3) Salvage and Wrecking Yard;
- (4) Stadium and Sports Arena;
- (5) Theater, drive in;
- (6) Shooting Range;
- (7) Storage Facility and Warehouse;
- (8) Rodeo Arena;
- (9) Stable for Horses and Livestock;
- (10) Car Wash;
- (11) Granary or Gin; and
- (12) Public Utilities, including Water Treatment Plant, Water Pump Station, Water Reservoir, Water Tower, Artesian Well, Sewage Treatment Plant, Sewage Lift Station, Electrical Substation, Gas Odorizing Station and Gate Station;
- (13) Radio and Television Transmitter and Satellite Dish.

D. AREA; YARD; HEIGHT; LOT COVERAGE; BUILDING SIZE

The requirements regulating the minimum lot size, minimum yard sizes (front, side and rear), maximum building height, maximum percent of lot coverage by buildings and the minimum size of buildings, as pertains to this district, shall conform with the provisions of the "Schedule of District Regulations" and any other applicable regulations as herein provided.

E. GENERAL REGULATIONS

- (1) No building or structure shall be erected in that portion of any district designated "FP" District until such building or structure has been approved by the city commission after recommendation by the city engineer, who will ascertain that such building or structure is probably not subject to damage by flooding and would not constitute an encroachment hazard or obstacle to the movement of flood waters and that such construction probably would not endanger the value and safety of other property or the public health and welfare, in his opinion. The level of the first floor of buildings or structures in flood plain areas shall be a minimum of at least eighteen inches (18") above the highest flood elevation shown in the most recent Federal Insurance Administration (FIA) flood insurance study for the area on which such building or structure is erected.

Owners of buildings in flood-prone areas are encouraged to participate in the flood insurance program made available by insurance companies with the support of the FIA of the Department of Housing and Urban Development (HUD).

- (2) An area may be removed from the "FP" District designation when[,] by the provision of drainage works, grading, flood protection or specific drainage study, it is determined by the city engineer that the flood hazard has, in most probability, been alleviated. Removal of the "FP" District designation shall be accomplished by resolution of the city commission after written notification from the city engineer advising of the removal of the flood hazard and after proper public hearing and notice has been complied with. It shall be the responsibility of any person or organization applying for the alteration of "FP" District to provide the necessary studies and data on which a decision may be made concerning such change request.
- (3) No septic tank system or electric or telephone utilities, with the exception of sanitary sewers, may be located underground in a flood plain designated area unless installed by the guidelines set forth by the Federal Insurance Administration.

F. CITY NOT LIABLE FOR ANY DAMAGES

- (1) The fact that land is, or is not, within a district having a floodplain designation, shall not be interpreted as assurance that such land or area is, or is not, subject to periodic flooding. The city shall not be held responsible for failure to designate any lands as flood-prone areas and shall not be responsible for any such damages caused by any such failure or action.
- (2) No building permit shall be issued for the construction of any building or structure in a floodplain designated area unless and until deed restrictions are executed in favor of the city reciting that the owner and his successors will indemnify and hold harmless the city from any damages caused by flooding.

SECTION 18: SCHEDULE OF USES**A. SCHEDULE OF USES ESTABLISHED**

Land and buildings in each of the following classified districts may be used for any of the following listed uses but no land shall hereinafter [hereafter] be used and no building or structure shall hereinafter [hereafter] be occupied, used, erected, altered, removed, placed, demolished, or converted which is arranged or designed to be used for other than those uses specified for the district in which it is located as set forth by the following schedule of uses:

X Designated use permitted in district

☐ Designates use prohibited in district

S Use permitted with specific approval by City

NOTE: Gross floor area is abbreviated as g.f.a.

Residential Use:	AG	R-1	R-2	R-3	D	MF	MH	LC	C-1	C-2	I
Single Family Dwelling-detached	X	X	X	X	X	X	X	X			
Duplex Dwelling				X	X	X		S			
Triplex Dwelling						X					
Quadruplex Dwelling						X					
Apartment						X					
Mobile/Mfg. House							X				
Industrialized Housing	X	S	S	X	X	X	X			S	
Mobile/Mfg. Home Park							X				
Townhouse						X					
Condominium						X					
Recreational vehicle							X			S	S
Adult Day Care Center				S				S	X	X	X
Accessory Building	X	X	X	X	X	X	X	X	X	X	X
Child Day Care Home	X	X	X	X	X	X	X	S	S	S	
Community Center (Private)	S	S	S	S	X	X	X				
Group Day Care Home	S	S	S	S	S	S	S	S	S	S	
Group Home	S	S	S	S	S	S	S	S	S	S	
Guest House or Quarters	X	X	X	X	X	X	X	S	S	S	
Halfway House	S	S	S	S	S	S	S	S	S	S	
Home Occupation	S	S	S	S	S	S	S	S			
Rooming (Boarding) House						S					
Swimming Pool (Private)	X	X	X	X	X	X	X	X	X	X	X
Tennis Court (Private)	X	X	X	X	X	X	X	X	X	X	X
Trailer Camp or Park							X				

Agriculture /Ranch Uses:	AG	R-1	R-2	R-3	D	MF	MH	LC	C-1	C-2	I
Animal Feed Lot	S										S
Dairy	S										S
Farm	S	S									
Greenhouse	X	S	S	S	S	S	S	S	S	S	
Livestock Auction											
Barn	S									S	S
Orchard	X	S									
Ranch	X	S									
Rodeo Ground, Arena	S									S	S
Stable, Private	S	S									
Stable, Public	S										

Utility/ Solid Waste Uses:	AG	R-1	R-2	R-3	D	MF	MH	LC	C-1	C-2	I
Electric Substations	X	S	S	S	S	S	S	S	S	S	X
Gas Line (6" or larger)	S	S	S	S	S	S	S	S	S	X	X
Gas Regulating/ Gate Station	S	S	S	S	S	S	S	S	S	X	X
Microwave Tower	X	S	S	S	S	S	S	S	S	X	X
Radio and Television Tower	X	S	S	S	S	S	S	S	S	X	X
Railroad Freight Terminal											X
Railroad Yard											X
Recycling Facility										S	X
Refuse Transfer Station										S	S
Sewer Lift Station	X	S	S	S	S	S	S	S	S	S	X
Telephone Exchange	X	S	S	S	S	X	X	S	X	X	X
Wastewater Treatment Plant	S								S	S	S
Water Pump Station	X	S	S	S	S	S	S	S	X	X	X
Water Storage Tank	X	S	S	S	S	S	S	S	X	X	X
Water Treatment Plant	X	S	S	S	S	S	S		X	X	X

Gov't and Institutional Uses:	AG	R-1	R-2	R-3	D	MF	MH	LC	C-1	C-2	I
Athletic Field or Stadium	S	S	S	S	S	S	S		X	X	X
Church or Rectory	X	X	X	X	X	X	X	X	X	X	X
College or University	S	S	S	S	S	S	S	S	X	X	
Community/ Recreation Center	X	X	X	X	X	X	X	X	X	X	
Convalescent Center									X	X	
Fire Station		S	S	S	S	S	S	S	X	X	X
Hospital										X	
Library	X	X	X	X	X	X	X	X	X	X	X
Museum or Art Gallery								X	X	X	X
Park or Playground	X	X	X	X	X	X	X	X	X	X	X
Police Station	S	S	S	S	S	S	S	S	X	X	
Post Office									S	X	X
Prison or Penitentiary	S										S
Sanitarium										X	
School (nursery or kindergarten)	S	S	S	S	S	S	S	S	X	X	
School (trade or business)									S	X	X
School (elementary or middle)	X	X	X	X	X	X	X	X	X	X	
School (high school)	X	X	X	X	X	X	X	X	X	X	
Government Office								S	X	X	
Swimming Pool (public)	S	S	S	S	S	S	S	S	X	X	
Tennis Court (public)	S	S	S	S	S	S	S	S	X	X	

Commercial Uses:	AG	R-1	R-2	R-3	D	MF	MH	LC	C-1	C-2	I
Amusement Park	X									X	X
Animal Hospital	X								X	X	X
Animal Shelter										X	X
Antique Shop								S	X	X	
Apparel Store									X	X	
Appliance Retail Store									X	X	
Appliance Repair Shop										X	
Appliance Store (retail)									X	X	
Art Supply Store								S	X	X	
Athletic or Fitness Club									X	X	X

Commercial Uses:	AG	R-1	R-2	R-3	D	MF	MH	LC	C-1	C-2	I
Audio and Video Store (retail)									X	X	
Auto Paint and Body Shop										X	X
Auto Rental									S	X	X
Auto Repair Garage										X	X
Auto Sales Lot										X	X
Bakery (retail)									X	X	
Bank or Financial Institution									X	X	
Barber or Beauty Shop	S	S	S	S	S	S	S	S	X	X	
Bicycle Sales and Repair									X	X	
Boat Sales										X	X
Bowling Alley									S	X	X
Building Materials Yard										X	X
Bus Terminal									X	X	X
Business Office								S	X	X	X
Cabinet Shop									S	X	X
Camera Store (retail)									X	X	
Car Wash									S	X	X
Carnival or Circus									S	S	S
Carpet Store (retail)									X	X	
Child Care Center								S	X	X	X
Computer Store (retail/service)									X	X	
Contractor Yard (outside storage)										X	X
Dental Clinic or Office									X	X	
Department Store									X	X	
Electrical Supply Store										X	X
Electronics Store (retail)									X	X	
Farm Implement Sales										X	X
Feed Store										X	X
Florist Shop								X	X	X	
Flea Market (outside)										X	X
Fraternity/Sorority Lodge							S		X	X	
Furniture Store (retail)									X	X	
Game Hall									S	S	
Gift or Novelty Shop								S	X	X	
Go-Cart Track										X	X

Commercial Uses:	AG	R-1	R-2	R-3	D	MF	MH	LC	C-1	C-2	I
Golf Course	X	S	S	S	S	S	S			X	X
Golf Course (miniature)										X	X
Golf Driving Range	S									X	X
Granary or Gin	X										X
Grocery Store									X	X	
Gun Shooting Range (indoor)	S									S	X
Gunsmith Shop									X	X	
Hardware Shop									X	X	
Heavy Equipment Sales										X	X
Hobby Shop									X	X	
Hotel or Motel									S	X	X
Jewelry Store									X	X	
Kennel	S								S	X	X
Laboratory, Medical or Dental									S	X	X
Laundry or Dry Cleaners									X	X	X
Lawnmower Sales and Service	S	S	S	S	S	S	S		S	X	X
Lithographic Shop									X	X	X
Locksmith Shop									X	X	X
Meat Market									X	X	X
Medical Clinic or Office									X	X	
Mini-warehouse									S	X	X
Manufactured Home Sales Lot										X	X
Massage Establishment										S	S
Mortuary or Funeral Home									S	X	X
Motorcycle Sales										X	X
Movie Theater (drive-in)										X	X
Movie Theater (indoor)									X	X	X
Musical Instrument Store									X	X	
Newspaper Office									X	X	
Newsstand									X	X	
Nightclub										X	X
Office Supply Store									X	X	
Optical Clinic or Office									X	X	
Optical Dispensary Store									X	X	
Paint Sales Store (retail)									X	X	

Commercial Uses:	AG	R-1	R-2	R-3	D	MF	MH	LC	C-1	C-2	I
Pawnshop									S	X	
Pet Grooming Shop									X	X	
Pet Shop									X	X	
Pharmacy or Drug Store									X	X	
Picture Framing Shop								S	X	X	
Plant Nursery	S									X	
Plumbing Shop (retail)									X	X	
Pool or Billiard Hall									S	X	
Printing Shop									X	X	
Private Club (serving alcohol)									X	X	X
Professional Offices								S	X	X	
Recording Studio									X	X	X
Recreation Center									X	X	
Recreational Vehicle Sales										X	X
Restaurant or Cafe (inside)									X	X	
Restaurant (drive-in)									X	X	
Second Hand Store									X	X	
Service Station									S	X	X
Sexually Oriented Business										S	S
Shoe or Boot Store									X	X	
Shopping Center or Mall										X	X
Sign Shop										X	X
Skating Rink									S	X	X
Sporting Goods Store									X	X	
Tanning Salon								S	X	X	
Taxidermist										X	X
Tire Sales and Repair										X	X
Tool Rental										X	X
Travel Agency									X	X	
Truck Rental										X	X
Truck Repair										X	X
Truck Sales										X	X
Truck Wash										X	X
Upholstery Shop										X	X
Washateria (self-service)										X	X

(Ordinance 2005-04, sec. 1, adopted 2/10/05; Ordinance 2005-09, sec. 1, adopted 4/28/05)

Industrial Uses:	AG	R-1	R-2	R-3	D	MF	MH	LC	C-1	C-2	I
Airport										S	S
Ammonia Manufacturing											X
Apparel Manufacturing											X
Appliance Manufacturing											X
Artificial Limb Manufacturing											X
Asphalt Batching Plant											S
Auto Salvage Yard											X
Bakery, Commercial											X
Bleach Manufacturing											X
Bookbinding and Publishing										S	X
Bottling Plant										S	X
Box Manufacturing											X
Brewery											X
Brick or Tile Manufacturing											X
Canning Operation											X
Carpet Manufacturing											X
Cartage Operation										S	X
Chemical Storage and Mfg.											S
Chlorine Manufacturing											X
Cold Storage Plant											X
Concrete Batching Plant										S	X
Concrete Product Casting Plant											X
Contractor Yard (outside storage)										X	X
Cotton Gin											X
Creamery											X
Creosote Manufacturing											X
Distribution Center										S	X
Distillation Plant											X
Dying Plant											X
Electroplating											X
Envelope Manufacturing											X
Explosives Manufacturing											S
Fertilizer Manufacturing											S

Industrial Uses:	AG	R-1	R-2	R-3	D	MF	MH	LC	C-1	C-2	I
Fiberglass Manufacturing											X
Fireworks Manufacturing											S
Food Processing											X
Foundry											X
Freight Terminal, Motor											X
Freight Terminal, Railroad											X
Furniture Manufacturing											X
Glass Manufacturing											X
Glue Manufacturing											X
Gypsum Manufacturing											X
Heliport or Helistop										S	S
Ice Cream Plant											X
Ice Plant											X
Incinerator										S	S
Insecticide Processing											S
Junkyard											X
Laundry Plant											X
Light Fabrication Plant											X
Machine Shop											X
Marble Manufacturing											X
Mattress Manufacturing											X
Meat Processing Plant											X
Metal Fabrication											X
Metal Stamping and Extrusion											X
Mining, Extraction Operation											X
Monument Works											X
Packaging Operation										S	X
Paint Manufacturing											X
Pallet Manufacturing											X
Paper Mill											X
Pesticide Processing											X
Petroleum Products (wholesale)											X
Pharmaceutical Manufacturing											X

Industrial Uses:	AG	R-1	R-2	R-3	D	MF	MH	LC	C-1	C-2	I
Plastic Product Manufacturing											X
Pottery Manufacturing											X
Poultry Processing Plant											X
Radio Transmitting Station										S	X
Rendering Plant											S
Smelter Plant											S
Tanning Plant											S
Television Transmitting Station										S	X
Temporary Construction Office	S	S	S	S	S	S	S	S	S	S	X
Textile Manufacturing											X
Tire Manufacturing											X
Tire Recapping Plant											X
Vehicle Conversion Facility										X	X
Warehouse										S	X
Welding Shop										S	X
Wrecking Yard											X

B. UNLISTED LAND USES

In instances where a proposed land use is not included in the "Schedule of Uses" and interpretation is required regarding the appropriate classification of an unlisted form of land use, the procedures as set forth in Section 24 of this ordinance shall be followed.

SECTION 19: SPECIFIC USE PERMITS GENERALLY

A. STANDARDS

No application for a specific use shall be granted by the City Commission unless all of the following conditions are present:

- (1) That the establishment, maintenance or operation of the specific use will not be materially detrimental to or endanger the public health, safety, morals or general welfare;
- (2) That the uses, values and enjoyment of other property in the neighborhood for purposes already permitted shall be in no foreseeable manner substantially impaired or diminished by the establishment, maintenance or operation of the specific use;
- (3) That the establishment of the specific use will not significantly impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district;

- (4) That adequate utilities, access roads, drainage and other necessary site improvements have been or are being provided;
- (5) That adequate measures have been or will be taken to provide ingress or egress so designed as to minimize traffic congestion in the public streets; and
- (6) That the specific use shall conform to all applicable area, yard, height, lot coverage, building size and exterior requirements and parking space regulations of the district in which it is located.

B. CONDITIONS AND GUARANTEES

Prior to the granting of any specific use permit, the city commission may stipulate such conditions and restrictions upon the establishment, location, construction, maintenance and operation of the specific use as deemed necessary to protect the public health, safety and general welfare of the community and to secure compliance with the standards and requirements specified in Subsection A above. In all cases in which specific use permits are granted, the city commission shall require such evidence and written guarantees as it may deem necessary as proof that the conditions stipulated in connection therewith are being and will be complied with.

C. EFFECT OF DENIAL OF APPLICATION

No application for a specific use permit which has been denied wholly or in part by the city commission shall be resubmitted for a period of sixty (60) days from the date of said denial.

D. APPLICATION, FILING PROCEDURES AND FEES

The Property owner or certified agent shall make application on a form prescribed by the City of La FERIA, and such application shall provide a site plan. Obtaining a special use permit shall not exempt an applicant from complying with requirements of the City of La FERIA's building codes or other ordinances.

E. SITE PLANS

- (1) Purpose: The purpose of the site plan is to ensure compliance with the zoning ordinance and to assist in the orderly and harmonious development of the city, to protect and enhance the general welfare, and to help prevent the impairment or depreciation of land values and development by the erection of structures, additions, or alteration thereto without proper attention to site planning.
- (2) Recording: An applicant for a special use permit shall file a site plan with the City Manager or his or her designated administrative official.
- (3) Contents: A site plan shall contain drawings to scale to indicate, as needed:
 - (a) The location of all structures on the subject property and on adjoining property;
 - (b) Landscaping and/or fencing yards and setback areas and proposed changes;
 - (c) Design of ingress and egress;
 - (d) Off-street parking and loading facilities;
 - (e) Height of all structures;
 - (f) Proposed uses; and
 - (g) The location and types of all signs, including lighting and heights.

F. PROCEDURE

The city manager or his or her designated administrative official shall have the responsibility for processing all applications for special use permits and presenting them to the city commission for consideration. The city manager or his or her designated administrative official shall complete all of the following procedures prior to the city commission's consideration of an application for a specific use permit:

- (1) The city manager or his or her designated administrative official performs all investigation he or she deems necessary under the circumstances.
- (2) The city manager or his or her designated administrative official shall obtain recommendations from the chief of police and from the fire marshal relative to the application.
- (3) The city manager or his or her designated administrative official shall send, by first-class mail, a written notice of a public hearing conducted by the city commission, in a form prescribed by the city manager or his or her designated administrative official, to each and every owner of real property, as determined from the most recent property tax rolls within two hundred (200) feet of the property of which an application has been made. In no event shall such notice be sent less than ten (10) days prior to the date of the meeting at which the city commission will conduct a public hearing regarding such application.
- (4) The city manager or his or her designated administrative officials shall publish said notice of public hearings one (1) time in the official newspaper of the City of La Feria. In no event shall such notice be published less than ten (10) days prior to the date of the meeting at which the city commission will conduct said public hearing.
- (5) The city manager or his or her designated administrative official shall formulate a recommendation to the city commission regarding the application.

G. ACTION BY THE CITY COMMISSION

- (1) The city commission shall conduct a public hearing on each application for a special use permit.
- (2) The city commission shall consider the recommendation of the city manager or his or her designated administrative official regarding each such application.
- (3) After the close of the public hearing, the city commission shall take action to grant or to deny the specific use permit. The city commission may grant a specific use permit subject to appropriate conditions and safeguards when the city commission finds:
 - (a) That the proposed specific use meets all the minimum standards established in this ordinance and other applicable ordinances.
 - (b) that the proposed specific use meets the intent of the zoning district in which it is located, and is in accordance with the comprehensive plan.
 - (c) that the proposed specific use will not be detrimental to the health, welfare, and safety of the surrounding neighborhood or its occupants, nor be substantially or permanently injurious to the neighboring property.

H. TERM OF PERMIT; RENEWAL

A specific use permit shall have a term of not more than one (1) year from the date it is granted by the city commission unless otherwise provided by the city commission. If the specific use permit is given a term other than one (1) year, the expiration date shall be set forth in the permit. Any permittee wishing a renewal of such permit for successive terms shall make application for such renewal to the city manager or his or her

designated administrative official, not less than thirty (30) days before the date the permit expires. If, after proper inspection, the city manager or his or her designated administrative official finds that the conditions of the original permit are being met, and there have been no signed complaints of noncompliance, the permit may be renewed by the city manager or his or her designated administrative official for an additional term equal to the term originally which the city commission originally granted. If there is evidence of or complaints of noncompliance with the terms of the permit, then a request to renew the permit shall constitute a request for a new special use permit which shall be subject to all the provisions of this Section 19.

I. COMPLIANCE; REVOCATION AND CANCELLATION

- (1) The city manager or his or her designated administrative official shall ensure compliance with this ordinance and all special use permits granted by the city commission. He/she shall:
 - (a) Make inspections to determine compliance with the provisions of this ordinance and the permit, and initiate appropriate action if necessary.
 - (b) Investigate thoroughly any complaints of noncompliance concerning a permitted special use, and keep a record of all complaints, indicating any action taken. These records shall be made available at the time of renewal of the permit.
- (2) Upon determination of noncompliance with the provisions of a special use permit, the city manager or his or her designated administrative official shall give to the permit holder written notice of:
 - (a) The nature of the violation;
 - (b) The necessary action to remedy the violation; and,
 - (c) The time period, not less than ten (10) days nor more than thirty (30) days after the date of notification, within which to comply.
- (3) The city commission, after due hearing, may revoke any special use permit that has been reported in violation by the city manager or his or her designated administrative official. Continued use without a permit shall be a violation of the Zoning Ordinance and shall be subject to the penalties provided therein.
- (4) If within one hundred eighty (180) days after the date the city commission grants a special use permit, such permit has not been used, or a building permit has not been obtained, where construction is necessary, such special use permit shall be automatically canceled at midnight on the one hundred eightieth (180th) day following the date the city commission issued such permit.
- (5) In the event, the owner of the property subject to a special use permit transfers such property during the term of such permit, such special use permit shall be automatically canceled at midnight on the fifth (5th) business day after such transfer unless the transferee has executed a written agreement that such special use may continue on the subject property after the date of transfer and such executed, written agreement is delivered to the city manager or his or her designated administrative official before 5:00 PM on the fifth (5th) business day after such transfer.

SECTION 20: HOME OCCUPATIONS

The purpose of this section is to permit the conduct of home occupations which are compatible with the neighborhoods in which they are located. Some home occupations are a permitted accessory use in a residential district and are subject to the requirements of that district in which the use is located, in addition to the following:

- (1) Only the members of the immediate family occupying the dwelling shall be engaged in the home occupation;
- (2) The home occupation shall be conducted only within the enclosed area of the dwelling unit, garage, or accessory buildings. No storage or display of materials, goods, supplies, or equipment related to the operation of home occupation shall be visible outside any structure located on the premises;
- (3) No more than twenty-five percent (25%) of the area of one (1) story of the principal building shall be devoted to the home occupation;
- (4) There shall be no exterior alterations which change the character thereof as a dwelling and/or exterior evidence of the home occupation other than those signs permitted in the district;
- (5) No use shall create smoke, glare, noise, dust, vibration, fire hazard, small electrical interference or any other nuisance not normally associated with the average residential use in the district;
- (6) The home occupation shall not create any significant increase in vehicular flow or parking and shall not create greater pedestrian traffic than normal for the district;
- (7) No home occupation shall cause a significant increase in the use of any utilities, or generate trash or refuse beyond the average of the residences in the neighborhood; and
- (8) No more than one (1) advertising sign with a maximum of four (4) square feet of a nonilluminating nature may be attached to the main building.

The following are examples of uses which can often be conducted within the limits of this section. Uses listed in this paragraph do not automatically qualify as a home occupation nor does this listing limit the uses which may qualify as home occupations: piano and guitar instruction, handicraft, dressmaking, preserving, accountant, artist, author, consultant, individual tutoring, millinery, child care of no more than five (5) children, and barber or beauty shops. The following uses are incompatible with residential neighborhoods and thereby impair the character of residential areas. Therefore, these uses shall not be permitted as accessory uses in residential districts: vehicle repair, painting of vehicles or boats, television and appliance repair, fix-it shops, cabinet shops, and machine shops.

The city commission shall interpret the provisions of this section to determine the validity of a home occupation. A use considered not within the scope of the home occupation provisions shall be subject to the provisions of the commercial or industrial zones of this ordinance.

(Ordinance 2000-03 adopted 4/13/00)

SECTION 21: GARAGE SALES

A. No garage sale shall be held within the City of La Feria except as specifically provided herein. Any person holding a garage sale in violation of the requirements set forth herein shall constitute a violation of this Ordinance and the Code of Ordinances of the City of La Feria, Texas, and such person shall be subject to the penalty provisions found in Chapter 1.106 [section 1.01.009] of the Code of Ordinances of the City of La Feria.

B. Prior to conducting a garage sale, the person conducting the sale shall obtain a garage sale permit at City Hall at a cost of \$5.00; provided, however, the fee may be waived in the sole discretion of the City Manager for good cause shown. The person obtaining the permit must show evidence of the right to occupy the premises for which the permit is sought. The fee is nonrefundable; however, if inclement weather or other good cause, as solely determined by the City Manager, forces cancellation of all or any portion of the sale, an extended permit may be issued at no additional charge.

- C. No more than four (4) garage sales may be held at the same location within any twelve (12) month period. No garage sale may be held at the same location more than once every sixty (60) days.
- D. No garage sale shall be held for more than three (3) consecutive days. All garage sales shall be held only between the hours of 7:00 a.m. and 7:00 p.m.
- E. The permit issued by the City shall be and remain posted on the property identified therein in a manner readily visible to and accessible to the persons attending the garage sale for the duration of the sale.
- F. The person named in the permit shall be responsible to insure that no signs relating to the garage sale shall be posted on any public property in violation of any applicable ordinance, rule, regulation or law of the City of La Feria or the State of Texas. The person named in the permit shall be responsible to insure that all signs relating to the garage sale shall be removed within 72 hours of the expiration of the permit.

(Ordinance 2004-15 adopted 9/9/04)

SECTION 22: OFF-STREET PARKING AND LOADING REQUIREMENTS GENERALLY

A. PURPOSE

To secure safety from fire, panic and other dangers; to lessen congestion in the streets; to facilitate the adequate provision of transportation; to conserve the value of buildings; and to encourage the most appropriate use of land, minimum off-street parking and loading areas shall be provided as set forth in the following schedules and provisions.

B. RESIDENTIAL PARKING REQUIRED

- (1) Two (2) paved parking spaces per dwelling unit shall be provided for the following, with the parking area located on the same lot as the main building or buildings, except as otherwise provided above:
 - (a) Single-family dwelling, including town houses and mobile homes.
 - (b) Two-family (duplex) dwellings.
 - (c) Three-family (triplex) dwellings.
 - (d) Four-family (fourplex) dwellings.
- (2) Minimum number of paved, striped off-street parking spaces per dwelling unit required for multifamily dwelling units or condominiums:
 - (a) 0-bedroom or efficiency dwelling unit, one (1.0) space per unit.
 - (b) 1-bedroom dwelling units, one and one-half (1.5) spaces per unit.
 - (c) 2-bedroom dwelling units, one and three-fourths (1.75) spaces per unit.
 - (d) 3-or more bedroom dwelling units, two (2.0) spaces per unit.
- (3) One and one-half (1 ½) parking spaces for each person shall be provided for the following establishments:
 - (a) Dormitory.
 - (b) Lodging house.

(c) Rooming house.

(d) Other similar group quarters.

C. NONRESIDENTIAL PARKING REQUIREMENTS:

- (1) **Commercial uses, office and professional buildings outside of the Central Business District,** unless otherwise mentioned in this section, shall be required to have three (3) spaces for up to three hundred (300) square feet of floor area, plus one (1) space for each additional three hundred (300) square feet of floor area.
- (2) **Restaurants, nightclub, café or similar recreation or amusement establishment:** One (1) parking space for each one hundred (100) square feet of floor area, or one (1) space for each four (4) seats, whichever is greater.
- (3) **Theaters, auditoriums, churches, temples, assembly halls, sports arenas, stadiums:** One (1) space for each three (3) seats in the main auditorium or seating area.
- (4) **Dance, assembly and exhibition halls without fixed seats:** One (1) space for each one hundred (100) square feet used for assembly or dancing.
- (5) **Hotel or motel:** One (1) parking space for each sleeping room or suite plus one (1) space for each two hundred (200) square feet of commercial floor area contained therein.
- (6) **Hospital:** One (1) parking space for each bed.
- (7) **Sanatorium, convalescent home, home for the aged or similar institution:** One (1) parking space for each two (2) beds.
- (8) **Medical or dental clinics:** Five (5) for each doctor or dentist, or in accordance with a [1.], whichever is greater.
- (9) **Bowling alley:** Five (5) parking spaces for each alley.
- (10) **Mortuary or funeral home:** One (1) parking space for each fifty (50) square feet of floor space in slumber room parlors and individual funeral service rooms.
- (11) **Day nurseries, day care centers, and kindergartens with over six children:** One (1) parking space for each two (2) employees, plus an off-street drive and loading space for a minimum of four (4) cars for the transferring of passengers.
- (12) **Schools (except high school or college):** One and one-half (1.5) spaces for each classroom.
- (13) **College or high schools:** One (1) parking space for each eight (8) seats in the main auditorium or four (4) spaces for each classroom, whichever is greater.
- (14) **Manufacturing plants, research laboratories:** One (1) for each one and one-half (1.5) employees in the maximum work shift.
- (15) **Warehouses:** One (1) for each employee in the maximum work shift.
- (16) **Terminal facilities, truck terminals, and other similar personal and/or material facilities:** One (1) for each two hundred (200) square feet of floor area when non warehousing facilities are provided; one (1) for each seven hundred (700) square feet when warehousing facilities are provided.

- (17) **Bus depots:** One (1) for each one hundred (100) square feet of floor area.
- (18) **Lumberyards and wholesale establishments:** One (1) for each one hundred fifty (150) square feet of sales floor area, plus one (1) for each warehouse employee.
- (19) **Unclassified use:** Where the proposed land use cannot be classified within the uses herein specified, the city commission shall determine the specified use most closely related to the proposed use and the minimum requirements for the specified use so determined shall apply to the proposed use.
- (20) **Exceptions:** Groups of uses requiring vehicle parking space may join in establishing group parking areas with capacity aggregating that required for each particular use. Where it can be established before the building inspector that parking for two (2) specific uses occurs at alternating periods, the parking space requirements of the use requiring the greater number of spaces may be applied to both uses in a combined parking area. Such parking shall be within three hundred (300) feet of all uses to be served by such parking. Example: Church and professional office building.

D. OFF-PREMISES LOCATION OF PARKING

Off-Premises Location: For any new use, building or structure where the required off-street parking cannot be provided on the premises because of the size or the locations of the lot, such parking may be provided on other property under the same ownership not more than two hundred (200) feet distant from the building site and provided the proposed parking area is located in a district where parking lots are permitted. Where individual land parcels are not large enough to permit on-site parking, the owners of several such adjacent parcels may be required to make a financial contribution sufficient to permit the joint development of required parking space nearby to serve traffic generated by the several land uses.

E. CLARIFICATION, EXCEPTION AND MODIFICATION OF OFF-STREET PARKING REQUIREMENTS

- (1) No parking space located on a public street or alley may be included in the calculation of off-street parking requirements.
- (2) Parking spaces used for the parking of trucks or buses shall not be counted towards meeting the requirements of this section.
- (3) In the event that the owner of a piece of property has insufficient street frontage to comply with the above parking requirements, the board of adjustment may grant permission to lessen the parking requirements.
- (4) When the computation for the number of parking spaces required under this ordinance results in the requirement of a fractional space, the fractional space requirement shall be satisfied by adding one (1) additional space to the whole-space total.
- (5) When a lot is used for a combination of uses, the off-street parking requirements are the sum of the requirements for each use, and no off-street parking space for one use is included in the calculation of off-street parking requirements for any other use.
- (6) Except for single-family, duplex, townhouse and mobile home uses, head-in parking adjacent to a public street where the maneuvering of the vehicle in parking or leaving the parking space is done on a public street is prohibited, and on all existing uses is excluded in computing off-street parking requirements.

- (7) In all districts except a central area district, required off-street parking must be available as free parking or contract parking on other than an hourly or daily fee basis. This requirement does not apply to institutional uses.
- (8) The parking space required for a use not specifically mentioned herein shall be the same as required for a use of similar nature.
- (9) After the effective date of this Section 22, whenever a property is changed or enlarged in floor area, number of employees, number of dwelling units, seating capacity, or otherwise, to create a need for an increase to ten (10) percent or more in the number of existing parking spaces, such space shall be provided on the basis of the enlargement or change as proportional percentage. Whenever a building or use existing prior to the effective date of this Section 22 is enlarged to the extent of fifty (50) percent or more in floor area used, said building or use shall then and thereafter comply with the parking requirements set forth herein.
- (10) Automotive vehicles or trailers bearing license plates or state motor vehicle inspection stickers that are more than three (3) months out of date shall only be parked or stored on any residentially zoned property in a completely enclosed building. Parking and storage of vehicles shall be in accordance with the city's junk vehicle ordinance.
- (11) For purposes of these regulations, major recreational equipment is defined as including boats and boat trailers, travel trailers, pickup campers or coaches (designed to be mounted on automotive vehicles), motorized dwellings, tent trailers, and the like, and cases or boxes used for transporting recreational equipment, whether occupied by such equipment or not. No major recreational equipment shall be parked or stored on any lot in a residential district except in an enclosed building or behind the portion of a building nearest to a street, provided, however, that such equipment may be parked anywhere on residential premises for not to exceed twenty-four (24) hours during loading or unloading.

F. OFF-STREET LOADING REQUIREMENTS

Except in the "C-1" and "C-2" District, all retail, commercial and industrial uses shall be provided with off-street facilities for receiving and loading merchandise, supplies and materials within a building or on the lot or tract. Such off-street loading space may be adjacent to a public alley or private service drive or may consist of a truck berth within the structure. Such off-street loading space or truck berth shall consist of a minimum area of ten by forty-five feet (10' x 45') and such spaces or berths shall be provided in accordance with the following schedule:

<u>Square Feet of Gross Floor Area in Structure</u>	<u>Minimum Required Spaces or Berths</u>
0 to 5,000	None
5,000 to 25,000	1
25,000 to 45,000	2
45,000 to 65,000	3
65,000 to 100,000	4

The existence of a twenty foot (20') alley adjacent to the property shall be construed as equivalent to one (1) berth. All off-street loading spaces shall have an all-weather surface of asphalt or concrete construction and shall be accessible by a street, driveway or alley.

No loading docks shall be constructed facing on any public street or highway unless said loading dock is at least seventy-five feet (75') inside the right-of-way line of the street or highway on which said loading dock fronts.

G. OFF-STREET LOADING REQUIREMENTS

All parking areas and spaces shall be designed and constructed in accordance with the following requirements:

- (1) All parking areas and spaces shall be designed and constructed so as to have free ingress and egress at all times.
- (2) No parking space or parking area shall be designed so as to require a vehicle to back into a public street or across a public sidewalk, except in the case of one-family and two-family dwelling units.
- (3) Minimum dimensions for off-street parking:
 - (a) **Ninety-degree angle parking:** Each parking space shall not be less than nine (9) feet in width and eighteen (18) feet in length. Maneuvering shall be not less than twenty-four (24) feet.
 - (b) **Sixty-degree angle parking:** Each parking space shall be not less than nine (9) feet wide perpendicular to the parking angle nor less than twenty (20) feet in length when measured at right angles to the building or parking line. Maneuvering space shall be not less than sixteen (16) feet perpendicular to the building or parking line.
 - (c) **Forty-five-degree angle parking:** Each parking space shall be not less than nine (9) feet wide perpendicular to the parking angle nor less than eighteen and one-half (18 ½) feet in length when measured at right angles to the building or parking line. Maneuvering space shall be not less than twelve (12) feet perpendicular to the building or parking line.
 - (d) When off-street parking facilities are located adjacent to a public alley, the width of said alley may be utilized as a portion of the maneuvering space requirement, provided the alley is paved.
 - (e) When off-street parking facilities are provided in excess of minimum amounts herein specified, or when off-street parking facilities are provided, but not required by this Section, said off-street parking facilities shall comply with the minimum requirements for parking and maneuvering space herein specified.
- (4) **Pavement standards:** All parking lots shall be paved according to city standards and specifications. The parking lanes must be clearly marked by white paint, buttons or other approved material.
- (5) No parking area shall be designed or constructed which ends in a dead end, if more than three (3) parking spaces in depth, unless adequate turnaround space is provided.
- (6) All entrances or exits in a parking area shall be a minimum of thirty (30) feet from the beginning point of any corner radius.
- (7) All entrances or exits in a parking area shall be a minimum of twenty-four (24) feet and a maximum of thirty (30) feet in width, unless one-way, in which case they shall be a minimum of twelve (12) feet for entrances and a minimum of nine (9) feet for exits.

- (8) The driveway approach angle to any parking area shall be a maximum of sixteen (16) degrees, the departure angle a maximum of ten (10) degrees, and the ramp angle a maximum of eleven (11) degrees.
- (9) No parking areas or parking spaces shall be allowed to pave over or utilize public right-of-way, with the exception of approved entrances and exits, unless an exception is granted by the board of adjustment to pave within four (4) feet of an existing or future curbline, due to a hardship.
- (10) Any lighting used to illuminate any off-street parking area shall be so designated [designed] and constructed as to reflect the light away from any adjoining property or street.
- (11) No occupancy permit shall be issued by the chief building inspector of the city until the terms and conditions of this ordinance have been met, as certified by the director of planning.
- (12) All parking areas and parking spaces shall be designed and constructed to protect adjacent residences from the direct glare of headlights of vehicles using the parking area. In accordance, all off-street parking areas shall be effectively screened on each side by a buffer as herein defined, from any adjoining property zoned single-family, town house, or duplex.

SECTION 23: STANDARDS FOR CONDOMINIUM AND TOWNHOUSE DEVELOPMENT

Development of condominium and/or townhouse projects shall be considered within the scope of the "PD" Planned Development zoning classification, thereby providing flexibility in planning and design, and allowing the application of innovative and creative development concepts.

The following standards are set forth as guidelines for the preparation of a development plan as required for "PD" Districts which incorporate condominium and/or townhouse development. Consistent with the intent of the "PD" District, these standards may be modified as may serve the best interests of the community upon approval of the development plan.

(1) Condominium and Townhouse Lots

The following minimum requirements should apply to each lot used for condominium or townhouse development:

- (a) Area of Lot - Three thousand (3,000) square feet;
- (b) Depth of Lot - One hundred feet (100'), except where the lot backs up to a freeway, expressway, or thoroughfare, in which case the minimum depth of lot shall be one hundred ten feet (110');
- (c) Width of Lot - Twenty-five feet (25');
- (d) Front Yard Setback - Twenty-five feet (25'); and
- (e) Exterior Side Yard - Where a side lot line abuts a street, a side yard of fifteen feet (15') shall be required.

Street access to a condominium or townhouse lot shall be required in order to provide fire protection and sanitation service.

(2) Spacing Between Buildings

Dwelling units should be in groups of not less than three (3) condominium or townhouse units nor more than seven (7) units; but in no event should more than one quarter of the total building groups contain eight (8) condominiums or townhouses. The total length of any one group of units should not exceed an overall length of two hundred twenty-five feet (225'). There shall be a minimum space

of thirty-six feet (36') between building groups and fifteen feet (15') between the end of a building and a street, private drive or alley.

(3) Open Space

Not less than forty percent (40%) of the total gross land area shall be open space or permanent landscaped areas. Such open space shall be used exclusively for the purpose of installation of recreational facilities and green or landscaped areas. Flood plains, or any standing surface water, other than swimming pools, may be considered open space if specifically approved by council.

(4) Density

The average density of condominium or townhouse units should not exceed eight (8) units per acre. The density is to be computed by taking the gross land area of each tract and dividing the total number of dwelling units within the tract.

(5) Living Area in Each Condominium or Townhouse Unit

The minimum living area for a one bedroom condominium or townhouse unit shall be nine hundred (900) square feet; two (2) or more bedroom units shall have a minimum of one thousand (1,000) square feet living area, exclusive of garages, breezeways, patios and porches.

(6) Exterior Fire Resistant Construction

All main buildings shall be of exterior fire resistant construction having at least eighty percent (80%) exterior walls constructed of brick, brick veneer, stone, stone veneer or other masonry, or materials of equal characteristics, or as approved in the review of the development plan.

(7) Fire Walls

Within each condominium or townhouse complex, a four (4) hour fire-rated fire wall shall be placed every four thousand five-hundred (4,500) square feet. All such fire walls shall be continuous and unbroken from the foundation slab to the underside of the roof deck and conform to the other requirements for fire walls as outlined in the building code for the city. All other condominium or townhouse unit separation walls shall be of a two hour rating.

(8) Utilities.

All utilities shall be placed underground, except installations aboveground shall be permitted when approved by the city commission under the following circumstances:

- (a) Aboveground installations of transformers;
- (b) Where utility lines cross a major drainage channel or depression of such depth as to make underground installation impractical; and
- (c) At the point where the utility enters the development.

(13) Screening

In the event that a condominium or townhouse development backs up or sides upon single family residential districts, except a mobile home district, a solid fence, wall or hedge of not less than six feet (6) shall be erected or placed, grown and maintained along the property line separating the two districts. However, no such screening fence shall be erected so as to obstruct the vision of motorists at alley, street or drive intersections.

(14) Construction Requirements

All streets, parking areas, access drives, sidewalks and drainage structures constructed on private or public property shall be approved by the city and constructed in accordance with the city's subdivision regulations.

(15) Homeowners' Associations

Where any condominium or townhouse development plan proposes the reservation of land or structure in common ownership for recreational, parking, landscape or open space use or for any other use, or private streets are proposed, a homeowners' association shall be required for the purpose of control over the development and maintenance of such private land, streets and facilities which are intended to be owned in common.

A homeowners' association shall be established by the developer for the purpose of control over the private facilities of the project. Preliminary bylaws, restrictions and other covenants shall be submitted with the application for zoning or site plan approval. Prior to issuance of building permits, a final homeowners' association must be approved by the city commission. The responsibility and control of the homeowners' association shall be with the developer until such time that eighty percent (80%) of the dwelling units are occupied. The homeowners' association must include, but not necessarily be limited to, the following requirements:

- (a) Mandatory membership from all residents and owners in the association;
- (b) A system for payment of association dues to be collected with mortgage payment;
- (c) Provisions for enforcement of the rules and regulations within the development and association;
- (d) Deed restrictions pertaining to size, architectural style and type of building materials used in the construction of dwelling units and other buildings erected on the site;
- (e) Provisions for the construction, maintenance and repair of all open land, buildings, facilities and improvements determined to be private or common as established by the site plan;
- (f) Provisions for storage and control of boats, campers, old automobiles and other items considered to be unsightly;
- (g) In the event the approved association does not perform its specified responsibilities or fulfill its obligations as specified in the homeowners' association, or is

(9) Parking Regulations

Off-street parking requirements shall be in accordance with the parking schedule found in Section 22 hereof. Such off-street parking shall be enclosed by a garage or covered by a carport. Additional guest parking spaces shall also be placed in groups scattered through the development to accommodate the guests of the homeowners.

(10) Recreational Facilities

Recreational and community facilities, including community buildings, swimming pools and playground areas, shall be considered in the review of the development plan. The maintenance liability of such recreational facilities shall be assumed by a Homeowner's Association.

(11) Recreational Vehicles and Equipment

Adequate storage areas for the storage of recreational vehicles and equipment shall be considered in the review of the development plan.

(12) Sanitation Services

Sanitation service within each condominium or townhouse development should be provided by any of the following:

- (a) Stationary compaction system provided the homeowners' association is responsible to own, collect, and place the trash into the compactor;
- (b) Plastic bag or can system; and/or
- (c) Trash container system.

(13) Screening

In the event that a condominium or townhouse development backs up or sides upon single family residential districts, except a mobile home district, a solid fence, wall or hedge of not less than six feet (6) shall be erected or placed, grown and maintained along the property line separating the two districts. However, no such screening fence shall be erected so as to obstruct the vision of motorists at alley, street or drive intersections.

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- (a) Mandatory membership from all residents and owners in the association;
- (b) A system for payment of association dues to be collected with mortgage payment;
- (c) Provisions for enforcement of the rules and regulations within the development and association;
- (d) Deed restrictions pertaining to size, architectural style and type of building materials used in the construction of dwelling units and other buildings erected on the site;

- (e) Provisions for the construction, maintenance and repair of all open land, buildings, facilities and improvements determined to be private or common as established by the site plan;
- (f) Provisions for storage and control of boats, campers, old automobiles and other items considered to be unsightly;
- (g) In the event the approved association does not perform its specified responsibilities or fulfill its obligations as specified in the homeowners' association, or is declared nonexistent for any reason, the city shall have the right to levy special assessments against the property on a pro-rata basis for the cost of maintenance or the cost of correcting any such condition for which the association was responsible and the lien holder shall be responsible for collecting such levies and assessments and transmitting such funds to the city; and
- (h) Such other provisions as deemed appropriate to secure a sound and stable association.

SECTION 24: CLASSIFICATION OF NEW AND UNLISTED USES

It is recognized that new types of land uses will develop and forms of land use not anticipated may seek to locate in the city. In order to provide for such uses and contingencies, a determination as to the appropriate classification of any new or unlisted form of land use shall be made as follows:

The applicant shall refer the question of any new or unlisted use to the planning and zoning commission requesting an interpretation as to the zoning classification into which such use may be placed. Such request shall be accompanied by a statement of facts listing the nature of the use and whether it involves dwelling activity, sales, processing, type of product, storage and amount or nature thereof, enclosed or open storage, anticipated employment, transportation requirements, the amount of noise, odor, fumes, toxic material and vibration likely to be generated and the general requirements for public utilities and sanitation collection.

The planning and zoning commission shall then consider the nature and described performance of the proposed use and its compatibility with the uses permitted in the various districts, and after public hearing, determine the zoning district or districts within which such use should be permitted. Following its decision, the planning and zoning commission shall submit its recommendation to the city commission for final approval. The same procedures should be followed as outlined in Section 26 pertaining to amendments, including the public notice and hearing requirements, when considering any zoning classification request for a new or unlisted land use.

SECTION 25: NONCONFORMING USES

A. NONCONFORMING USE OR STRUCTURE DEFINED

When a use or structure does not conform to the regulations prescribed in the district in which such use or structure is located and was in existence and lawfully operating prior to the adoption of any previous zoning ordinance and has been operating since without **discontinuance**, or when on the effective date of this ordinance, the use or structure was in existence and lawfully constructed, located and operating in accordance with the provisions of any previous zoning ordinance or which was a nonconforming use thereunder, and which use or structure does not now conform to the regulations herein prescribed for the district in which the use or structure is located, such use or structure shall be considered as a nonconforming use or structure.

B. NONCONFORMING LOTS OF RECORD

In any district in which residential, commercial or industrial buildings are permitted, buildings may be erected on any single lot of record or multiple lots, provided there is access to such buildings or houses from a street and it is in the same ownership which uses recorded prior to the effective date of this ordinance in the

same ownership. This provision shall apply even though such lot or lots fail to meet the minimum requirements for area, width, or both, for such districts in which located; however, all other requirements shall still apply. Any required variances shall be obtained only through the zoning board of adjustment.

C. EXPANSIONS OR ENLARGEMENTS PROHIBITED

No nonconforming use or structure may be expanded or increased beyond the lot or tract of land upon which such nonconforming use or structure is located after the passage of this ordinance except to provide off-street loading or off-street parking space.

To avoid undue hardship, nothing in this ordinance shall be deemed to require a change in the plans, construction or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this ordinance and upon which a building permit has been properly secured from the city. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner. Where excavation or demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such excavation or demolition or removal shall be deemed to be actual construction, provided that work shall be carried on diligently.

D. WHEN DISCONTINUED, CONFORMANCE REQUIRED

The lawful use of a building or land existing at the date of enactment of this ordinance, although such use does not conform to the provisions hereof, may be continued. However, if the nonconforming use is discontinued for a period of six (6) consecutive calendar months, it shall not thereafter be resumed and any future use of such building or land shall be in conformity with the provisions hereof.

E. CLASSIFICATION CHANGES

Whenever the nonconforming use of a structure is changed to a use of a more restrictive classification, such use shall not thereafter be changed to a use of a less restricted classification.

For the purpose of this regulation, uses permitted in "R-1" Districts shall be deemed to be those in the most restrictive zoning classification while industrial districts shall be the least restrictive.

F. WHEN RESTORATION ALLOWED

A nonconforming structure destroyed or damaged by fire, flood, wind, earthquake, explosion or other casualty, or by the public enemy, to the extent where the cost of restoration would amount to less than fifty percent (50%) of its assessed value may be restored. If the damage is in excess of fifty percent (50%) of its value, application for restoration shall first be made to the zoning board of adjustment to permit such restoration. The board may grant or deny such restoration only after public hearing and taking into consideration the property owners circumstances and the effect on the surrounding property. Homeowners, as shown by the city tax records on the effective date of this ordinance, shall be able to restore their property regardless of the extent of destruction, without making application to the zoning board of adjustment. However, said restoration shall comply with all construction codes then in effect within the city and must be started within one (1) year. The failure to start restoration or reconstruction within one (1) year shall forfeit the owner's right to restore or reconstruct the same unless as a conforming use or building.

G. BOARD-APPROVED USES CONSIDERED CONFORMING

Any use which is permitted in a district only upon action of the zoning board of adjustment shall, upon its establishment, be considered a conforming use in that district, provided that this regulation shall not be so interpreted as to waive any conditions of a specific use permit for such use.

SECTION 26: DEFINITIONS**A. GENERAL INTERPRETATION**

For the purpose of this zoning ordinance, certain terms and words are defined and shall have the meanings ascribed in this ordinance unless it is apparent from the context that different meanings are intended.

Words used in the present tense include the future tense, words in the singular number include the plural number, and words in the plural number include the singular number. The word "building" includes the word "structure," except as otherwise specified. The term "use" means "used or intended to be used for, or arranged or designed for use." The word "shall" is mandatory not directory; the word "may" is permissive. The word "person" includes a firm, association, organization, partnership, trust, foundation, company or corporation as well as an individual. The word "including" means "including, but not limited to."

Accessory Building - A subordinate building which is incidental to that of the main building on the same lot and which does not exceed 120 square feet in size.

Accessory Use - A subordinate use which is incidental to the main or primary use.

Adult Day Care Center - A facility that regularly provides daytime care for the elderly that do not reside on the premises.

Alley - A public right-of-way which affords only a secondary means of access to abutting property.

Amusement Park - Any building, lot, tract, or parcel of land used in whole or part for the operation and maintenance of a circus, carnival, miniature golf course, golf driving range, batting cages, skating rinks, go-cart racing tracks and minstrel shows.

Animal Shelter - A facility that keeps or legally impounds stray, homeless, abandoned, or unwanted animals.

Apartment - A room or suite of rooms in an apartment building intended, designed, or occupied as a home or residence by a single family, individual, or group of individuals living together as a single housekeeping unit.

Apartment (Multifamily) Building - Any building which is intended, designed, or occupied as the home or residence of three (3) or more families living independently of each other and maintaining separate cooking facilities.

Automobile Repair Shop - A building or space for the repair or maintenance of motor vehicles, but not including factory assembly of such vehicles, auto wrecking establishments or junkyards.

Automobile Sales Lot - An open area or lot used for the display or sale of automobiles, where no repair work is done except minor reconditioning of the cars to be displayed and sold on the premises, and no dismantling of cars for sale or keeping of used car parts or junk on the premises.

Bar - An establishment, not a restaurant, the principal activity of which is the sale and consumption on the premises of liquor, wine, beer or any other alcoholic beverages, whether served with or without food and other refreshments.

Basement - A building story which is partly underground, but may have at least one-half (1-1/2) [sic] of its height above the average level of the adjoining ground.

Block - That property abutting on one side of a street and lying between the nearest intersecting or intercepting streets or nearest intersecting or intercepting street and railroad right-of-way, waterway, or other barrier to or gap in the continuity of development along such street.

Boarding (Rooming) House - A dwelling wherein lodging or meals for three (3) or more persons, not members of the principal family therein, is provided for compensation, but not including a building in which ten (10) or more guest rooms are provided.

Build - The word build means to erect, convert, enlarge, reconstruct, or alter a building or structure.

Building - Any structure built for the support, shelter, or enclosure of persons, animals, chattels, or movable property of any kind.

Building Line - A line parallel or approximately parallel to the street line at a specific distance therefrom marking the minimum distance from the street line that a building may be erected.

Business - Includes retail, commercial, personal services, excavation, manufacturing and industrial operations and uses.

Carport - A roofed structure open on three sides when attached to a dwelling and open on four sides when detached from a dwelling, covered with a roof supported by structural steel or wood columns or masonry piers of minimum size for structural safety.

Car Wash - A building, or portion thereof, where automobiles or other motor vehicles are automatically or manually washed regularly as a business.

Cellar - A building story with more than one-half of its height below the average level of the adjoining ground. A cellar shall not be counted as a story in computing building height.

Cemetery - Land used or intended to be used for the burial of the dead humans, including crematories[,], mausoleums, and mortuaries.

Certificate of Occupancy - An official certificate issued by the City of La Feria which indicates conformance with or approved conditional waiver from the zoning regulations and authorizes legal use of the premises for which it is issued.

Child Care Center or Facility - A facility that provides care or supervision for children who are not related by blood, marriage, or adoption to the owner or operator of the facility for less than 24 hours a day for more than twelve (12) children under the age of fourteen (14), whether or not the facility is operated for profit or charges for the services it offers.

Child Day Care Home - A facility, sometimes referred to as a "Registered Family Home," that regularly provides care in the caretaker's own residence for not more than six (6) children under the age of fourteen (14) years of age, excluding the caretaker's own children. When more than six (6) children are kept in the home, it shall be considered as either a "Group Day Care Home" or "Child Care Center."

Clinic - A group of offices for one or more physicians, surgeons or dentists to treat sick or injured patients who do not remain overnight.

Church or Rectory - A place of worship and religious training of recognized religions including the on-site housing of ministers, rabbis, priests, and nuns.

City Commission - The governing body of the City of La Feria, Texas.

Comprehensive Plan - A periodically updated series of documents that unify all elements and aspects of city planning. Based on careful analysis and projection, these volumes reflect the best judgment of the City Commission, Planning and Zoning Commission and Staff to ensure the growth and prosperity of the City of La Feria. The plan shall serve as a policy guide to zoning and subdivision development decision.

Condominium - See "Townhouse and Condominium."

Convalescent Home - Any building or structure used for or customarily occupied by persons recovering from illness or suffering from infirmities of age.

Country Club (Private) - An area of land containing either a golf course or tennis courts, or both, and a clubhouse and which is available to members only. Country clubs may contain adjunct facilities such as private club, dining room, swimming pool, and other similar recreational or service facilities.

Courtyard - An open, unoccupied space on the same lot with a building and bounded on two (2) sides by such building, or the open space provided for access to a dwelling group.

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

Dwelling, Single Family - A detached building which is designed for or occupied as a home or residence by not more than one (1) family.

Dwelling, Two-Family - A detached building containing two (2) dwelling units, commonly referred to as a duplex, and which is designed for or occupied as a home or residence by not more than two (2) families.

Dwelling, Multifamily - A building containing three (3) or more dwelling units which is designed for or occupied as a home or residence for three (3) or more families.

Family - One or more persons living together as a single housekeeping unit, in which not more than two (2) individuals are unrelated by blood, marriage or adoption, but not including a group occupying a hotel, motel, boarding house, club, dormitory, fraternity or sorority house.

Farm or Orchard - An area of two (2) acres or more which is used for the growing of farm products such as vegetables, fruit trees, and grain as well as the raising thereon of the usual farm poultry and farm animals such as horses, dairy cattle, sheep, and swine.

Flea Market - A collection or group of outdoor stalls, booths, tables or other similar arrangements, used by individual vendors, for the display and sale of various items of new or used personal property.

Floor Area - The living area of a building, including the walls thereof, but excluding all porches, open breezeways and garages.

(Ordinance 2000-03 adopted 4/13/00)

Fraternity/Sorority Lodge - A gathering location for a group of people associated and/or formally organized in a nonprofit capacity for the purposes of providing scientific, cultural, educational, patriotic and/or charitable services to the community. (Ordinance 2005-09, sec. 1, adopted 4/28/05)

Game Hall - An establishment consisting of games of chance for amusement purposes, also known as "arcades", "game rooms", and "amusement centers." An establishment that has six amusement machines or more on the premises is considered a "game hall." (Ordinance 2005-04, sec. 1, adopted 2/10/05)

Garage, Auto Repair - A building or portion of a building used for the general repair and/or painting of motor vehicles.

Garage, Parking - A building or portion of a building used for the storage of motor vehicles, other than a private garage or a [an] auto repair garage, in which any sale of gasoline, oil, and accessories is only incidental to the storage of the vehicles.

Garage, Private - An accessory building or portion of a main building on the same lot and used for the storage of private passenger motor vehicles or boats.

(Ordinance 2000-03 adopted 4/13/00)

Garage Sale - An occasional sale of personal and/or household property at a nonbusiness location for a temporary period of time not exceeding three (3) consecutive days between the hours of 7:00 a.m. and 7:00 p.m. The term shall also include yard sales, patio sales, moving sales, estate sales and other terms that refer to an occasional sale of personal or household property in a residential area. (Ordinance 2004-15 adopted 9/9/04)

Grade - When used as a reference point in measuring height of building the "grade" shall be the average elevation of the finished ground at the exterior walls of the main building.

Gross Floor Area - The total area of all floors as measured to the outside walls, excluding open porches, breezeways, balconies, and terraces. In computing the gross floor area residential uses, garages and carports shall be excluded.

Group Day Care Home - A facility that regularly provides care in the caretaker's own residence for seven (7) to twelve (12) children under the age of fourteen (14) years of age, excluding the caretaker's own children.

Group Home - A residential facility licensed by the Texas Department of Human Resources to house up to six (6) handicapped and/or mentally retarded persons and two (2) supervisors.

Halfway House - A residential facility providing shelter, supervision and residential rehabilitative services for persons who have been inmates of any county, state or federal correctional institution and released and require a group setting to facilitate the transition to a functional member of society.

Height (of Building) - The vertical distance from the grade to the highest point of the coping of a flat roof or to the deck line of a mansard roof, or the highest ridge board, for gable, hip and gambrel roof.

Home Occupation - Any occupation or activity which is clearly incidental and secondary to the residential use of the premises and which is carried on wholly within a main building or accessory building by a member of a family residing on the premises and which does not change the character thereof. However, such use will not be obnoxious or offensive due to vibration, smoke, dust, odor, heat, glare, noise or which increases traffic.

Hospital - An institution or place where sick or injured patients are kept overnight and given medical or surgical care.

Hotel or Motel - A building or arrangement of buildings designed for and occupied as a temporary abiding place by transient guest[s] who are lodged with or without meals for compensation.

Industrialized Building - A commercial structure that is constructed on one or more modules or constructed using one or more modular components built at a location other than the permanent commercial site, and that is designed to be used as a commercial building when the modules or modular components are transported to the permanent commercial site and are erected or installed on a permanent foundation system. The term includes the plumbing, heating, air-conditioning and electrical systems. The term does not include any commercial structure that is in excess of two (2) stories or thirty-five feet (35') in height as measured from the finished grade elevation at the building entrance.

Industrialized Housing - A residential structure that is designed for the use and occupancy of one or more families, that is constructed in one or more modules or constructed using one or more modular components built at a location other than the permanent residential site, and that is designed to be used as a permanent residential structure when the modules or modular components are transported to the permanent residential site and are erected or installed on a permanent foundation system. The term includes the plumbing, heating, air conditioning, and electrical systems. The term does not include any residential structure that is in excess of two (2) stories or thirty-five feet (35') in height as measured from the finished grade elevation at the building entrance to the peak of the roof. The term shall not mean nor apply to (a) housing constructed of sectional or panelized systems not utilizing modular components, or (b) any ready-built home which is

constructed so that the entire living area is contained in a single unit or section at a temporary location for the purpose of selling it and moving it to another location.

Junk - Means old or scrap ferrous or nonferrous metals, batteries, appliances, equipment, automobile and truck parts, wrecked vehicles, debris, paper, rubber, tires, steel, and other used or secondhand materials or goods.

Junkyard or Salvage Yard - Any area used for the storage, keeping, processing, buying, or selling of junk, including scrap metals or other scrap materials or goods, or used for the dismantling, demolition or abandonment of automobiles or other vehicles or machinery, or parts thereof.

Kindergarten or Nursery School - Any facility, whether known or incorporated under such descriptive title or name as "Child Play School," "Child Development Center," "Early Childhood Center," and the like, where six (6) or more children are left for care, training, or education during the day or portion of the day and a fee is charged for this service.

Kennel - Any place or premise [premises] where four (4) or more dogs, cats, or other pets are raised, trained, boarded, or kept with or without charge, except for veterinary clinics, animal hospitals, and animal shelters.

Laundry - A building or place where clothes and linens are washed and thoroughly dried and pressed by the use of washing, drying, and ironing machines for fee basis and shall include the term "cleaners," and "dry cleaners."

Living Area - Shall include that portion of the dwelling unit which is used or designed for occupancy but does not include carports, garages, and open porches, breezeways, balconies, and terraces.

Loading Space - A space within the main building or on the same lot therewith, providing for the standing, loading or unloading of trucks, and having a minimum dimension of twelve (12) feet by thirty-five (35) feet and a vertical clearance of fourteen (14) feet.

Lot - A parcel of land occupied or intended to be occupied by a main building and its accessory buildings, or by a group of buildings and their accessory buildings, and having frontage on a dedicated street.

Lot, Corner - A lot abutting on two (2) intersecting streets.

Lot Coverage - The percentage of the total area of a lot occupied by the first story or ground floor of buildings located on the lot.

Lot Depth - The average depth from the front line of the lot to the rear line of the lot.

Lot, Interior - A lot other than a corner lot.

Lot of Record - A lot which is part of a subdivision, the plat of which has been recorded in the office of the county clerk, or a parcel of land, the deed for which was recorded in the office of the county clerk prior to passage of this ordinance.

Lot Width - The width measured at a distance back from the front line equal to the minimum depth required for a front yard.

Main Building - A building in which is conducted the principal use of the lot on which it is situated.

Mobile Home (Manufactured Home or House) - A structure transportable in one or more sections, which, in the traveling mode, is eight body feet (8') or more in width or forty body feet (40') or more in length, or, when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning and electrical systems.

Mobile Home Lot - That part of a parcel of land (mobile home site) in a mobile home district or park which has been reserved for the placement of one (1) mobile home unit.

Mobile Home Park - A parcel of land which is owned by an individual, a firm, trust, partnership, public or private association or corporation, and has been developed for rental of lots to tenants with mobile homes.

Motel - See "Hotel."

Neighborhood Convenience Center - Centers which carry convenience goods, such as groceries, drugs, hardware and some variety items, and also includes some service stores. The neighborhood convenience center may contain one (1) or two (2) small apparel or shoe stores, but it is clearly dominated by convenience goods, which are items of daily consumption and very frequent purchase, sometimes called "spot necessity" items. This neighborhood serving store group is within convenient walking distance of families served (within convenient driving range in low-density areas), with due consideration for pedestrian access and amenity of surrounding areas.

Nonconforming Use - The use of a building or land that does not conform to these zoning regulations and which lawfully existed at the time these zoning regulations became effective.

Nursing Home - See "Convalescent Home."

Orchard - See "Farm."

Park or Playground (Public) - An open recreation facility or park owned and operated by a public agency such as the city or the school and available to the general public for neighborhood use.

Parking Lot - An unenclosed, all-weather surface area used exclusively for the temporary storage of motor vehicles.

Parking Space - An area measuring at least nine (9) feet wide by eighteen (18) feet in length (except as otherwise provided in Section 22-B(2) of this ordinance), surfaced with an all-weather surface, enclosed or unenclosed, together with an all-weather surfaced driveway connecting the parking space with a street or alley permitting satisfactory ingress and egress. For computing off-street parking space requirements, parking spaces on public streets, alleys or rights-of-way shall not be used.

Personal Services - Businesses which provide services customized for an individual such as: tailor, barber or beauty shop, health studio, travel consultant, shoe repair, portrait photographic studio; however, uses such as customizing of motor vehicles are not included.

Planning and Zoning Commission - The agency appointed by the City Commission as an advisory body to it and which is authorized to recommend changes in zoning and review and approve or deny subdivision plats.

Plat - A plan of a subdivision of land creating building lots or tracts and showing all essential dimensions and other information essential to comply with the subdivision standards of the City of La Feria and subject to approval by the Planning and Zoning Commission and City Commission. Reference to a Plat in this Ordinance means an official Plat of Records which has been approved by the Planning and Zoning Commission and City Commission and filed in the plat records of Cameron County.

Private Club - Facilities where food, beverages (including alcoholic beverages), entertainment, or meeting space are provided to members only.

Ranch - An area of two (2) acres or more which is used for the keeping or raising [of] farm animals and livestock including but limited to horses, mules, cows, cattle, and swine.

Recreational Vehicle or Travel Trailer – means a vehicular, portable structure built on a chassis, designed to be used as a temporary dwelling for travel, recreational and vacation uses, permanently identified as a travel trailer or recreational vehicle by the manufacturer of the trailer and, when factory-equipped for the road, it shall have a body width not exceeding eight feet and a body length not exceeding state maximums.

Recreational Vehicle Park – means any development site, parcel or tract of land designed, maintained or intended to be used for the purpose of providing short-term occupancy of camper vehicle, recreational vehicles, tents or trailers.

Recycling Collection Facility - A facility designed to collect, sort, and package, by either manual or mechanical processes, recyclable items for transport to a processing plant.

Restaurant - Any eating or drinking establishment where the preparation and serving of food is the primary business of such establishment including cafes, bistros, cafeterias, and other fast food and drive-in food establishments.

School - A place having a curriculum for the purpose of giving instruction, training or education in a service, art, trade, or for general knowledge.

Screening Element (Device) - Or suitably screened as herein referred, shall mean any of the following:

- (1) Any solid material constructed of brick, masonry or of a concrete or metal frame, or wood or base which supports a permanent type material, the vertical surface of which is not more than thirty percent (30%) open;
- (2) Any dense evergreen hedge or plant material suitable for providing a visual barrier, for which such material shall be maintained in a healthy growing condition; or
- (3) Landscaped earth berms may, when appropriate in scale, be considered and used as a screening element in lieu of a fence, wall, hedge, or other dense planting material.

Seat - As used in determining parking requirements for this ordinance, a seat shall mean such sitting spaces as needed or which is designed to be used for one person to sit down and occupy.

Servant or Caretaker's Quarters - A secondary dwelling unit located on a lot with a main residential structure and used as living quarters for persons employed on the premises only and not for rent or use as a separate domicile by persons other than those employed on the premises or their immediate family.

Service Station - A building or premise [premises] where gasoline, oil, grease, batteries, tires and accessories may be supplied and dispensed at retail, and the servicing of vehicles occurs, but not including the overhaul of major automobile components, body work or repair of heavy trucks. A service station is sometimes referred to as a "gas station", "filling station", or "fuel service station".

Setback - The required minimum distance between any structure and any property line of the lot on which it is located. Setbacks shall be measured perpendicular to lot lines. The terms "setback" and "required yard" shall mean the same and can be interchanged.

Shopping Center - An area consisting of three (3) acres or more arranged according to a site plan to be submitted to and to be approved by the city commission, on which is indicated the amount of land to be devoted to the shopping village, the detailed arrangement of the various buildings, parking area, streets and type of zoning desired. It shall be required that the installation of all utilities, drainage structures, the paving of streets, parking area, alley and sidewalks be in accordance with the city's specifications for each type of improvement.

Sign - An outdoor device or structure which directs attention to a business, commodity, service, announcement, direction or entertainment conducted, sold, or offered to the public.

Specific Use - A use that may be allowed if it meets certain specified requirements or conditions and meets the approval of the city commission. Specific uses are sometimes referred to as "conditional" uses or "special uses."

Stable (Private) - An accessory building used by the residents of the premises for sheltering and quartering of horses owned by the occupants and for which no fee is charged for stabling the horses.

Story - That portion of a building, other than a basement, included between the surface of a floor and the surface of a floor next above it, or if there is no floor above it, then the portion of the building between the surface of a floor and the ceiling or roof above it.

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

Street - A public or private thoroughfare or road which affords the principal means of access to abutting property.

Structural Alteration - Any change, addition or modification in construction in the supporting members of a building, such as exterior walls, bearing walls, beams, columns, foundations, girders, floor joists, roof joists, rafters or trusses.

Structure - Anything constructed or erected having location on or under the ground or attached to something having location on or under the ground.

Television Satellite Dish - An earth-based station shaped like a dish which is used for the reception of satellite signals for television programs.

Terminal, Motor Freight - The use of property or buildings for the temporary parking of motor vehicles or trucks of common carriers, during loading and unloading and between trips, including necessary warehouse space for storage of transitory freight.

Tourist Camp or Court - A group of attached or unattached buildings containing individual sleeping or living facilities for overnight tourists, with parking facilities conveniently located to each unit.

Townhouse or Condominium - A single family dwelling constructed as part of a series of dwellings, all of which are either attached to the adjacent dwelling or dwellings by party or common walls or are located immediately adjacent thereto with no visible separation between walls or roofs.

Trailer Camp or Park - An area designed, arranged or used for the parking or storing of one or more recreational vehicles, travel trailers, motor homes, motor coaches, pick-up campers, and camping trailers which are occupied or intended for occupancy as temporary living quarters by individuals or families.

Underground Shelter - A concrete structure designed for the protection of humans from tornadoes or from nuclear blast, heat, or fall-out, the main portion of which is underground.

Use - The purpose for which land or a building or structure thereon is designed, arranged, intended or maintained or for which it is or may be used or occupied.

Use, Accessory - A subordinate use on the same lot with the principal use and incidental and accessory thereto.

Variance - An adjustment in the application of the specific regulations of the zoning 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.

Washateria - A building or place where clothes and linens are washed and thoroughly dried on a self-service basis by the use of washing, drying, and ironing machines and shall include the term "self-cleaning laundry."

Yard - An open space, other than a court, on the same lot with a building and which is not obstructed from ground level to the sky except for roof overhangs, fences, trees, and shrubs.

Yard, Front - A yard extending across the full width of a lot and having a depth equal to the shortest distance between the front line of the lot and the nearest portion of the main building, including an enclosed or covered porch, provided that the front yard depth shall be measured from the future street line for a street on which a lot fronts, when such line is shown on the official map or is otherwise established.

Yard, Rear - A yard extending across the full width of a lot and having a depth equal to the shortest distance between the rear line of the lot and the main building.

Yard, Side - A yard between the side line of the lot and the main building extending from the front yard to the rear yard and having a width equal to the shortest distance between said side line and the main building.

SECTION 27: ZONING BOARD OF ADJUSTMENT

A. ORGANIZATION OF ZONING BOARD OF ADJUSTMENT

There is hereby created a zoning board of adjustment which shall consist of five (5) members who are residents of the city, each to be appointed by the city commission for a term of two (2) years and removable for cause by the city commission upon written charges and after public hearing. The city commission shall designate one (1) member as chairperson. Vacancies shall be filled for the unexpired term of any member whose place becomes vacant for any cause, in the same manner as the original appointment was made. Provided, however, that the city commission may appoint two (2) alternate members of the board who shall serve in the absence of one (1) or more of the regular members when requested to do so by the chairperson of the board or mayor, as the case may be. All cases to be heard by the board will always be heard by a minimum of four (4) members. These alternate members, when appointed, shall serve for the same period as the regular members, which is for a term of two (2) years, and any vacancy shall be filled in the same manner and they shall be subject to removal the same as the regular members.

B. OPERATIONAL PROCEDURE

- (1) The board shall adopt rules to govern its proceedings provided, however, that such rules are not inconsistent with this ordinance or state law. Meetings of the board shall be held at the call of the chairperson and at such other times as the board may determine, and in accordance with the Open Meetings Law. The chairperson, or in his or her absence, the vice-chairperson or acting chairperson, may administer oath[s] and compel the attendance of witnesses.
- (2) The board shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep record of its examinations and other official actions, all of which shall be immediately filed in the office of the city clerk [secretary] and shall be a public record.
- (3) Appeals to the board can be taken by any person aggrieved by any decision of the city manager or his or her designated zoning administrator or by any officer or department of the city. Such appeal shall be taken within fifteen (15) days after the decision has been rendered by the city manager or designated administrative officer, by filing with the city clerk [secretary] and with the board, a notice of appeal specifying the grounds thereof. The officer or department from whom the appeal is taken shall forthwith transmit to the board all the papers constituting the records upon which the action appealed from was taken.
- (4) An appeal shall stay all proceedings in furtherance of the action appealed from, unless the city manager or designated administrative officer from whom the appeal is taken certifies to the board,

after the notice of appeal shall have been filed with him or her, that by reasons of facts stated in the certification, a stay would, in his or her opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the board or a court of record on application or notice to the officer from whom the appeal is taken and on due cause shown.

- (5) No appeal to the board for the same or related variance on the same piece of property shall be allowed prior to the expiration of sixty (60) days from a previous ruling of the board on any appeal to such body unless other property in the immediate vicinity has, within the said sixty (60) day period, been changed or acted on by the board or city commission so as to alter the facts and conditions on which the previous board action was based. Such change of circumstances shall permit the rehearing of an appeal by the board, prior to the expiration of sixty (60) days period, but such conditions shall in no way have any force in law to compel the board, after a hearing, to grant a subsequent appeal. Such subsequent appeal shall be considered entirely on its merits and the peculiar and specific conditions related to the property on which the appeal is brought.
- (6) At a public hearing relative to any appeal, any interested party may appear in person or by agent or by attorney. The burden of proof shall be on the applicant to establish the necessary facts to warrant favorable action of the board on any appeal or variance request. Any special exception or variance granted or authorized by the board under the provisions of this ordinance shall authorize the issuance of a building permit or a certificate of occupancy, as the case may be, for a period of six (6) months from the date of the favorable action of the board unless said board shall have in its action approved a longer period of time and has so shown such specific longer period in the minutes of its action. If the building permit and/or certificate of occupancy shall not have been applied for within said six (6) month period or such extended period as the board may have specifically granted, then the special exception or variance shall be deemed to have been waived and all rights thereunder terminated. Such termination and waiver shall be without prejudice to a subsequent appeal and such subsequent appeal shall be subject to the same regulation and requirement for hearing as herein specified for the original appeal.

C. ACTIONS OF THE ZONING BOARD OF ADJUSTMENT

- (1) In exercising its powers, the board may, in conformity with the provisions of the Statutes of the State of Texas as existing or hereafter amended, reverse or affirm wholly or partly, or may modify the order, requirement, decision or determination as ought to be made and shall have all the powers of the city manager or other administrative official from whom the appeal is taken. The board shall have the power to impose reasonable conditions to be complied with by the applicant.
- (2) The concurring vote of four (4) members of the board shall be necessary to reverse any order, requirement, decision or determination of the city manager or other administrative official, or to decide in favor of the application on any matter upon which it is required to pass under this ordinance or to effect any variance in said ordinance.
- (3) Any person or persons, jointly or severally aggrieved by any decision of the board or any taxpayer or any officer, department, or board of the municipality may present to a court of record (district court) a petition, duly verified, setting forth that such decision is illegal, in whole or in part, specifying the grounds of illegality. Such petition shall be presented to the court within ten (10) days after the filing of the decision in the office of the board and not thereafter.

D. NOTICE OF HEARING BEFORE BOARD REQUIRED

The board shall hold a public hearing on all appeals and variance requests made to it and written notice of such public hearings shall be sent to the applicant and all other persons who are owners of real property lying within two hundred feet (200') of the property on which the appeal is made. Such notice shall be given no less than ten (10) days before the date set for hearing to all such owners who have rendered their said property for city taxes as the ownership appears on the last city tax roll. Such notice may be served by

depositing the same properly addressed and postage paid in the United States Post Office. Notice shall also be given by publishing the same in the official publication of the city at least ten (10) days prior to the date set for hearing, which notice shall state the time and place of such hearing.

Additionally, the city manager should erect at least one (1) sign on the property in which a variance has been requested. Such sign shall be erected adjacent to a street if possible and should have an area of at least four (4) square feet. The sign should state that a zoning variance has been requested on that particular property and the telephone number of the city offices from where dates of public hearings and more information about the zoning variance request may be obtained. The sign should be erected prior to the hearing as early as possible and convenient. The erection and continued maintenance of this sign, however, shall not be deemed a condition precedent to the granting of any zoning variance or the holding of any public hearing.

E. JURISDICTION OF BOARD

When, in its judgment the public convenience and welfare will be substantially served and the appropriate use of the neighboring property will not be substantially or permanently injured, the board may, in specific cases, after public notice and public hearing and subject to appropriate conditions and safeguards, authorize the following variances and special exceptions to the regulations herein established and take action relative to the continuance and discontinuance of a nonconforming use:

- (1) To hear and decide appeals where it is alleged there is error on any order, requirement, decision or determination made by the city manager or other zoning administrator in the enforcement of this ordinance;
- (2) Interpret the intent of the zoning district map where uncertainty exists because the physical features on the ground vary from those on the zoning district map and none of the rules set forth in Section 3 C apply;
- (3) Initiate on its motion or cause presented by interested property owners action to bring about the discontinuance of a nonconforming use;
- (4) Require the discontinuance of a nonconforming use under any plan whereby full value of the structure can be amortized within a definite period of time, taking into consideration the general character of the neighborhood and the necessity for all property to conform to the regulations of this ordinance;
- (5) Permit the change of occupancy of a nonconforming use to another nonconforming use in accordance with the provisions of Section 23;
- (6) Permit the enlargement of a nonconforming use in accordance with the provisions of Section 23;
- (7) Permit the reconstruction of a nonconforming structure or building on the lot or tract occupied by such building, provided such reconstruction does not, in the judgment of the board, prevent the return of such property to a conforming use or increase the nonconformity of a nonconforming structure and provided that such actions conform to the provisions of Section 23;
- (8) Require the vacation and demolition of a nonconforming structure which is deemed to be obsolete, dilapidated or substandard; and
- (9) Permit such variance such as the front yard, side yard, rear yard, lot width, lot depth, coverage, minimum setback standards, off-street parking, off-street loading regulations, lot area, maximum height, or building, where the literal enforcement of the provisions of this ordinance would result in an unnecessary hardship, or where such variance is necessary to permit a specific parcel of land which differs from other parcels of land in the same district by being of such area, shape or slope that it cannot be developed in a manner commensurate with the development permitted upon other parcels of land in the same district.

SECTION 28: AMENDMENTS**A. GENERAL**

The zoning regulations, restrictions and boundaries may from time to time be amended, supplemented, changed, modified or repealed. Such amendments, supplements, changes, modifications or repeal shall be deemed to amend, supplement, change, modify or repeal the comprehensive plan of the city and shall become a part of such comprehensive plan.

An amendment to this ordinance may be initiated by the request by owner or agent of owner of property to be changed, the city manager, or the planning and zoning commission or city commission on its own motion when it finds that the public may benefit from the consideration of such matter.

B. PROCEDURE

All requests for amendments to zoning district boundaries shall be submitted, together with required fees to the city manager or his or her designated administrative official, whom shall cause notices to be sent and the petition placed on the planning and zoning commission agenda. Requests for changes in zoning districts shall include the proposed designation or designations for the area concerned. Alternative proposals may be made at the time of filing the original request for amendment, however all hearings and deliberations shall be limited to the request as submitted by the applicant at the time of original filing.

C. SIGN POSTING

The city manager, or his or her designated administrative official, shall have at least one (1) sign erected on the property to be rezoned which sign shall have a total area of at least four (4) square feet. Such sign or signs shall, if possible, be located adjacent to streets. Such sign shall be erected on or before the first date of the first notice to property owners and shall be removed immediately after final action by the city commission or when the applicant withdraws the request, whichever comes first. The sign shall state that a zoning change has been requested on that particular property and the telephone number of the city offices from where dates of public hearings and more information about the zoning request may be obtained. The erection or continued maintenance of signs shall not be deemed a condition precedent to the granting of any zoning change or holding of any public hearing.

D. HEARINGS AND NOTICES

The city commission may from time to time amend, supplement or change by ordinance the boundaries of the districts or the regulations herein established after receiving a report thereon from the planning and zoning commission. A public hearing on such amendment, supplement, or change shall be held by both the planning and zoning commission and the city commission. Notice of hearings shall be given by publication one (1) time in the official newspaper of the city, stating the time and place of such hearing, which time shall not be earlier than fifteen (15) days from the date of publication. Publication of such change shall be accomplished by publishing a descriptive caption of the proposed change.

Written notice of all public hearings on proposed changes in district boundaries shall be sent to all owners of property, or to the person rendering the same for city taxes, located within the area of application and within two hundred feet (200') of any property affected thereby, within not less than ten (10) days before such hearing is held. Such notices may be served by using the last known address as listed on the latest approved city tax roll and depositing the notice, postage paid, in the United States mail.

E. PLANNING AND ZONING COMMISSION CONSIDERATION AND REPORT

The planning and zoning commission, after conducting a hearing on a zoning request, shall report its recommendations on the zoning request to the city commission for their consideration. The planning and zoning commission may recommend favorable approval of the request or that the request be denied, with or without prejudice. Every proposal which is recommended favorably by the planning and zoning commission shall automatically be forwarded to the city commission for public hearing and consideration. When the planning and zoning commission determines that the proposal should be denied, it shall report the same to the city commission and the applicant. A hearing before the city commission shall be set on a [an] application recommended for denial only when an appeal is filed by the applicant with the city manager or his or her designated administrative official provided such appeal is requested within fifteen (15) days of the planning and zoning commission's decision.

F. APPLICATION NOT TO BE CONSIDERED FOR SIXTY (60) DAYS AFTER DENIAL OF REQUEST FOR REZONING

No application for rezoning shall be considered within sixty (60) days of denial of a request by city commission for the same classification on the same property.

G. PROTEST AGAINST CHANGE

In case of a protest against such change signed by the owners of twenty percent (20%) or more either of the land included in such proposed change, or of the land within two hundred (200) feet thereof, such amendment shall not become effective except by the favorable vote of three-quarter (3/4ths) of all the members of the city commission present and qualified to vote.

H. COMMISSION ACTION ON APPLICATION

The proponent of any zoning change shall satisfy the city commission that either the general welfare of all the city affected by the area to be changed will be enhanced, or that the property is unusable for the purposes allowed under existing zoning. If such is proved to the commission's satisfaction, it may grant the requested zoning change; or it may change the zone's designation of a portion of such property; or it may initiate a request to consider changing all or a portion of such property to a district other than that requested and of a different character.

I. SITE PLAN AND SUPPORTING DOCUMENTS REQUIRED; PETITION FOR ZONING DISTRICT CHANGE OR SPECIFIC USE PERMIT

When, in the opinion of the city manager or his or her designated administrative official, the planning and zoning commission, the city commission, or the zoning board of adjustment, greater information is required from the applicant concerning the nature, extent and impact of his or her request, than supplied with his or her application for a change in zoning, variance, or specific use permit, in order for such commission or board to properly review and evaluate all relevant factors thereof, said commission or board may require the applicant to submit a site plan and supporting documents conforming with all or a portion of the requirements set forth in this subsection, prior to rendering a decision thereon.

The applicant is encouraged to meet with the city manager or his or her designated official in an informal work session to ascertain the exact extent of plans and documents required, if any, prior to the city initiating the advertisement for public hearing on the petition.

The general type and extent of plans and supporting documents which may be required of the petitioner include, but are not necessarily limited to:

(1) Site Plan

Meeting all of the requirements of a "preliminary plat," as described in the city's subdivision regulations, except that topographic and drainage map information provisions may be waived by the

reviewing body when the inclusion of such data would not materially contribute to the necessary evaluation of the project's petition. Additional site plan drawing information which the reviewing body may require include:

- (a) Existing and proposed zoning district;
- (b) A tabular summary schedule indicating:
 - (1) The gross acreage and percent of each type of zoning category proposed;
 - (2) The gross acreage and percent of each type of land use proposed, with streets and open space categories listed separately, and residential uses further stratified as to type, i.e., single family, two-family, multifamily, townhouse, etc., including the total gross project acreage;
 - (3) The gross residential density of each type of residential land use proposed, expressed in dwelling units per acre; and based on net residential land use plus one-half (1/2) of any abutting street only;
 - (4) The quantitative number of dwelling units proposed for each residential dwelling type, i.e., single family, two-family, etc.; and
 - (5) Proposed maximum lot coverage by building types, i.e., "R-1", "R-2", "R-3", "D", "MF", commercial, industrial, etc., expressed in terms of percent or floor area ratio of the lot or site;
- (c) General outline of extensive tree cover areas;
- (d) Drainageways and 100 year flood plain limits;
- (e) Proposed treatment for screening the perimeter of the land embraced by the petition, including screening of internal separations of land use, where required;
- (f) Proposed internal non-vehicular circulation linkages, such as: pedestrian paths and hike trails; bike trails; and equestrian bridle paths, where applicable, including their interrelationships with vehicular circulation systems and proposed handling of points of conflict; and

(2) Architectural Drawings

Elevations, concept sketches, or renderings depicting building types and other significant proposed improvements, including the treatment and use of open spaces, etc., where the submission of such drawings would more clearly portray the nature and character of the applicant's land use and development proposals; and

(3) Written Documents

In narrative form on 8-1/2" x 11" sheets, including:

- (a) Statement(s) on planning objectives to be achieved in use/development proposal, including a narrative description of the character of the proposed development and rationale behind the assumptions and choices made by the applicant, including use and ownership of open spaces, etc.;
- (b) Legal description of the total site area proposed for rezoning, development, or conditional use permit;

- (c) A development schedule indicating the approximate date(s) when construction of the proposed development, and subsequent stages or phases thereof, if any, can be expected to begin and be completed, to the best of the applicant's knowledge and belief;
- (d) A statement as to the present and proposed ownership of the site or parcels thereof embraced by the application;
- (e) Economic feasibility and/or market analysis studies, when deemed necessary by the reviewing body to adequately assess the necessity for zoning certain parcels to the sizes indicated by the applicant, or to evaluate the need for granting a conditional use permit;
- (f) Environmental assessment statement, prepared pursuant to the National Environmental Policy Act of 1969, and any subsequent amendments thereto, when deemed necessary by the reviewing body to properly assess the impact of the proposed development/land use on the existing environment;
- (g) Statement(s) as to how and when the applicant proposes to provide water and sewer to the development; and
- (h) Signature, title and date of the applicant, at the conclusion of the written documents certifying the information presented in the plans and supporting documents reflecting a reasonably accurate portrayal of the general nature and character of the proposals.

SECTION 29: PENALTY FOR VIOLATIONS

Any person violating or failing to comply with any of the provisions of this zoning ordinance shall be fined, upon conviction, not more than two thousand dollars (\$2,000.00), and each day any violation or noncompliance continues shall constitute a separate and distinct offense.

The penalty provided herein shall be cumulative of other remedies provided by state law and the power of injunction as provided in V.T.C.A., Local Government Code, Section 211.012 and as may be amended, may be exercised in enforcing this ordinance whether or not there has been a criminal complaint filed.

In addition to the penalty provided, the right is hereby conferred and extended to any property owner owning property in any district where such property may be affected by a violation of the terms of this ordinance, to bring suit in such court or courts having jurisdiction thereof and obtain such remedies as may be available at law or in equity for the protection of the rights of such property owners.

SECTION 30: INTERPRETATION AND CONFLICT

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

SECTION 31: PRESERVING RIGHTS IN PENDING LITIGATION AND VIOLATIONS UNDER EXISTING ORDINANCES

By the passage of this ordinance, no presently illegal use shall be deemed to have been legalized unless specifically such use falls within a use district where the actual use is a conforming use. Otherwise, such uses

uses shall remain nonconforming uses where recognized, or an illegal use, as the case may be. It is further the intent and declared purpose of this ordinance that no offense committed, and no liability, penalty or forfeiture, either civil or criminal, incurred prior to the time the existing zoning ordinance was hereby amended, shall be discharged or affected by such amendment; but the prosecutions and suits for such offenses, liabilities, penalties or forfeitures may be instituted or causes presently pending proceeded with in all respects as if such prior ordinance has not been amended.

SECTION 32: CONFLICTING ORDINANCES REPEALED

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

SECTION 33: SEVERABILITY

It is hereby declared to be the intention of the City Commission that the sections, paragraphs, sentences, clause[s] or phrases of this ordinance are severable and, if any section, paragraph, sentence, clause or phrase of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining sections, paragraphs, sentences, clauses and phrases of this ordinance, since the same would have been enacted by the City Commission without the incorporation in this ordinance of any such unconstitutional section, paragraph, sentence, clause or phrase.

SECTION 34: EFFECTIVE DATE

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

PASSED AND APPROVED THIS THE 10TH DAY OF JANUARY 2008 BY THE CITY COMMISSION OF THE CITY OF LA FERIA, TEXAS.

APPROVED:



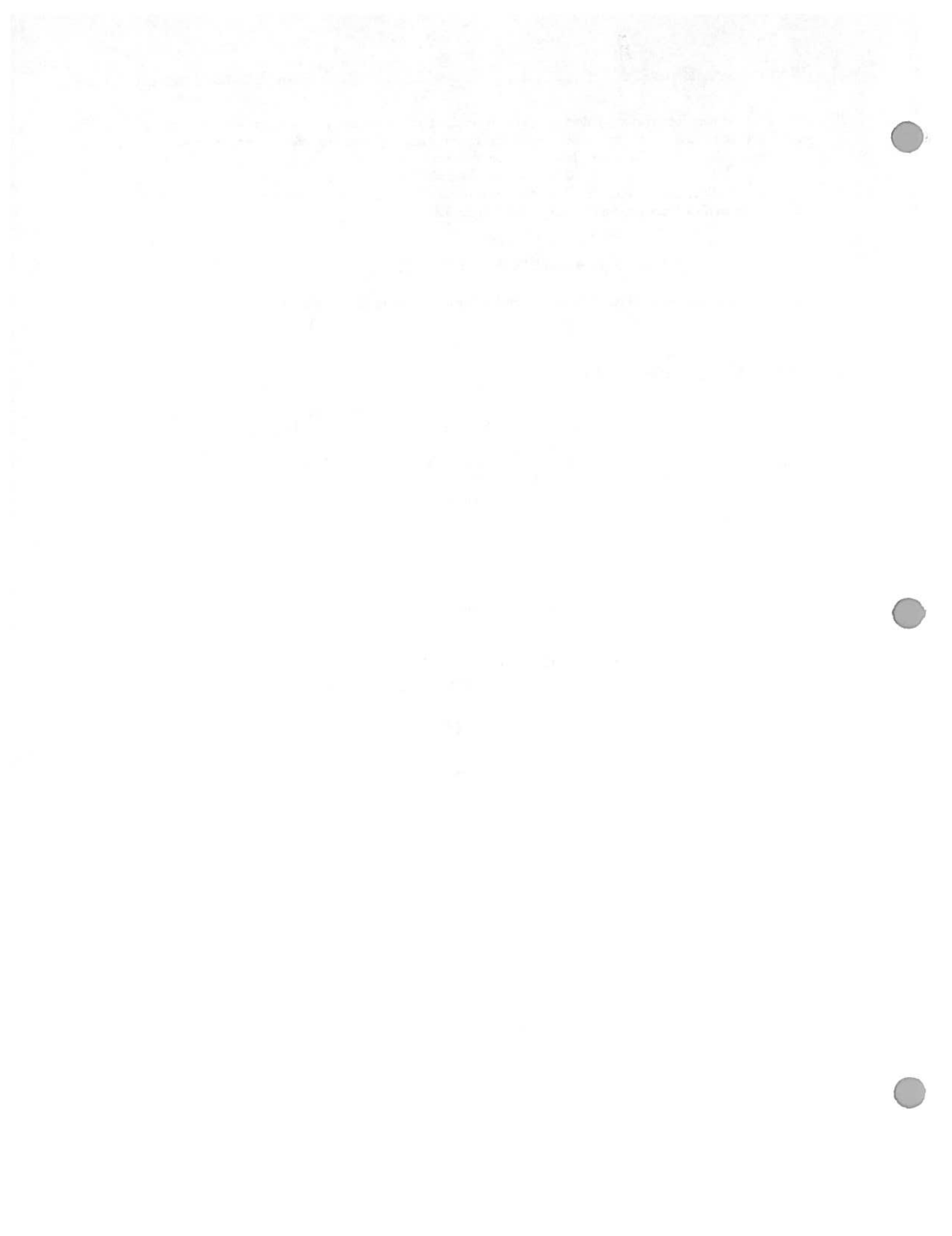
Steve Brewer, Mayor

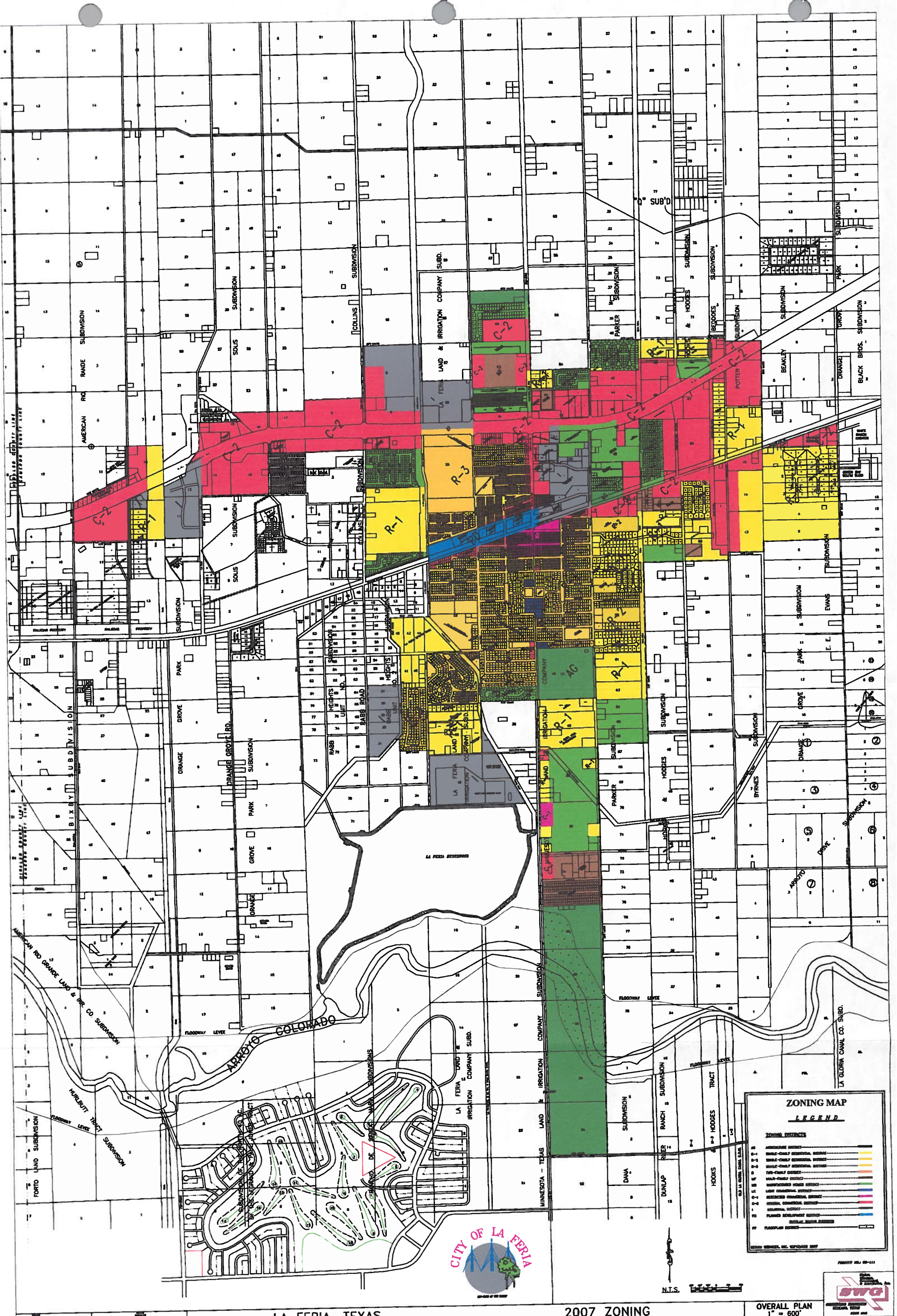
ATTEST:


Olga Oberwetter, City Secretary

APPROVED AS TO FORM:


Miguel D. Wise, City Attorney





LA FERIA, TEXAS

2007 ZONING

OVERALL PLAN
1" = 600'



