

**CITY OF  
TOLAR, TEXAS**

**ZONING ORDINANCE**

**Adopted by Ordinance No. 11-05**

**August 22, 2011**

# Appendix B, Zoning

## TABLE OF CONTENTS

Article 1 - General Provisions .....	1
Section 1 - Title .....	1
Section 2 - Exemption of the City .....	1
Section 3 - Purpose .....	1
Section 4 - Establishment of Districts .....	1
Section 5 - Zoning District Map .....	2
5.1 Boundaries .....	2
5.2 Adoption .....	2
Section 6 - Rules for Interpretation of District Boundaries .....	2
6.1 Uncertainty or Conflicts in District .....	2
Section 7 - Zoning Annexed Territory .....	3
7.1 Classification of Newly Annexed Territory .....	3
7.2 Alternative Zoning of Newly Annexed Territory .....	3
7.3 Construction in Newly Annexed Territory .....	3
Section 8 - Application of District Regulations .....	3
8.1 Conformance Required .....	3
8.2 Provisions of Ordinance Are Minimum Requirements .....	3
Section 9 - Building Permits and Certificates of Occupancy .....	4
9.1 Building Permit Required .....	4
9.2 Conformance Required .....	4
Section 10 - Platting of Property not Properly Zoned .....	4
Section 11 - Pre-existing Uses, Lots, and Structures .....	4
11.1 Pre-existing Uses .....	4
11.2 Pre-existing Lots .....	5
11.3 Pre-Existing Structures .....	5
Article 2 - Permitted Uses .....	6
Section 12 - Permitted Use Table .....	6
12.1 Land Use Table Legend .....	6
12.2 Land Use Table .....	6
Section 13 - Special Conditions for Listed Uses .....	16
13.1 Description of Land Use Table Conditions and Special Regulations .....	16
Section 14 - Classification of New and Unlisted Uses .....	17
14.1 Administrative Official Action .....	17
14.2 City Council .....	17
Article 3 - Zoning Districts .....	18
Section 15 - A Agricultural Homesites District .....	18
15.1 Purpose of District .....	18
15.2 Permitted Uses .....	18
15.3 Density, Area, Yard, Height, and Lot Coverage Requirements .....	18
15.4 Off-street Parking and Loading Requirements .....	18

Section 16 - "RR" Rural Estate District .....	19
16.1 Purpose .....	19
16.2 Permitted Uses .....	19
16.3 Density, Area, Yard, Height, and Lot Coverage Requirements .....	19
16.4 Off-street Parking and Loading Requirements .....	19
16.5 Accessory Building and Structure Regulations .....	19
Section 17 - "R8 " Single Family Residential District .....	20
17.1 Purpose .....	20
17.2 Permitted Uses .....	20
17.3 Density, Area, Yard, Height, and Lot Coverage Requirements .....	20
17.4 Off-street parking and loading requirements .....	20
17.5 Accessory Building and Structure Regulations .....	20
Section 18 - "R6" Single-Family Residential District .....	21
18.1 Purpose .....	21
18.2 Permitted Uses .....	21
18.3 Density, Area, Yard, Height, and Lot Coverage Requirements .....	21
18.4 Off-street Parking and Loading Requirements .....	21
18.5 Accessory Building and Structure Regulations .....	21
Section 19 - "D" Duplex (2 Family) Residential .....	22
19.1 Purpose .....	22
19.2 Permitted Uses .....	22
19.3 Density, Area, Yard, Height, and Lot Coverage Requirements .....	22
19.4 Off-street Parking and Loading Requirements .....	22
19.5 Accessory Building and Structure Regulations .....	22
Section 20 - "MF" Multifamily Residential District .....	23
20.1 Purpose .....	23
20.2 Permitted Uses .....	23
20.3 Density, Area, Yard, Height, and Lot Coverage Requirements .....	23
20.4 Off-street Parking and Loading Requirements .....	24
20.5 Architectural Features .....	24
20.6 Privacy .....	24
20.7 Exterior fire resistant construction .....	25
20.8 Accessory Building and Structure Regulations .....	25
20.9 Required Open Space .....	25
20.10 Entry Feature .....	25
20.11 Trash Receptacles .....	25
20.12 Traffic .....	25
Section 21 - "MH" HUD Code Manufactured Housing Residential District .....	26
21.1 Purpose .....	26
21.2 Generally .....	26
21.3 Permitted Uses .....	26
21.4 Density, Area, Yard, Height, and Lot Coverage Requirements .....	26
21.5 Development and Installation Regulations .....	27
21.6 Site-built additions .....	28
21.7 Accessory building and structure regulations .....	28
21.8 Parking Requirements .....	28
21.9 Interior Drives .....	28
21.10 Underground utilities .....	28
21.11 Open space area .....	28
21.12 Screening .....	28

21.13 Preservation of site assets.....	29
21.14 Drainage.....	29
21.15 HUD-Code Manufactured Home Sales.....	29
Section 22 - "GC" General Commercial District .....	30
22.1 Purpose.....	30
22.2 Permitted Uses.....	30
22.3 Density, Area, Yard, Height, and Lot Coverage Requirements.....	30
22.4 Off-street Parking and Loading Requirements.....	30
22.5 Height Requirements.....	30
22.6 Conversion Of Residential Structures.....	31
22.7 Concurrent Use Of Commercial And Residential Structures.....	31
22.8 Existing Residential Uses.....	31
Section 23 - "HC" Highway Commercial District.....	32
23.1 Purpose.....	32
23.2 Permitted Uses.....	32
23.3 Density, Area, Yard, Height, and Lot Coverage Requirements.....	32
23.4 Off-street Parking and Loading Requirements.....	32
23.5 Height Requirements.....	32
23.6 Concurrent Use Of Commercial And Residential Structures.....	33
23.7 Existing Residential Uses.....	33
Section 24 - "CBD" Central Business District.....	34
24.1 Purpose.....	34
24.2 Permitted Uses.....	34
24.3 Density, Area, Yard, Height, and Lot Coverage Requirements.....	34
24.4 Off-street Parking and Loading Requirements.....	34
Section 25 - "I" Industrial District.....	35
25.1 Purpose.....	35
25.2 Permitted Uses.....	35
25.3 Density, Area, Yard, Height, and Lot Coverage Requirements.....	35
25.4 Off-street Parking and Loading Requirements.....	35
Section 26 - "PD" Planned Development District.....	36
26.1 Purpose.....	36
26.2 Planned Development Uses.....	36
26.3 Conditions for Planned Developments.....	36
26.4 Density, Area, and Height Regulations.....	36
26.5 Ownership.....	37
26.6 Development Schedule.....	37
26.7 Report.....	37
26.8 Platting Requirements.....	37
26.9 Development Plan Requirement.....	37
26.10 Site Plan Requirement.....	38
26.11 Combined and Abbreviated Development and Site Plan Submittal.....	38
26.12 Administrative Approval of Development Plan and Site Plan.....	38
Article 4 – Supplementary Regulations.....	39
Section 27 - Site Plan Requirements.....	39
27.1 Generally.....	39
27.2 Required Prior to Building Permit.....	39
27.3 Changes to the Site Plan.....	39
27.4 Council Approval.....	39

27.5 Site Plan Content.....	39
Section 28 - Specific Use Permits .....	41
28.1 Purpose .....	41
28.2 Permit Required.....	41
28.3 Application Procedure.....	41
28.4 Site Plan Information .....	41
28.5 Additional Information.....	41
28.6 Council Action.....	42
28.7 Conditions of Permit Approval.....	42
28.8 Additional Conditions.....	43
28.9 Time Limit.....	43
28.10 Revocation of Permit.....	43
28.11 Amendments to Specific Use Permit .....	43
Section 29 - General Height Requirements.....	43
29.1 Nonresidential Structures .....	43
29.2 Exceptions.....	44
29.3 Antennas .....	44
Section 30 - General Yard Requirements.....	44
30.1 Projections of Structural Features .....	44
30.2 Carports.....	<b>Error! Bookmark not defined.</b>
30.3 Double Frontage Lots.....	44
30.4 Shared Yards Prohibited.....	44
30.5 Corner Lots.....	44
30.6 Two or More Zoning Districts.....	44
30.7 Established Building Line.....	45
30.8 Measurement.....	45
Section 31 - Accessory Buildings .....	45
31.1 General Purpose and Description.....	45
31.2 Accessory Building Regulations .....	45
Section 32 - Home Occupations .....	46
32.1 Regulations.....	46
Section 33 - Temporary Uses and Special Events .....	46
33.1 Generally .....	46
33.2 Permitted Temporary Uses.....	46
33.3 Permitted Special Events.....	47
33.4 Contents of Application.....	47
33.5 Approval by the City Council.....	48
Section 34 - Off-Street Parking and Loading Requirements .....	48
34.1 Parking Table .....	48
34.2 Off-Street Loading Requirements.....	50
34.3 Residential Off-Street Parking .....	52
34.4 Special Events and Other One-time Events .....	52
Section 35 - Sign Regulations .....	53
35.1 Purpose .....	53
35.2 Definitions.....	53
35.3 General Standards.....	53
35.4 Schedule for Permanent Signs.....	54
35.5 Schedule for Temporary Signs .....	54
35.6 Pole and Monument not to be Used in Combination .....	54
35.7 Prohibited Signs .....	55

35.8 Signs Exempt from Regulation .....	55
35.9 Regulations Governing Sign Measurement .....	58
35.10 Permit Requirements .....	59
35.11 Nonconforming Uses .....	60
35.12 AUTHORITY TO REMOVE SIGNS .....	60
35.13 Meritorious Exceptions and Appeals.....	60
35.14 Prohibition.....	61
35.15 Conversion of Portable Signs to Permanent Signs.....	61
Section 36 - Screening Devices and Fence Regulations .....	61
36.1 Screening Requirements .....	61
36.2 Fencing requirements.....	63
36.3 Fences in Residential districts. ....	64
Section 37 - Wireless Communication Facilities.....	64
37.1 Purpose .....	64
37.2 Definitions.....	65
37.3 Residentially Zoned Districts - Amateur Radio Equipment and TV Antennas.....	65
37.4 Non-residential districts .....	66
37.5 Written report upon denial of request.....	67
37.6 Satellite receive-only antennas generally .....	67
37.7 Satellite receive-only antennas.....	67
37.8 Large Satellite receive-only antennas.....	68
37.9 Special Exception .....	69
Section 38 - Nonconforming Uses, Lots, and Structures .....	70
38.1 Categories of Nonconformities .....	70
38.2 Nonconforming Uses Regulated.....	71
38.3 Nonconforming Status .....	71
38.4 Nonconforming Lots of Record .....	71
38.5 Nonconforming Uses of Land .....	71
38.6 Nonconforming Buildings.....	71
38.7 Nonconforming Uses of Buildings.....	72
38.8 Repairs and Maintenance.....	73
38.9 Nonconforming Uses Discontinued.....	73
38.10 Changes that Lessen Nonconformity.....	73
Article 5 - Administration.....	74
Section 39 - Administration and Enforcement .....	74
39.1 Administrative Official .....	74
39.2 Enforcement .....	74
Section 40 - Completion of Buildings Under Construction .....	74
Section 41 - Zoning Board of Adjustment.....	74
41.1 Establishment.....	74
41.2 City Council Option.....	74
41.3 Zoning Board of Adjustment Terms of office.....	75
41.4 Procedure .....	75
41.5 Powers of the Board .....	75
41.6 Appeals to the Zoning Board of Adjustment .....	77
41.7 Hearing and Decision .....	78
41.8 Authorized Special Exceptions .....	79
41.9 Fees.....	80
Section 42 - Duties of City Council .....	80

Section 43 - Fee Schedule .....	80
Section 44 - Amendments .....	80
44.1 Generally .....	80
44.2 Amendment Initiation .....	80
44.3 Procedure .....	81
44.4 Notice .....	81
44.5 Protest .....	81
44.6 Frequency of Petition .....	81
Section 45 - Violations and Penalties .....	81
45.1 Complaints Regarding Violations .....	81
45.2 Penalties for Violation .....	81
Section 46 - Severability .....	82
Article 6 - Definitions .....	83
Section 47 - Rules for Words and Phrases .....	83
47.1 General Interpretation .....	83
47.2 Tense and Number .....	83
47.3 Interpretation of Certain Words .....	83
Section 48 - Definitions .....	83
48.1 General Definitions .....	83
48.2 Land Use Definitions and Explanations .....	89
48.3 Signage Definitions .....	104
48.4 Wireless Communications Facilities Definitions .....	109

# Article 1 - General Provisions

## Section 1 - Title

This ordinance shall be known as and may be cited and referred to as the "Zoning Ordinance of the City of Tolar," which includes narrative regulations and map.

## Section 2 - Exemption of the City

The City is exempt from any and all regulation contained herein, upon approval of the City.

## Section 3 - Purpose

The purpose of this ordinance is to establish zoning regulations and districts in accordance with the City of Tolar Comprehensive Land Use Plan for the purpose of promoting health, safety, morals and general welfare of the City of Tolar. They have been designed to lessen congestion in the streets; to secure safety from fire, panic and other dangers; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements. They have been made with reasonable consideration, among other things, of the character of each district and its peculiar suitability for the particular uses specified, and with a view of conserving the value of buildings and encouraging the most appropriate use of land throughout the community consistent with the City of Tolar Comprehensive Land Use Plan. Nothing herein shall be construed to grant "permanent" zoning.

## Section 4 - Establishment of Districts

The City is hereby divided into eleven (11) straight zoned districts and one (1) special district. The use, height, and development regulations as established are uniform in each district. The districts established herein shall be known as follows:

<u>Abbreviated Designation</u>	<u>Straight Zoned Districts</u>
A	Agricultural
RR	Rural Residential District – 1 Acre
R 8	Single Family Residential District– 8,000 s.f.
R 6	Single Family Residential District– 6,000 s.f.
D	Duplex (2 Family Units) District
MF	Multifamily Residential District
MH	Manufactured Housing Residential District
GC	General Commercial District
CBD	Central Business District
HC	Highway Commercial District
I	Industrial District
	<u>Special Districts</u>
PD	Planned Development District



**Section 5 - Zoning District Map**

**5.1 BOUNDARIES**

The boundaries of the zoning districts are delineated on the zoning district map of the City, which is incorporated in and made a part of this ordinance for all purposes.

**5.2 ADOPTION**

Original, official, and identical copies of the zoning district map are hereby adopted and shall be identified by the signature of the mayor, attested by the City secretary, and bearing the seal of the City under the following words: "This is to certify that this is the official zoning map of the City of Tolar, Texas," together with the date of adoption. The zoning district map shall be filed and maintained as follows:

- A. One copy shall be filed with the City secretary and retained as the original record and shall not be changed in any manner. A second reproducible copy shall be filed with the City secretary and shall be the official zoning district map. This map shall be maintained by posting on the map all changes and subsequent amendments after their enactment for the use of the City Council.
- B. One copy shall be filed with the administrative official and shall be maintained by posting on the map all changes and subsequent amendments.
- C. Reproductions for information purposes may, from time to time, be made of the official zoning district map.

**Section 6 - Rules for Interpretation of District Boundaries**

**6.1 UNCERTAINTY OR CONFLICTS IN DISTRICT**

- A. **Centerlines.** Boundaries indicated as approximately following the centerlines of streets, highways, or alleys shall be construed to follow such centerlines.
- B. **Lot Lines.** Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
- C. **City Limits.** Boundaries indicated as approximately following City limits shall be construed as following City limits.
- D. **Railroads.** Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks.
- E. **Shorelines.** Boundaries indicated as following shorelines shall be construed to follow such shorelines, and in the event of change in the shoreline shall be construed as moving with the actual shoreline; boundaries indicated as approximately following the centerlines of streams, drainage courses, creeks, canals, lakes, or other bodies of water shall be construed to follow such centerlines.
- F. **Extensions of Features.** Boundaries indicated as parallel to or extensions of features indicated in subsections A through B above shall be so construed. Distances not specifically indicated on the official zoning map shall be determined by the scale of the map.
- G. **Vacated Public Way.** Whenever any street, alley, or other public way is vacated by official action of the City Council, the zoning district line adjoining each side of the street, alley, or

other public way shall be automatically extended to the centerline of the vacated street, alley, or way, and all area so involved shall be subject to regulations of the extended districts.

- H. **Variance of Physical Features and Official Zoning Map.** Where physical or cultural features existing on the ground are at variance with those shown on the official zoning map or when there arises a question as to how or whether a parcel of property is zoned and such question cannot be resolved by the application of subsections A through G above, the property shall be considered as classified in the "RR" Rural Residential district, in the same manner as provided for newly annexed territory, and the issuance of a building permit and the determination of zoning shall be in accordance with the provisions provided in *Section 7 Zoning Annexed Territory*.

**Section 7 - Zoning Annexed Territory**

**7.1 CLASSIFICATION OF NEWLY ANNEXED TERRITORY.....**

All territory which hereafter is annexed to the City shall automatically be considered to be in the "AG" Agricultural district. The procedure for establishing zoning on annexed territory shall conform to the procedure established by state law for the adoption of original zoning regulations.

**7.2 ALTERNATIVE ZONING OF NEWLY ANNEXED TERRITORY..**

The City Council or petitioners for annexation may request alternative zoning classifications in an area being considered for annexation. The City Council may hold public hearings on annexation and zoning simultaneously, and may approve the zoning of a newly annexed area at the time of annexation.

**7.3 CONSTRUCTION IN NEWLY ANNEXED TERRITORY.....**

No person shall erect, construct, or proceed or continue with the erection or construction of any building or structure, add to any building or structure, or cause the same to be done in any newly annexed territory without first applying for and obtaining a building permit or certificate of occupancy from the building official. No permit for construction of a building or use of land shall be issued by the building official other than a permit which will allow the construction of a building permitted in the "A" Agricultural district.

**Section 8 - Application of District Regulations**

**8.1 CONFORMANCE REQUIRED.....**

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

**8.2 PROVISIONS OF ORDINANCE ARE MINIMUM REQUIREMENTS....**

In their interpretation and application, the provisions of this ordinance shall be construed to be the minimum requirements for the promotion of the public health, safety, convenience, comfort, morals, and general welfare. Wherever this ordinance imposes a greater restriction than imposed by other ordinances, laws, or regulations, the provisions of this ordinance shall govern.

**Section 9 - Building Permits and Certificates of Occupancy**

**9.1 BUILDING PERMIT REQUIRED**

No building or other structure shall be erected, moved, added to, or structurally altered without a building permit issued by the administrative official. No building permit shall be issued for any building or structure except in conformity with the provisions of this ordinance. No permit for the construction of a building or buildings upon any land shall be issued until a building site has been created by the land being a platted lot appearing on a plat properly approved by the City and filed in the records of the county clerk of Hood County.

- A. Application for building permit: All applications for building permits shall be accompanied by plans in triplicate, drawn to scale, showing the actual dimensions and shape of the lot to be built upon; the exact sizes and locations on the lot of buildings already existing, if any; and the location and dimensions of the proposed building or alteration. The application shall include such other information as lawfully may be required by the administrative official, including existing or proposed building or alteration; existing or proposed uses of the building and land; housekeeping units or rental units the building is designed to accommodate; conditions existing on the lot; and such other matters as may be necessary to determine conformance with, and provide for the enforcement of, this ordinance. One copy of the plans shall be returned to the applicant by the administrative official, that has markings on the copy either as approved or disapproved and attested to same by his signature on such copy. The original and one copy of the plans, similarly marked, shall be retained by the administrative official.
- B. Expiration of Building Permit: If the work described in any building permit has not begun within six calendar months from the date of issuance thereof, said permit shall expire, and work shall not proceed until a new building permit has been obtained.

**9.2 CONFORMANCE REQUIRED**

Building permits issued on the basis of plans and applications approved by the administrative official authorize only the use, arrangement and construction set forth in such approved plans and applications, and no other use, arrangement or construction. Use, arrangement or construction at variance with regulations contained herein shall be deemed violation of this ordinance, and punishable as provided by *Section 45 Violations and Penalties* hereof.

**Section 10 - Platting of Property not Properly Zoned**

The City Council shall not approve any plat until the area covered by the proposed plat is or shall be zoned to the proper zoning classification by the City Council.

**Section 11 - Pre-existing Uses, Lots, and Structures**

**11.1 PRE-EXISTING USES**

Uses that are in existence at the effective date of this ordinance (Ord. No. \_\_\_\_\_) shall be deemed to be legal non-conforming uses in accordance with Section

**11.2 PRE-EXISTING LOTS**

Lots and parcels of land that are in existence prior to the effective date of this ordinance shall be deemed to be legal non-conforming lots and shall be exempt from the area requirements of the zoning districts. Lots or parcels having existing structures thereon prior to the effective date of this ordinance shall be exempt from the front, rear, and side yard setback requirements for all structures located thereon at that date. However, new construction for structures located thereon after the effective date of this ordinance shall be required to meet the setback requirements of the respective district applicable to that lot.

**11.3 PRE-EXISTING STRUCTURES**

Structures that are in existence prior to the effective date of this ordinance shall be deemed to be legal non-conforming structures and shall be exempt from the area and height requirements of the zoning districts. Said structures shall be permitted to be expanded, repaired, and remodeled without meeting the area requirements for structures. However, said structures are not exempted from the height regulations for new construction after the effective date of this ordinance that exceeds the regulations provided in the respective district applicable to the property on which that structure is located.

## Article 2 - Permitted Uses

**Section 12 - Permitted Use Table**

**12.1 LAND USE TABLE LEGEND**.....

The following table presents the zoning district classifications and the permitted uses within those classifications. Uses are listed as being "Permitted", permitted by "Specific Use Permit", and prohibited uses as signified by blank cells. Conditions are provided in *Section 13, Conditions and Special Regulations for Listed Uses*. Any use not expressly authorized and permitted herein is expressly prohibited.

<b>P</b>	Permitted Use
<b>S</b>	Specific Use Permit
	Prohibited Use

**12.2 LAND USE TABLE**.....

P=Permitted Use    S=Specific Use Permit    Blank=Prohibited Use

City of Tolar Land Use Table													
Residential							Land Use Designation	Non-Residential				Special Conditions	
A	RR	R8	R6	D	MF	MH		CBD	GC	HC	I		
<b>Residential Uses</b>													
P	P	P	P				Agricultural Use		S	S	S	b, h	
					P		Apartment					d, g	
					P		Boarding House		S	S		a	
P	P	S		S			Caretaker, Guard or Servant Residence or Garage Apartment		S	S	P	b, p	
P	P	S	S	S			Dwelling, Guesthouse						
P	P	P			P		Convent, Rectory, Monastery		P	P			
					P		Dwelling, Assisted Living Facility		S	P		a	
						P	Dwelling, HUD-Code Manufactured Home						
P	P	P	P	P	P	P	Dwelling, Industrialized Housing						

P=Permitted Use S=Specific Use Permit Blank=Prohibited Use

City of Tolar Land Use Table												
Residential							Land Use Designation	Non-Residential				Special Conditions
A	RR	R8	R6	D	MF	MH		CBD	GC	HC	I	
							Dwelling, Mobile Home					
					P		Dwelling, Multifamily					a, g
				S	P	P	Dwelling, Single Family Attached					
P	P	P	P	P		P	Dwelling, Single Family Detached					
					P		Dwelling, Two Family					
P	P	P	P	P	P	P	Group Home for the Disabled or Disadvantaged					
						P	Manufactured Housing Park or Subdivision					
Public, Civic & Utility Uses												
S							Airport, Public/Private				P	t
P							Animal Pound, Shelter		S	S	P	a, g, h, i
S	S	S	S		S		Assembly Hall	S	P	P	P	b, g
P	S	S	S	S	S	S	Athletic Field and Play Field, Public		P	P	P	a, g
							Cemetery, Mausoleum, Crematorium			S	P	
P	P	P	P	P	P	P	Community Center	P	P	P	P	g
P	P	P	P	P	P	P	Electrical Generating Station	P	P	P	P	a
P	P	P	P	P	P	P	Electrical Transmission Line	P	P	P	P	
							Garage, Public		S	P	P	g
P	P	P	P	P	P	P	Gas Regulator Station	P	P	P	P	a
P	P	P	P	P	P	P	Golf course, Public		P	P	P	g
P	P	P	P	P	P	P	Governmental Administration Facility	P	P	P	P	g
S	S	S	S	S	P		Library	P	P	P	P	g
S	S						Lodge, Fraternal, Sorority & Clubs	P	P	P	P	g
S	S						Museum	P	P	P	P	g
P	P	P	P	P	P	P	Park	P	P	P	P	g
					P		Philanthropic and/or Charitable Use	P	P	P	P	g

P=Permitted Use S=Specific Use Permit Blank=Prohibited Use

City of Tolar Land Use Table												
Residential							Land Use Designation	Non-Residential				Special Conditions
A	RR	R8	R6	D	MF	MH		CBD	GC	HC	I	
P	P	S	S	S	S	S	Public Maintenance Building, Storage Yard		P	P	P	c
P	P	P	P	P	P	P	Public Safety Facility, Police & Fire	P	P	P	P	g
P	P	P	P	P	P	P	Public Utility	P	P	P	P	
P	P	P	P	P	P	P	Religious Institution	P	P	P	P	a, g
P	P	P	P	P	P	P	Telephone Exchange, Switching or Relay	P	P	P	P	
Educational Uses												
							School, Business College	S	P	P	P	a, g
							School, College or University	S	P	P	P	a, g
							School, Commercial Instruction	S	P	P	P	g
							School, Commercial Trade	S	P	P	P	g
P	P	P	P	P	P	P	School, Home					
P	S	S	S	S	S	S	School, Home Day					b
							School, Institution, Rehabilitation & Training Center	P	P	P	P	g
					P		School, Nursery	P	P	P	P	g
P	P	P	P	P	P	P	School, Primary or Secondary	P	P	P	P	a, g
							School, Vocational	P	P	P	P	a, g
Amusement & Entertainment Uses												
							Amusement Center, Indoor		S	P	P	g
S							Amusement Center, Outdoor		S	S	P	a, g, q
S							Athletic Field & Play Field, Commercial		S	S	P	a, g
							Auditorium	P	P	P	P	g
S							Camp Ground & Related Facilities				P	a, g
P					S		Country Club	S	P	P	P	a, g
P							Golf Course, Driving Range			S	P	g

P=Permitted Use S=Specific Use Permit Blank=Prohibited Use

City of Tolar Land Use Table												
Residential							Land Use Designation	Non-Residential				Special Conditions
A	RR	R8	R6	D	MF	MH		CBD	GC	HC	I	
P							Golf Course, Miniature		S	P	P	g
P					S		Golf Course, Private		S	S	P	a, g
							Go Cart Track and Other Vehicular Track or Facility				S	a, g, q
							Gymnasium		S	S	P	g
							Private Club	P	P	P	P	a, e, g
P	P						Recreational Ranch or Farm				P	g, h
P							Rodeo Ground/Fair Ground		S	S	P	b, g, h
							Skating Rink, Indoor		S	P	P	g, h
S	S						Stable, Commercial				S	b, g, h
P	P	S					Stable, Private				S	b, g, h
							Swimming Pool, Commercial	P	P	P	P	g
							Shooting Range, Indoor		S	P	P	a
S							Shooting Range, Outdoor				S	
							Theater, Indoor Motion Picture	P	P	P	P	a, g
S							Water Park, Commercial		S	S	P	a, g
Medical Uses												
					S		Clinic	P	P	P	P	a, g
					S		Hospital	P	P	P	P	a, g
							Laboratory, Medical and/or Dental		P	P	P	g
							Medical, Dental & Optical Retail Sales	S	P	P	P	g
							Medical, Dental Office	P	P	P	P	g
							Medical Equipment Sales, Rental, & Leasing Service	S	P	P	P	g
					P		Nursing Home		P	P	P	a, g
							Optician Shop	P	P	P	P	g



P=Permitted Use S=Specific Use Permit Blank=Prohibited Use

City of Tolar Land Use Table												
Residential							Land Use Designation	Non-Residential				Special Conditions
A	RR	R8	R6	D	MF	MH		CBD	GC	HC	I	
S	S						Veterinary Hospital with Outside Pens			S	P	a, g, i, s
P	S						Veterinary Hospital without Outside Pens		S	P	P	b, g
P	S						Veterinarian Office, Small Animal Practice	S	P	P	P	b, g
P	S						Veterinarian Office, Large Animal Practice		S	S	P	a, g, h, i
Automotive Uses												
							Auto Auction				S	
							Auto Car Wash		S	P	P	b, g
							Auto Impound Lot/Wrecker Business			S	S	b, c, g
							Auto Paint & Body Shop			S	P	g, l
							Auto Parts & Accessory Sales		P	P	P	g
							Auto Rental (Car & Truck)	S	P	P	P	b, g, m
							Auto Repair Garage		S	P	P	b, g, l
							Auto Sales, New & Used		S	P	P	b, g, m
							Auto Service Station	S	S	P	P	a, g
							Bus, Train, & Taxi Station or Terminal		P	P	P	a, g
							Farm Machinery & Implement Sales & Service		S	P	P	a, g, l, m
							Garage, Repair		S	P	P	a, g, l
S							Heliport			H	P	a, g
S							Helistop		S	H	P	b, g
							Motor Freight Terminal			S	P	b, g
							Park and Ride Lots		S	P	P	
							Parking Lot, Commercial (Auto)		S	P	P	b, g
							Parking Lot, Commercial (Truck)			S	P	a, g
							Recreational vehicle storage (commercial)		S	P	P	a, c, g, m

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City of Tolar Land Use Table												
Residential						Land Use Designation	Non-Residential				Special Conditions	
A	RR	R8	R6	D	MF		MH	CBD	GC	HC		I
<b>Professional Uses</b>												
							Bank, Savings and Loan Association, Financial Institution	P	P	P	P	g
							Office, Business	P	P	P	P	g
							Office, Professional	P	P	P	P	g
							Office, Real Estate Development Tract or Field Office	P	P	P	P	g
<b>Commercial, Retail &amp; Service Uses</b>												
							Ambulance Service	P	P	P	P	g
P	P						Animal Grooming	S	P	P	P	b, g
							Antique Shop	P	P	P	P	g
							Apparel Alteration and Repair or Tailor Shop	P	P	P	P	g
							Appliance Repair, Household	P	P	P	P	g
							Art Gallery	P	P	P	P	g
							Arts, Crafts, and Hobby Shop	P	P	P	P	g
							Auction House, Indoor		S	P	P	b, c, g
							Bakery, Retail Confectionery	P	P	P	P	g
							Bakery, Wholesale Candy		P	P	P	g
							Barber Shop, Beauty Salon, other Personal Shop	P	P	P	P	g
							Building Material Sales		S	P	P	b, c, g
							Cabinet &/or Upholstery Shop			P	P	g
							Catering Service	S	P	P	P	b, g
							Collectibles Shop	P	P	P	P	g
							Contractor, no Outside Storage Permitted		S	P	P	b, g
							Contractor, Outside Storage Permitted		S	S	P	a, c, g, m
							Contractor Storage or Equipment Yard			S	P	a, c, g, m

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Residential							Land Use Designation	Non-Residential				Special Conditions
A	RR	R8	R6	D	MF	MH		CBD	GC	HC	I	
							Convenience Store, with or without Fuel Sales		P	P	P	a, g
							Copy Shop	P	P	P	P	b, g
							Cosmetic Tattoo Establishment		S	P	P	a, g
					P		Day Care Center, Adult	P	P	P	P	g
					P	P	Day Care Center, Child	P	P	P	P	g
P	P	P	P	P	P	P	Day Care, in the Home					j
							Department Store	P	P	P	P	a, g
							Exterminating Service		S	P	P	b, g
							Factory Outlet, Retail or Wholesale Store		S	P	P	b, g
P	S						Farmers Market, Outdoor		S	S	P	
S							Flea Market				S	
							Funeral Home, Mortuary	P	P	P	P	b, g
S	S	S	S				Furniture, Fixture & Appliance Store	P	P		P	g
							Gift Shop	P	P	P	P	g
P	S						Greenhouse or Plant Nursery		S	P	P	a, c, g
							Grocery Store	P	P	P	P	a, g
							Hardware Store	P	P	P	P	b, c, g
							Health Club, Recreation Facility	S	P	P	P	a, g
							Hobby Studio, Private	P	P	P	P	g
							Hotel, Motel	P	P	P	P	a, g
							Kennel		S	S	P	b, g, i
							Landscape Service		S	S	P	a, c, g
							Laundry, Dry Cleaning Full Service	S	P	P	P	g
							Laundry, Dry Cleaning Pickup & Receiving Station	P	P	P	P	g

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Residential							Land Use Designation	Non-Residential				Special Conditions
A	RR	R8	R6	D	MF	MH		CBD	GC	HC	I	
							Laundry, Dry Cleaning Self Service	S	P	P	P	b, g
							Lithography or Print Shop	S	P	P	P	g
							Locksmith Shop	P	P	P	P	g
							Machinery Sales or Repair		S	P	P	a, c, g, m
							Manufactured or Industrialized Home Sales or Rental			S	P	a, c, g, m
							Meat Market	S	P	P	P	a, g
							Music Store	P	P	P	P	g
							Office Machine Sales & Service	P	P	P	P	g
							Office Supply Store	P	P	P	P	g
							Pawn Shop			P	P	g
							Pet Shop	S	P	P	P	g
							Pharmacy	P	P	P	P	g
							Photographic Equipment Sales & Service	P	P	P	P	g
							Photographic Service	P	P	P	P	g
							Radio, Television Studio		S	P	P	a, g, n, o
							Recycling Collection Center			S	P	a, c, g
							Rental Store			S	P	a, g
							Rental Yard, Commercial & Heavy Equipment				S	b, c, g, m
							Restaurant	P	P	P	S	b, g
							Restaurant, Drive-in / Drive-thru	S	P	P	S	b, g
P	P	P	P	P	P	P	Refreshment Stand (Temporary or Seasonal)	P	P	P	P	b, g
							Sexually Oriented Business				S	r
							Shoe Repair	P	P	S	P	g
							Sign Shop, Painted or Silk-screened		P	P	P	g

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City of Tolar Land Use Table												
Residential							Land Use Designation	Non-Residential				Special Conditions
A	RR	R8	R6	D	MF	MH		CBD	GC	HC	I	
							Studio	P	P	P	P	g
							Stone Monument Sales		S	P	P	a, c, g
							Tattoo Parlor/Body Piercing Studio				S	
							Taxidermist Studio		S	S	P	g
							Taxidermist Shop			S	P	a, g
							Tobacco Shop	P	P	P	P	g
							Video / Game Rental	P	P	P	P	b, g
							Watch &/or Jewelry Sales & Repair	P	P	P	P	g
Manufacturing & Industrial Uses												
							Assembly Plant				P	a, c, g
							Bottling Works				P	a, g
							Building Materials Manufacturing				P	a, c, g
							Dairy Processing					
							Electronics Manufacturing				P	a, g
							Laundry, Dry Cleaning & Dyeing Plant				P	a, g
							Machine Shop				P	a, g
							Manufacturing Facility (Light)				P	a, c, g
							Meat Product Processing					
							Mini-warehouse			S	P	a, g
							Pharmaceutical Plant				P	a, g
							Plastic Products Manufacturing				P	a, c, g
							Wireless Transmission or Receiving Facility	(As regulated by Section 37)				
							Salvage Yard					
							Stockyard					
							Storage and Warehousing Establishment			S	P	a, c, g, k

P=Permitted Use S=Specific Use Permit Blank=Prohibited Use

City of Tolar Land Use Table												
Residential							Land Use Designation	Non-Residential				Special Conditions
A	RR	R8	R6	D	MF	MH		CBD	GC	HC	I	
							Storage Yard			S	P	a, c, g, k
							Textile Manufacturing				P	a, g
							Warehousing, Freight Office and/or Storage				P	a, c, g, k
							Welding or Machine Shop			S	P	a, c, g
Accessory Uses												
P	P	P	P	P	P	P	Accessory building	P	P	P	P	a, p
P	P	P	P	P	P	P	Carport, Residential					
P	P						Christmas tree sales	P	P	P	P	f
P	P	P	P	P	P	P	Home Occupation					
					P		Temporary Construction Building	P	P	P	P	d
P	P	P	P	P	P	P	Utility buildings and structures	P	P	P	P	

## Section 13 - Special Conditions for Listed Uses

### 13.1 DESCRIPTION OF LAND USE TABLE CONDITIONS AND SPECIAL REGULATIONS

The following describe conditions and special regulations for uses listed in the Permitted Use Table. Additional requirements may be added to these herein by the City Council as deemed necessary to protect the health, safety, and general welfare of the citizens of Tolar. No construction or occupancy shall commence for any permitted use until the conditions herein stated or required by the City Council have been met.

- a. A site plan will be required in accordance with *Section 27 Site Plan Requirements*.
- b. A site plan, in accordance with *Section 27 Site Plan Requirements*, will only be required in districts which require a Specific Use Permit.
- c. All storage shall be within completely enclosed buildings or effectively screened with screening not less than six feet nor more than eight feet in height, provided no storage located within 50 feet of such screening shall exceed the maximum height of such screening.
- d. Temporary buildings for construction purposes for a period not to exceed the duration of such construction.
- e. May not be located within 300 feet of any property zoned for a residential use or any property which is occupied by a church, public school, day care or nursing home. The measurement of distance shall be measured as a radius from the edge of the property line.
- f. Permitted on a temporary basis only, in accordance with *Section 33 Temporary Uses and Special Events*.
- g. All outdoor lighting, including parking lot lighting, shall be directed away from any property zoned or developed for residential uses.
- h. Any proposed stable or barn must be set back 150 feet from the property line. Only animals permitted within the corporate limits by the City Code will be permitted on site.
- i. Pens, outdoor kennels, or animal runs must be located 150 feet from any residentially zoned property.
- j. A copy of the State Certification of licensing or registration as described in *Section 42.052 of Chapter 42 - Texas Human Resources Code* must be provided to the City.
- k. Shall not be used for the storage of wrecked vehicles, or the dismantling of vehicles, or the storage of vehicle parts.
- l. All vehicles being stored for repair shall be screened from all public rights-of-way.
- m. All equipment shall be stored and displayed on a hard all weather surface.
- n. Antenna and towers shall be permitted and regulated in accordance with *Section 37 Wireless Communications Facilities*.
- o. Public or private radio, television, or telecommunication towers over thirty five feet (35') in height require a Specific use permit, as provided in *Section 24, Specific Use Permit*.
- p. Accessory Dwelling / Garage Apartments are limited to a maximum of 500 square feet.
- q. Any business which uses the operation of motor vehicles on site, such as go cart tracks, shall not be located within 500 feet from any residentially zoned property.
- r. As regulated by Ordinance \_\_\_\_\_

- s. Requires 10 acres for animal hospital in RR.
- t. Must comply with Chapter 241 of the Texas Local Government Code

**Section 14 - Classification of New and Unlisted Uses**

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

**14.1 ADMINISTRATIVE OFFICIAL ACTION**

The administrative official shall refer the question concerning any new or unlisted use to the City Council requesting an interpretation as to the proper zoning classification into which such use should be placed. The use interpretation question shall be determined as to the nature of the use and whether it involves dwelling activity, sales, processing; type of product, storage and the amount and nature thereof (i.e., enclosed or open storage); anticipated employment; transportation requirements; the general degree of noise, odor, fumes, dust, toxic material and vibration likely to be generated, if any; and the general requirements for public utilities such as water and sanitary sewer.

**14.2 CITY COUNCIL**

The City Council shall consider the nature and described performance of the proposed use and its compatibility with the uses permitted in the various zoning districts, and determine the zoning district or districts within which such use should be permitted. The City Council shall approve use or make such other determination concerning the classification of such use as appropriate, based upon its findings of fact, and amend this ordinance to reflect said findings and decisions.



## Article 3 - Zoning Districts

### Section 15 - A Agricultural Homesites District

#### 15.1 PURPOSE OF DISTRICT

The "A" district is designed to permit sparsely settled residential development in combination with traditional farming activities. Division of land ordinarily occurs in order to accommodate agricultural needs. Urban-type public improvements normally are not required in this district.

#### 15.2 PERMITTED USES

Uses in the "A" district shall be in accordance with *Section 12, Permitted Use Table*.

#### 15.3 DENSITY, AREA, YARD, HEIGHT, AND LOT COVERAGE REQUIREMENTS

The requirements regulating the minimum lot size, minimum yard size (front, side, and rear), maximum building height (stories and feet), and maximum lot coverage, and minimum floor area, as it pertains to this district, shall conform with the provisions provided in the Density, Area, Yard, Height, and Lot Coverage Requirements for the A Zoning District.

AG – Zoning District Area Requirements	
Minimum Lot Area	5 acres
Minimum Lot Width	200 ft.
Minimum Lot Depth	250 ft.
Minimum Front Yard	50 ft.
Minimum Side Yard	20 ft.
Minimum Rear Yard	50 ft.
Maximum Lot Coverage	50 %
Maximum Building Height	36 ft. or 2 1/2 stories
Minimum Floor Area	2000 s.f. living area 1000 s.f. ground floor

#### 15.4 OFF-STREET PARKING AND LOADING REQUIREMENTS

Off-street parking and loading requirements shall conform to the provisions of *Section 34 Off Street Parking and Loading Requirements*.

**Section 16 - "RR" Rural Estate District**

**16.1 PURPOSE**

The purpose of the "RR" Rural Residential district is to provide for compatible land, building, and structure uses primarily oriented to agricultural farming and ranching and low density residential purposes. The district also serves as a transitional land use element pending future more intensive urbanization; open space for the protection and enhancement of scenic areas, vistas and recreations uses; and where unusual or problematic soils, topographic conditions or sensitive ecological features are present that would normally not be conducive or appropriate to more intensive forms and patterns of urbanization. The primary intent of the "RR" district is a land use designated to aid in the protection of certain lands suitable for producing and supplying food and related agricultural farm and ranch products from more intense urbanization until such time as warranted by demand and supportive community facilities and services.

**16.2 PERMITTED USES**

Uses permitted in the "RR" Rural Residential district shall be in accordance with *Section 12 Permitted Use Table*.

**16.3 DENSITY, AREA, YARD, HEIGHT, AND LOT COVERAGE REQUIREMENTS**

The requirements regulating the maximum permissible residential density, minimum lot size, minimum yard sizes, maximum building height, and maximum percent of lot coverage by buildings, as pertains to the "RR" Rural Residential district shall conform with the provisions provided in the Area Requirements for the "RR " Zoning District table.

<b>"RR " Zoning District Area Requirements</b>	
Maximum Density	0.75 (d.u./acre)*
Minimum Lot Area	1 Acre
Minimum Lot Width	150 ft.
Minimum Lot Depth	150 ft.
Minimum Front Yard	40 ft.
Minimum Side Yard	25 ft.
Minimum Side Yard adjacent to Street (corner lot)	40 ft. (same as Front Yard)
Minimum Rear Yard	30 ft.
Maximum Building Height	35 ft.
Minimum Dwelling Size	1,500 sq. ft.

\*d.u. = dwelling unit

**16.4 OFF-STREET PARKING AND LOADING REQUIREMENTS**

Off-street parking requirements pertaining to uses allowed in the "RR" Rural Residential district shall conform to the provisions of *Section 34 Off-street Parking and Loading Requirements*.

**16.5 ACCESSORY BUILDING AND STRUCTURE REGULATIONS**

Area regulations for accessory buildings or accessory structures shall be in compliance with *Section 31, Accessory Buildings*.

**Section 17 - "R8" Single Family Residential District**

**17.1 PURPOSE**

The purpose of the "R8" Single Family Residential district is to provide for compatible land, building, and structure uses primarily oriented to low density residential estate purposes, select agricultural uses, and open space uses. The "R8" district is intended to serve as a transitional element between agricultural activities and those of higher density development. Low density detached, single-family residential dwellings and estate development, along with limited agricultural uses, comprise the principal elements of the "R8" district.

**17.2 PERMITTED USES**

Uses permitted in the "R8" Single Family Residential district shall be in accordance with *Section 11 Permitted Use Table*.

**17.3 DENSITY, AREA, YARD, HEIGHT, AND LOT COVERAGE REQUIREMENTS**

The requirements regulating the maximum permissible residential density, minimum lot size, minimum yard sizes, maximum building height, and maximum percent of lot coverage by buildings, as pertains to the "R8" district, shall conform with the provisions provided in the Area Requirements for the "R8" Zoning District table.

"R8 " Zoning District	Area Requirements
Maximum Density	3.25 (d.u./acre)*
Minimum Lot Area	8,000 sq. ft.
Minimum Lot Width	65 ft.
Minimum Lot Depth	110 ft.
Minimum Front Yard	25 ft.
Minimum Side Yard	15 ft.
Minimum Side Yard adjacent to street (corner lot)	25 ft. (same as Front Yard)
Minimum Rear Yard	20 ft.
Maximum Building Height	35 ft.
Minimum Dwelling Size	1,500 sq. ft.

\*d.u. = dwelling unit

**17.4 OFF-STREET PARKING AND LOADING REQUIREMENTS**

Off-street parking and loading requirements pertaining to uses allowed in the "R8" district shall conform to the provisions of *Section 34 Off-street Parking and Loading Requirements*.

**17.5 ACCESSORY BUILDING AND STRUCTURE REGULATIONS**

Area regulations for accessory buildings or accessory structures shall be in compliance with *Section 31 Accessory Buildings*.

**Section 18 - "R6" Single-Family Residential District**

**18.1 PURPOSE**

The purpose of the "R6" Single Family residential district is to provide for compatible land, building, and structure uses primarily oriented to low density residential purposes and open space uses. It is the intent to use the "R6" district recognizes the existence of small lot conventional single family development which presently exists in the City.

**18.2 PERMITTED USES**

Uses permitted in the "R6" district shall be in accordance with *Section 12 Permitted Use Table*.

**18.3 DENSITY, AREA, YARD, HEIGHT, AND LOT COVERAGE REQUIREMENTS**

The requirements regulating the maximum permissible residential density, minimum lot size, minimum yard sizes, maximum building height, and maximum percent of lot coverage by buildings, as pertains to the "R6" district, shall conform to the provisions provided in the Area Requirements for the "R6" Zoning District table.

<b>"R6" Zoning District Area Requirements</b>	
Maximum Density	1 unit per lot
Minimum Lot Area	6,000 sq. ft.
Minimum Lot Width	50 ft.
Minimum Lot Depth	100 ft.
Minimum Front Yard	25 ft.
Minimum Side Yard	7.5 ft.
Minimum Side Yard adjacent to street (corner lot)	15 ft.
Minimum Rear Yard	20 ft.
Maximum Building Height	2.5 story or 35 ft.
Minimum Dwelling Size	1,000 sq. ft.

d.u. = dwelling unit

**18.4 OFF-STREET PARKING AND LOADING REQUIREMENTS**

Off-street parking and loading requirements pertaining to uses allowed in the "R6" district shall conform to the provisions of *Section 34 Off-street Parking and Loading Requirements*.

**18.5 ACCESSORY BUILDING AND STRUCTURE REGULATIONS**

Area regulations for accessory buildings or accessory structures shall be in compliance with *Section 31 Accessory Buildings*.

**Section 19 - "D" Duplex (2 Family) Residential**

**19.1 PURPOSE**

The purpose of the "D" Duplex residential district is to provide for compatible land, building, and structure uses primarily oriented to low density residential purposes and open space uses on which a maximum of two attached dwelling units may exist on a single lot.

**19.2 PERMITTED USES**

Uses permitted in the "D" district shall be in accordance with *Section 12 Permitted Use Table*.

**19.3 DENSITY, AREA, YARD, HEIGHT, AND LOT COVERAGE REQUIREMENTS**

The requirements regulating the maximum permissible residential density, minimum lot size, minimum yard sizes, maximum building height, and maximum percent of lot coverage by buildings, as pertains to the "R6" district, shall conform to the provisions provided in the Area Requirements for the "R6" Zoning District table.

<b>"D" Zoning District Area Requirements</b>	
Maximum Density	2 units per lot
Minimum Lot Area	8,000 sq. ft.
Minimum Lot Width	65 ft.
Minimum Lot Depth	110 ft.
Minimum Front Yard	25 ft.
Minimum Side Yard	7.5 ft.
Minimum Side Yard adjacent to street (corner lot)	15 ft.
Minimum Rear Yard	20 ft.
Maximum Building Height	2.5 story or 35 ft.
Minimum Dwelling Size	1,000 sq. ft.

d.u. = dwelling unit

**19.4 OFF-STREET PARKING AND LOADING REQUIREMENTS**

Off-street parking and loading requirements pertaining to uses allowed in the "D" district shall conform to the provisions of *Section 34 Off-street Parking and Loading Requirements*.

**19.5 ACCESSORY BUILDING AND STRUCTURE REGULATIONS**

Area regulations for accessory buildings or accessory structures shall be in compliance with *Section 31 Accessory Buildings*.

**Section 20 - "MF" Multifamily Residential District**

**20.1 PURPOSE**

The purpose of the "MF" Multifamily Residential district is to provide for compatible land, building, and structure uses primarily oriented to high density multifamily residential purposes, open space uses, and associated uses. The "MF" district is intended to serve as a transitional element between lower density and more intense nonresidential land uses, and is most appropriately located near the intersections of major thoroughfares. Apartment buildings and condominiums comprise the principal elements of the "MF" district.

**20.2 PERMITTED USES**

Uses permitted in the "MF" Multifamily district shall be in accordance with *Section 12 Permitted Use Table*.

**20.3 DENSITY, AREA, YARD, HEIGHT, AND LOT COVERAGE REQUIREMENTS**

The requirements regulating the maximum permissible residential density, minimum lot size, minimum yard sizes, maximum building height, and maximum percent of lot coverage by buildings, as pertains to the "MF" district, shall conform to the provisions provided in the Area Requirements for the "MF" Zoning District table.

<b>"MF" Zoning District Area Requirements</b>	
Maximum Density	18.0 (d.u./acre)*
Minimum Lot Width	30 ft.
Minimum Lot Depth	100 ft.
Minimum Front Yard	25 ft.
Minimum Side Yard	10 ft.
Minimum Side Yard adjacent to street (corner lot)	25 ft. (same as Front Yard)
Minimum Rear Yard	25 ft.
Maximum Building Height	35 ft.
Minimum Dwelling Size	Efficiency:600sq. ft. 1 bedroom unit:750sq. ft. 2 bedroom unit:900sq. ft. 3 bedroom unit:1,100 sq. ft. 4 bedroom unit:1,400 sq. ft.

\*d.u. = dwelling unit

#### **20.4 OFF-STREET PARKING AND LOADING REQUIREMENTS**

Off-street parking and loading requirements pertaining to uses allowed in the "MF" district shall conform to the provisions of *Section 34 Off-street Parking and Loading Requirements*. In addition, the following shall apply:

- A. All parking shall meet the requirements of the Americans with Disabilities Act (ADA). Parking areas shall be paved with concrete and graded to drain appropriately.
- B. Parking of recreational vehicles of any type shall be prohibited in the multi-family area.
- C. Semi-tractor trucks are prohibited from parking overnight.
- D. Open carports in a street yard are not permitted. All vehicle parking located in any street yard shall be fully enclosed, with an architecturally compatible design.
- E. All required parking shall be covered parking and shall be architecturally compatible with the main structures in the project.
- F. A minimum of 10% of all required parking shall be designated as guest parking and shall be clearly marked as reserved for guests and shall be in an area providing guest with unrestricted access to the guest parking spaces.
- G. Runs of parking spaces shall be limited to a maximum of twelve (12) spaces without a landscaped island. However, up to 16 spaces may be permitted in situations where it is required to save existing trees.

#### **20.5 ARCHITECTURAL FEATURES**

Varied roof lines and/or heights shall be used to reduce the appearance of the mass of buildings which exceed two stories in height.

- A. Techniques, such as varied set-backs, bay windows, balconies, and changes in material, color and texture, shall be used to articulate facades and side wall elevations. Where rear walls are visible from a public street, similar techniques shall be used.
- B. Flat roof design is prohibited. Gabled roofs or hipped roofs shall have a minimum pitch of 5:12.
- C. Each structure shall contain a transparent glass window or windows with an aggregate area of at least 20% of the front facade of that unit.
- D. All units shall have a minimum of 9' ceiling in the living areas, not including closets & storage spaces.

#### **20.6 PRIVACY**

Privacy features between buildings shall include the following:

- A. Windows, balconies or similar openings above the first story shall be oriented so as not to have a direct line-of-sight into adjacent units within the project.
- B. Units above the first story shall be designed so that they do not look directly onto private patios or backyards of adjoining residential property.
- C. Landscaping shall be used to aid in privacy screening.

**20.7 EXTERIOR FIRE RESISTANT CONSTRUCTION**

Exterior fire resistant construction shall be required on all residential building structures hereafter constructed, erected, reconstructed, enlarged or moved onto any lot or parcel within the City. Exterior fire resistant construction shall mean and consist of a minimum of 75 percent of the total ground floor exterior wall surface (exclusive of opening for light, ventilation and access) of residential building structures to be of brick, stone or combination thereof, or of an equivalent masonry material as approved by the Zoning Board of Adjustments; and further provided no single ground floor wall face of any residential building structure shall contain less than 75 percent of its exposed surface of exterior fire resistant construction material.

**20.8 ACCESSORY BUILDING AND STRUCTURE REGULATIONS**

Area regulations for accessory buildings or accessory structures shall be in compliance with *Section 31 Accessory Buildings*.

**20.9 REQUIRED OPEN SPACE**

- A. The minimum amount of required open space for any multi-family lot shall be twenty (20) percent of the area of the lot, net of floodplain and adjacent right-of-way. Each ground level dwelling unit shall be provided with one useable open space adjacent to the unit.
- B. A portion of the open space will be improved for the recreational use of the residents. Such improvements shall include, but may not be limited to, jogging trails, picnic areas, children's play areas, and athletic courts. Configuration of the recreational area shall be subject to site plan approval. The improved recreational area will be maintained by a Property Management or the owner of the multi-family property.

**20.10 ENTRY FEATURE**

A main entrance feature, which may consist of a combination of landscaping, aesthetic features such as rocks, sculptures, and water, and street pavers, shall be provided. The entrance feature shall be consistent with the basic architectural theme of the development.

**20.11 TRASH RECEPTACLES**

There shall be one centralized trash collection point serving each multi-family development.

- A. No trash collection point shall be located within 100 ft. of a property line.
- B. The centralized trash collection point shall not be located in any street yard.
- C. All trash receptacles shall be screened with a masonry wall of similar material as the main structure, with appropriate landscaping on three sides and shall have a screening gate which shall remain closed except when being serviced.

**20.12 TRAFFIC**

A traffic impact analysis, prepared by a qualified traffic engineer, must accompany the site plan. However, the traffic impact analysis requirement may be excluded from the site plan if the City Engineer determines that the analysis is not necessary for the multi-family development.



**Section 21 - "MH" HUD Code Manufactured Housing Residential District**

**21.1 PURPOSE**

The purpose of the "MH" HUD Code Manufactured Housing residential district is to provide adequate space and restrictions for the placement of HUD-Code manufactured homes in the City within designated subdivisions. This does not include mobile homes as defined in this ordinance. The "MH" district is also established to provide housing densities compatible with existing and proposed neighborhoods by providing alternative housing types both in construction and economy within the "MH" district. It is the intent of the "MH" district to provide the maximum amount of freedom possible in the design of such developments and the grouping and layout of homes within such developments in order to provide amenities normally associated with planned residential areas.

**21.2 GENERALLY**

Land within the "MH" district will be developed as a HUD-Code manufactured home subdivision. Lots within the "MH" district will be sold to private individuals in strict conformance with the terms and conditions under which the subdivision was approved by the City Council. All roadways within a HUD-Code manufactured home subdivision shall be dedicated to the public. Private interior drives must be approved by the City. Land zoned "MH" which is not developed as a HUD-Code manufactured home subdivision may be developed in accordance with "R8" zoning district regulations. In the "MH" district, no building or land shall be used and no building constructed, reconstructed, altered, or enlarged, unless otherwise provided in this ordinance.

**21.3 PERMITTED USES**

Uses permitted within the "MH" Manufactured Housing district shall be in accordance with *Section 12 Permitted Use Table*.

**21.4 DENSITY, AREA, YARD, HEIGHT, AND LOT COVERAGE REQUIREMENTS**

The requirements regulating the maximum permissible residential density, minimum lot size, minimum yard sizes, maximum building height, and maximum percent of lot coverage by buildings, as pertains to the "MH" district, shall conform to the provisions provided in the Area Requirements for the "MH" Zoning District table.

<b>"MH" Zoning District Area Requirements</b>	
Maximum Density	6.0 (d.u./acre)*
Minimum Lot Area	7,200 sq. ft.
Minimum Lot Width	60 ft.
Minimum Lot Depth	120 ft.
Minimum Front Yard	25 ft.
Minimum Side Yard	7.5 ft.
Minimum Side Yard adjacent to street (corner lot)	25 ft. (same as Front Yard)
Minimum Rear Yard	10 ft.
Maximum Building Height	20 ft.
Minimum Dwelling Size	1,200 sq. ft.

\*d.u. = dwelling unit

**21.5 DEVELOPMENT AND INSTALLATION REGULATIONS.....**

Any property developed within the "MH" district as a HUD Code Manufactured Home or as a manufactured housing subdivision shall meet the following requirements:

- A. HUD Code Manufactured Homes shall have the axles, wheels, and tow bar or tongue removed and shall be secured to a permanent foundation or footing and piers, all in accordance with manufacturer's specifications.
- B. HUD Code Manufactured Homes must have a minimum of an eighteen-inch crawl space under all homes.
- C. A concrete or asphalt surface with good drainage shall cover the area where a home is to be sited.
- D. Each HUD Code Manufactured Home site shall have a slab or patio not less than twenty feet in length and six feet in width, comprised of concrete, flagstone, or similar substance installed adjacent to each site.
- E. HUD Code Manufactured Homes shall have permanent steps installed at all exits.
- F. Each HUD Code Manufactured Home shall have two covered Parking Spaces. All carports shall be built in place with no fiberglass or metal roofs. Carports shall have at least two walls with exterior siding of wood or masonry construction.
- G. Skirting shall be securely attached between the HUD Code Manufactured home and the ground on all sides within thirty days of home installation. Skirting materials shall consist of materials which are compatible with the design of the home and enhance its appearance. Unpainted or untreated corrugated metal, screen or wire, fiberglass, or lattice-type skirting is prohibited.
- H. Construction, siting, and installation of the homes shall be in conformance with applicable federal, state, and local codes and standards, and each manufactured home shall have affixed a seal of the appropriate federal or state department.
- I. Sanitation, fire protection, and underground utility services shall be provided to each lot in accordance with the City ordinances and regulations.
- J. Driveways shall be all weather – dust free construction and shall extend from the right-of-way to the carport or garage. No parking will be permitted on any portion of the lot on any other surface than an all weather – dust free surface.
- K. Drainage and garbage collection right-of-way, fire lanes, and utility easements shall be provided as required by the City. Such can be accomplished by designating all private interior drives within the project as easements for vehicular access and service.
- L. Soil conditions, ground water level, drainage, flooding, and topography shall not create hazards to the developed portion of the property or the health and safety of the residents.
- M. HUD-Code Manufactured Home subdivisions shall be developed at densities comparable to adjacent residential uses or have adequate landscape buffering or open space to provide transition of uses. Adequate landscape buffering or open space for transition purposes shall be determined on an individual site basis and shall be subject to the approval of the City.

- N. Any structural alteration or modification of a HUD-Code manufactured home after it is placed on the site must be approved by the building official of the City of Tolar. All structural additions shall comply with the City's building codes and ordinances.

**21.6 SITE-BUILT ADDITIONS**

The addition of peaked roof facades, atrium entrances, garages, porches, and patios are encouraged in order to increase the compatibility with conventional single family housing in the City.

**21.7 ACCESSORY BUILDING AND STRUCTURE REGULATIONS**

Area regulations for accessory buildings or accessory structures shall be in compliance with *Section 30 Accessory Buildings*.

**21.8 PARKING REQUIREMENTS**

Parking requirements for the HUD Code Manufactured Housing District shall be in compliance with *Section 34 Off-street Parking and Loading Regulations*.

**21.9 INTERIOR DRIVES**

The use of private interior drives must be approved by the City.

- A. Such interior drives shall have a minimum easement width of fifty (50) feet and shall have a minimum paved roadway width of thirty-one feet (31') back-to-back.
- B. Public interior streets shall be located within dedicated rights-of-way, and shall have a minimum paved roadway width provided in accordance with the applicable standards in the City of Tolar Subdivision Regulations.
- C. All private interior drives, entrances, and service drives shall be constructed in accordance with City design standards. The developer shall bear the total cost of construction and maintenance of all such improvements.
- D. All parking areas and public streets shall be of concrete or asphalt construction, as approved by the City engineer.

**21.10 UNDERGROUND UTILITIES**

All utility lateral and service lines located within the "MH" District shall be installed underground.

**21.11 OPEN SPACE AREA**

Open space designated for the use and enjoyment of all residents shall be provided within a HUD Code Manufactured Home subdivision at the ratio of five hundred (500) square feet for each of the first twenty (20) units, and two hundred (200) square feet for each additional unit in excess of twenty (20). Designated open space shall be developed and maintained for recreational and leisure activities and shall be located within the subdivision being developed.

**21.12 SCREENING**

A solid opaque screening wall or fence of not less than six (6) feet in height, measured at the highest finished grade, shall be provided along all perimeter property lines of a HUD-Code Manufactured Home subdivision which do not abut a dedicated street. Said screening wall or fence shall be masonry and of a decorative construction. This requirement can be waived or modified if natural or man-made physical features create an adequate separation or buffer from adjacent uses, as determined by the City. However, any request to waive this requirement shall be presented as an element of the site plan and shall be subject to approval at that time only.

**21.13 PRESERVATION OF SITE ASSETS**.....

When developing a HUD-Code Manufactured Home Subdivision, the following steps shall be taken to preserve on-site assets:

- A. Suitable available topsoil and desirable existing trees.
- B. Shrubs and ground cover shall be preserved and protected where practicable.
- C. Topsoil which is suitable and needed for later use in finished grading shall be stripped from areas to be occupied by structures, parking areas, streets and driveways, and from areas to be regraded or disturbed. This topsoil shall be collected and stored on the site in convenient places for future use and shall be free of debris during construction.

**21.14 DRAINAGE**.....

Engineering plans for drainage shall be submitted for review by the City at the time of site plan approval. All applicable requirements of the City shall be met.

**21.15 HUD-CODE MANUFACTURED HOME SALES**.....

HUD-Code Manufactured Home subdivisions shall be for residential purposes only. Sales of these homes shall be limited to those which become available on the market on an individual basis. Commercial sales and promotion are not permitted.

**Section 22 - "GC" General Commercial District**

**22.1 PURPOSE**

The purpose of the "GC" General Commercial district is to provide for compatible land, building, and structure uses primarily oriented to select retail convenience goods and services which supply the daily needs of residential neighborhoods, including neighborhood shopping centers, select low intensity office uses, and select community facility uses. The "GC" General Commercial district is most appropriately located at the intersection of collector streets and arterial streets and as a transition district between moderate and high density residential districts and higher intensity commercial and industrial districts.

**22.2 PERMITTED USES**

Uses permitted in the "GC" Commercial district shall be in accordance with *Section 12 Permitted Use Table*.

**22.3 DENSITY, AREA, YARD, HEIGHT, AND LOT COVERAGE REQUIREMENTS**

The requirements regulating the minimum lot size, minimum yard sizes, maximum building height, and maximum percent of lot coverage by buildings, as pertains to the "GC" district, shall conform with the provisions provided in the "GC" Zoning District Area Requirements table.

<b>"GC" Zoning District Area Requirements</b>	
Minimum Lot Area	6,000 sq. ft.
Minimum Lot Width	60 ft.
Minimum Lot Depth	100 ft.
Minimum Front Yard	25 ft.
Minimum Side Yard	5 ft.
Minimum Side Yard adjacent to street (corner lot)	25 ft. (same as Front Yard)
Minimum Rear Yard	25 ft.
Maximum Building Height	35 ft.

**22.4 OFF-STREET PARKING AND LOADING REQUIREMENTS**

Off-street parking and loading requirements pertaining to uses allowed in the "GC" district shall conform to the provisions of *Section 34 Off-street Parking and Loading Requirements*.

**22.5 HEIGHT REQUIREMENTS**

No building shall exceed 35 feet in height except as provided in *Section 29 General Height Requirements*.

**22.6 CONVERSION OF RESIDENTIAL STRUCTURES**

All residential structures located within the "GC" District may be used as commercial or residential uses in accordance with the following conditions:

- A. The residential structure is not altered such that the bathrooms, kitchen, and garage facilities are removed or rendered unusable for a residential structure.
- B. The natural ground cover in the front, side, or rear yards is not removed or paved with a permanent surface as to render it unusable for typical residential purposes.
- C. Any and all signage shall be monument or nameplate type signs. In the event that the use of the structure shall change from commercial to residential, all non-residential signage shall be removed and the original ground cover shall be returned to the original condition existing prior to placement of the sign.

**22.7 CONCURRENT USE OF COMMERCIAL AND RESIDENTIAL STRUCTURES**

All commercial structures may contain a residential use concurrent with the commercial use, in accordance with the following restrictions:

- A. Only one residential unit, regardless of square footage of the residential use, may be permitted per commercial structure, except that
- B. More than one residential unit may be permitted for loft or studio apartments if the total number of square footage allocated to residential use does not exceed sixty percent of the total square footage of the structure.

**22.8 EXISTING RESIDENTIAL USES**

All legal and valid residential uses existing on the effective date of this ordinance within the "GC" District shall have legal conforming status. The owners of the property where such uses are located shall be permitted, if necessary or desired, to rebuild, expand, or remodel. All expansions or remodels shall comply with the provisions of this ordinance.

**Section 23 - "HC" Highway Commercial District**

**23.1 PURPOSE**

The purpose of the "HC" Highway Commercial district is to provide for compatible land, building, and structure uses primarily oriented to select retail convenience goods and services which supply the daily needs of residential neighborhoods, including neighborhood shopping centers, select low intensity office uses, and select community facility uses. The "HC" Highway Commercial district is most appropriately located at the intersection of collector streets and arterial streets and as a transition district between moderate and high density residential districts and higher intensity commercial and industrial districts.

**23.2 PERMITTED USES**

Uses permitted in the "HC" Highway Commercial district shall be in accordance with *Section 12 Permitted Use Table*.

**23.3 DENSITY, AREA, YARD, HEIGHT, AND LOT COVERAGE REQUIREMENTS**

The requirements regulating the minimum lot size, minimum yard sizes, maximum building height, and maximum percent of lot coverage by buildings, as pertains to the "HC" district, shall conform with the provisions provided in the "HC" Zoning District Area Requirements table.

<b>"HC" Zoning District Area Requirements</b>	
Minimum Lot Area	6,000 sq. ft.
Minimum Lot Width	60 ft.
Minimum Lot Depth	100 ft.
Minimum Front Yard	25 ft.
Minimum Side Yard	5 ft.
Minimum Side Yard adjacent to street (corner lot)	25 ft. (same as Front Yard)
Minimum Rear Yard	25 ft.
Maximum Building Height	35 ft.

**23.4 OFF-STREET PARKING AND LOADING REQUIREMENTS**

Off-street parking and loading requirements pertaining to uses allowed in the "HC" district shall conform to the provisions of *Section 34 Off-street Parking and Loading Requirements*.

**23.5 HEIGHT REQUIREMENTS**

No building shall exceed 35 feet in height except as provided in *Section 29 General Height Requirements*.

**23.6 CONCURRENT USE OF COMMERCIAL AND RESIDENTIAL STRUCTURES**

All commercial structures may contain a residential use concurrent with the commercial use, in accordance with the following restrictions:

- A. Only one residential unit, regardless of square footage of the residential use, may be permitted per commercial structure, except that
- B. More than one residential unit may be permitted for loft or studio apartments if the total number of square footage allocated to residential use does not exceed sixty percent of the total square footage of the structure.

**23.7 EXISTING RESIDENTIAL USES**

All legal and valid residential uses existing on the effective date of this ordinance within the "HC" District shall have legal conforming status. The owners of the property where such uses are located shall be permitted, if necessary or desired, to rebuild, expand, or remodel. All expansions or remodels shall comply with the provisions of this ordinance.



**Section 24 - "CBD" Central Business District**

**24.1 PURPOSE**

The purpose of the "CBD" Central Business district is to provide for land, building, and structure uses primarily oriented to a variety of indoor and outdoor general business activities of a mixed and diversified nature which supply the needs of the community and to some degree that of the immediate regional area, including regional and community shopping centers. The general character of the "CBD" Central Business district comprises a broad range of retail and service uses, entertainment uses, community facilities, and general office uses. The "CBD" Central Business district is most appropriately located at major thoroughfare and highway intersections, and as a transitional district between industrial districts and more restrictive commercial districts and high density residential districts.

**24.2 PERMITTED USES**

Uses permitted in the "CBD" Central Business district shall be in accordance with *Section 12 Permitted Use Table*.

**24.3 DENSITY, AREA, YARD, HEIGHT, AND LOT COVERAGE REQUIREMENTS**

The requirements regulating the minimum lot size, minimum yard sizes, maximum building height, and maximum percent of lot coverage by buildings, as pertains to the "CBD" district, shall conform to the provisions provided in the Area Requirements for the "CBD" Zoning District table.

<b>"CBD" Zoning District Area Requirements</b>	
Minimum Lot Area	3,000 sq. ft.
Minimum Lot Width	25 ft.
Minimum Lot Depth	100 ft.
Minimum Front Yard	0 ft.
Minimum Side Yard	10 ft. adjacent to residential use, 0 ft. adjacent to "CBD"
Minimum Side Yard adjacent to street (corner lot)	0 ft.
Minimum Rear Yard	0 ft.
Maximum Building Height	70 ft.

**24.4 OFF-STREET PARKING AND LOADING REQUIREMENTS**

There shall be no off-street parking and loading requirements pertaining to uses allowed in the "CBD" district.

**Section 25 - "I" Industrial District**

**25.1 PURPOSE**

The purpose of the "I" Industrial district is to provide for land, building, and structure uses encompassing a variety of mixed wholesale and warehousing activities, light manufacturing, processing, and assembly plants, general offices, and research and development laboratories. The "I" Industrial district is characterized by activities and facilities which are generally incompatible with residential areas by virtue of materials storage yards, truck traffic generation, noises, odors, flammable materials, etc., and rely on direct access to major thoroughfares and highways, and in many cases railroad facilities for the movement of raw supplies and finished products.

**25.2 PERMITTED USES**

Uses permitted in the "I" Industrial district shall be in accordance with *Section 12 Permitted Use Table*.

**25.3 DENSITY, AREA, YARD, HEIGHT, AND LOT COVERAGE REQUIREMENTS**

The requirements regulating the minimum lot size, minimum yard sizes, maximum building height, and maximum percent of lot coverage by buildings, as pertains to the "I" district shall conform with the provisions provided in the Area Requirements for the "I" Zoning District table.

<b>"I" Zoning District Area Requirements</b>	
Minimum Lot Area	6,000 sq. ft.
Minimum Lot Width	60 ft.
Minimum Lot Depth	100 ft.
Minimum Front Yard	25 ft.
Minimum Side Yard	10 ft. if adjacent to residential use, 0 ft. to other districts.
Minimum Side Yard adjacent to street (corner lot)	10 ft.
Minimum Rear Yard	25 ft.
Maximum Building Height	70 ft.

**25.4 OFF-STREET PARKING AND LOADING REQUIREMENTS**

Off-street parking and loading requirements pertaining to uses allowed in the "I" district shall conform to the provisions of *Section 34 Off-street Parking and Loading Requirements*.

**Section 26 - "PD" Planned Development District**

**26.1 PURPOSE**

The purpose of the "PD" Planned Development District is to encourage creative development of the land, provide locations for well-planned comprehensive developments, and provide for variety and flexibility in the development patterns of the City which promote the health, safety, morals, and general welfare of the community. A Planned Development may include a combination of different dwelling types and/or a variety of residential and non-residential land uses which creatively complement each other and harmonize with existing and proposed land uses in the vicinity.

**26.2 PLANNED DEVELOPMENT USES**

In a Planned Development District, no building or land shall be used, and no building constructed, reconstructed, altered, or enlarged, unless otherwise provided in an approved Planned Development.

**26.3 CONDITIONS FOR PLANNED DEVELOPMENTS**

Planned Developments shall be considered appropriate where the following conditions prevail:

- A. The project is consistent with the Comprehensive Land Use Plan and the goals and objectives of the City,
- B. Dwelling units are situated in such a way that an appreciable amount of open space is available and is integrated throughout the planned development,
- C. The project utilizes an innovative approach in lot configuration and mixture of residential and commercial type land uses.
- D. Higher densities than conventional single-family projects of the same acreage are able to provide, with increased open space and appropriate buffering between existing conventional single-family developments.
- E. Non-residential uses are situated such that an appreciable amount of land is available for open space or joint use as parking and public access space and is integrated throughout the planned development.
- F. Aesthetic amenities may be provided in the planned development design which are not economically feasible to provide in conventional residential and non-residential projects, and
- G. The project provides a compatible transition, which may include buffer yards, thoroughfares, or transitional uses, between adjacent existing single family residential projects and provides a compatible transition for the extension of future single family projects into adjacent undeveloped areas.

**26.4 DENSITY, AREA, AND HEIGHT REGULATIONS**

In approving a Planned Development or a use designation in a Planned Development, the City Council shall specify density, area, height, screening, parking, landscaping, and other development criteria as may be required in *Section 26.9, Development Plan Requirements*. Such standards shall be indicated on the Development Plan and shall be made a part of the ordinance. No property located in a Planned Development shall be modified as to density, area, height, screening, parking, landscaping or other development criteria unless a Development Plan containing such revised development criteria is approved.

**26.5 OWNERSHIP**.....

An application for approval of a use designation, Development Plan or Site Plan in the Planned Development may be filed by a person having a legal interest in the property. The application shall be filed in the name(s) of the record owner(s) of the site, which shall be included in the application. The applicant shall provide evidence, in a form satisfactory to the City attorney, prior to final approval, that the applicant has the authority to file the application on behalf of all owners of the site.

**26.6 DEVELOPMENT SCHEDULE**.....

An application for a use designation for new construction or construction that increases the floor area of the principal structure(s) shall be accompanied by a development schedule indicating the approximate date on which construction is expected to begin and the rate of anticipated development to completion. The development schedule, if adopted and approved by the City Council shall become part of the Planned Development Ordinance and shall be adhered to by the owner, developer, and their assigns or successors in interest.

**26.7 REPORT**.....

The City shall require the owner/developer of the Planned Development to submit a written report on a regular basis to the City Council. Said written report shall describe the progress achieved towards the development schedule. In the event that the owner/developer neglects to provide a written report, as established and agreed to in the Planned Development ordinance, or if the owner/developer neglects to initiate any progress, the City may initiate proceedings to rezone the property to a zoning district deemed appropriate. However, no rezoning effort shall be initiated by the City prior to making an official inquiry of the owner/developer regarding the status of the Planned Development.

**26.8 PLATTING REQUIREMENTS**.....

No application for a building permit for the construction of a building or structure shall be approved unless the property on which the proposed improvements are planned has been platted. The plat must meet all the requirements of the City of Tolar, and must have been approved by the City Council and recorded in the official records of Hood County.

**26.9 DEVELOPMENT PLAN REQUIREMENT**.....

An application for a Planned Development, or approval of a use designation in a Planned Development which will require new construction which increases the floor area of the principal structure(s) or a change in the development criteria applicable to the site shall include and be accompanied by a Development Plan, which shall become a part of the amending ordinance. The Development Plan shall include the following information:

- A. A scale drawing showing any proposed public or private streets and alleys; building sites or building lots; any areas proposed for dedication or reserved as parks, parkways, playgrounds, utility and garbage easements, school sites, street widening, street changes; the points of ingress and egress from existing public streets on an accurate survey of the boundary of tract and topography with a contour interval of not less than five feet, or spot grades where the relief is limited.
- B. Where multiple types of commercial land uses are proposed, a land use plan delineating the specific areas to be devoted to various commercial uses shall be required.
- C. A plan indicating the arrangement and provision of off-street parking and off-street loading where required. Such a plan may be presented as a ratio of off-street parking and off-street loading area to building area when accompanied by a typical example indicating the feasibility of the arrangement proposed and when the areas where the example would be applied are dimensioned on the drawing of the entire site. Any special traffic regulation

facilities proposed or required to assure the safe function of the circulation plan shall also be shown.

- D. A designation of the maximum building coverage of the site shall be indicated upon the Development Plan. General foot print of buildings shall be indicated showing the approximate position and sizes of any proposed structures.
- E. Screening shall be provided as indicated on the Development Plan.
- F. Any or all of the required features may be incorporated on a single drawing if such drawing is clear and capable of evaluation by the administrative official and interpretation by the Building Inspector.

Any amendment to a Development Plan must be approved by ordinance following public notice and a public hearing meeting the requirements of *Section 44.3, Procedure*.

**26.10 SITE PLAN REQUIREMENT**

Prior to issuance of a building permit, for new construction or construction which increases the floor area of the principal structure(s) or construction that changes the development criteria for the site, a Site Plan in accordance with *Section 24 Site Plan Requirements* will be required. The Site Plan shall be presented for approval to the City Council. The Site Plan may be submitted concurrently with the Development Plan. If the Development Plan and the Site Plan are submitted separately, a separate public hearing and action shall be required for both submittals.

**26.11 COMBINED AND ABBREVIATED DEVELOPMENT AND SITE PLAN SUBMITTAL**

If application is made for a new use designation in a Planned Use Development on a site which contains existing improvements which are not proposed to be enlarged, the following combined and abbreviated Development and Site Plan shall be permitted in place of a Development Plan. A combined and abbreviated Development and Site Plan shall contain the following:

- A. A scale drawing showing existing building and proposed use designations, easements, points of ingress and egress from existing public streets, the arrangement and provision of off-street parking and off-street loading, and the location of landscaping and screening provided on site. These items shall be shown on an accurate survey of the boundary of the lot. All of the required features may be incorporated on a single drawing if such drawing is clear and capable of evaluation by the administrative official and interpretation by the building inspector.
- B. Combined and abbreviated Development and Site Plan must be approved by ordinance following public notice and a public hearing meeting the requirements of *Section 44.3, Procedure*.

**26.12 ADMINISTRATIVE APPROVAL OF DEVELOPMENT PLAN AND SITE PLAN**

A Development Plan and Site Plan may be approved by the administrative official without the approval of the City Council if said application is located within an existing structure and does not increase the floor area of the existing structure and does not change the existing use on the site. The administrative official may, for any reason, elect to present the Development Plan or Site Plan to the City Council for approval.

## Article 4 – Supplementary Regulations

### Section 27 - Site Plan Requirements

#### 27.1 GENERALLY

Whenever a site plan is required by this ordinance, such site plan must conform to the requirements of this section. Unless otherwise specified in this ordinance, all site plans must be approved by the City Council. The site plan submitted in support of an application shall satisfy the requirements for site plan submittals as set forth by the City staff. Site plans shall be reviewed by the City staff, and comments shall be returned within five working days after the review by the City staff. In no event shall the review process exceed 15 working days after submittal. The submittal date of the site plan shall be the date upon which the site plan is found to be in compliance with the provisions of the site plan application by the City staff.

#### 27.2 REQUIRED PRIOR TO BUILDING PERMIT

When required by this ordinance, a site plan must be approved prior to the issuance of a building permit by the City.

#### 27.3 CHANGES TO THE SITE PLAN

Changes to the site plan shall be processed in the same manner as the original approved site plan.

- A. Except as otherwise provided in paragraph C below, any site plan that is amended shall require approval of the City Council.
- B. Changes to the site plan which will affect the use of the land may require either an amendment to a Planned Development or a rezoning of property, whichever applies.
- C. Changes of details within a site plan which do not alter the basic physical relationship of the property to adjacent properties; do not alter the use permitted; and do not increase the density, floor area, height, or reduce the yards provided at the boundary of the site as indicated on the approved site plan, may be authorized by the administrative official or his/her designee. An aggrieved party may appeal the decision of the administrative official or his/her designee to the Zoning Board of Adjustment in accordance with the provisions of this ordinance.

#### 27.4 COUNCIL APPROVAL

Council approval of a site plan that accompanies a zoning change request shall become part of the amending ordinance.

#### 27.5 SITE PLAN CONTENT

The site plan shall contain the information listed below, and any or all of the required features may be incorporated on a single drawing if the drawing is clear and capable of evaluation by the City Council and the staff personnel required to enforce and interpret this ordinance.

- A. The boundary lines and dimensions of the property, existing subdivision lots, available utilities, easements, roadways, sidewalks, emergency access easements, and public rights-of-way.
- B. Topography of the property proposed for development in contours of not less than two feet, together with any proposed grade elevations, if different from existing elevations.

- C.** Flood plains, water courses, marshes, drainage areas, and other significant environmental features including, but not limited to, rock outcroppings and major tree groupings. 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 petition.
- D.** The location and use of all existing and proposed buildings or structures, including all refuse storage areas, and the minimum distance between buildings. Where building complexes are proposed, the location of each building and the minimum distances between buildings, and between buildings and the property line, street line, and /or alley.
- E.** Total number, location, and arrangement of off-street parking and loading spaces, where required.
- F.** All points of vehicular ingress, egress, and circulation within the property and all special traffic regulation facilities proposed or required to assure the safe function of the circulation plan.
- G.** Setbacks, lot coverage, and when relevant, the relationship of the setbacks provided and the height of any existing or proposed building or structure.
- H.** The location, size, and arrangement of all outdoor signs, exterior auditory speakers, and lighting.
- I.** The type, location, and quantity of all plant material used for landscaping, and the type, location, and height of fences or screening and the plantings around them.
- J.** If multiple types of land uses are proposed, a delineation of the specific areas to be devoted to various land uses.
- K.** Vicinity map, north point, scale, name of development, name of owner, name of planner, total acreage of project, and street address or common description of the property.
- L.** Current land uses and zoning district of the property and current land uses and zoning districts of contiguous properties.
- M.** Buildings on the exterior of the site and within twenty-five feet of all property lines.
- N.** The location and size of existing and proposed surface and subsurface drainage facilities, including culverts, drains, and detention ponds, showing size and direction of flow.
- O.** The number of square feet of the property after construction which will constitute impervious area or impervious surface and vegetated areas.
- P.** Architectural drawings, such as 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.
- Q.** Legal description of the total site area proposed for rezoning, development or specific use permit.
- R.** Signature, title and date of the applicant, at the conclusion of the written documents certifying the information presented in the plans, and supporting documents reflect a reasonably accurate portrayal of the general nature and character of the applicant's proposals.

**Section 28 - Specific Use Permits****28.1 PURPOSE**

Certain land uses, because of their nature and location, are not appropriate for categorizing into installations, such as colleges and universities, institutions, community facilities, zoos, cemeteries, country clubs, show grounds, drive-in theaters and other unusual land uses not specifically provided for in this chapter. To provide for the proper handling and location of such specific uses, provision is made for amending this chapter to grant a permit for a specific use in a specific location. This procedure for approval of a specific use permit includes a public hearing. The amending ordinance may provide for certain restrictions and standards for operation. The indication that it is possible to grant a specific use permit as noted elsewhere in this ordinance does not constitute a grant of privilege for such use, nor is there any obligation to approve a specific use permit unless it is the finding of the City Council that such a special use is compatible with adjacent property use and consistent with the character of the neighborhood.

**28.2 PERMIT REQUIRED**

No special use shall be erected, used, altered, occupied nor shall any person convert any land, building or structure to such a use unless a specific use permit has been issued by the City Council. The granting of a specific use permit shall be done in accordance with the provisions for amendment of this zoning ordinance.

**28.3 APPLICATION PROCEDURE**

An application for a special permit shall be filed with the administrative official on a form prepared by the City. The application shall be accompanied by the following:

- A. A completed application form signed by the property owner;
- B. An application fee as established by the City's latest adopted schedule of fees;
- C. A certificate stating that all City and school taxes have been paid to date;
- D. A property description of the area where the specific use permit is proposed to apply;
- E. A site plan complying with the requirements stated in this section which will become a part of the specific use permit, if approved; and
- F. Any other material and/or information as may be required by the City Council or the administrative official to fulfill the purpose of this subsection and to ensure that the application is in compliance with the ordinances of the City.

**28.4 SITE PLAN INFORMATION**

A site plan shall contain, at a minimum the following information, as provided in *Section 24 Site Plan Requirements*:

**28.5 ADDITIONAL INFORMATION**

The following additional information may also be required if deemed appropriate by staff or the City Council.

- A. Copies of studies or analyses upon which have been based projections for need or demand for the proposed facility.



- B. Description of the present use, assessed value and actual value of the land affected by the proposed facility.
- C. Description of the proposed use, anticipated assessed value and supporting documentation.
- D. A description of any long-term plans or master plan for the future use or development of the property.
- E. A description of the applicant's ability to obtain needed easements to serve the proposed use.
- F. A description of any special construction requirements that may be necessary for any construction or development on the subject property.
- G. A traffic impact analysis prepared by a qualified professional in the field of traffic evaluation and forecasting may be required.

#### **28.6 COUNCIL ACTION**

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The City Council may grant such a waiver only upon finding that the information submitted is sufficient to determine that the proposed building, use, structure, development or activity will have an insubstantial impact on the surrounding area and that providing the information required by the submittal requirements is unreasonably burdensome on the applicant.

#### **28.7 CONDITIONS OF PERMIT APPROVAL**

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A specific use permit shall not be recommended for approval by the City Council unless the Council finds that all of the following conditions have been found to exist:

- A. The proposed use complies with all the requirements of the zoning district in which the property is located.
- B. The proposed use as located and configured will contribute to or promote the general welfare and convenience of the City.
- C. The benefits that the City gains from the proposed use outweigh the loss of or damage to any homes, business, natural resources, agricultural lands, historical or cultural landmarks or sites, wildlife habitats, parks, or natural, scenic, or historical features of significance, and outweigh the personal and economic cost of any disruption to the lives, business and property of individuals affected by the proposed use.
- D. Adequate utilities, road access, drainage and other necessary supporting facilities have been or shall be provided.
- E. The design, location and arrangement of all public and private streets, driveways, parking spaces, entrances and exits shall provide for a safe and convenient movement of vehicular and pedestrian traffic without adversely affecting the general public or adjacent developments.
- F. The issuance of the specific use permit does not impede the normal and orderly development and improvement of neighboring vacant property.
- G. The location, nature and height of buildings, structures, walls and fences are not out of scale with the neighborhood.
- H. The proposed use will be compatible with and not injurious to the use and enjoyment of neighboring property, nor significantly diminish or impair property values within the vicinity.

- I. Adequate nuisance prevention measures have been or shall be taken to prevent or control offensive odors, fumes, dust, noise, vibration and visual blight.
- J. Sufficient on-site lighting is provided for adequate safety of patrons, employees and property, and such lighting is adequately shielded or directed so as not to disturb or adversely effect neighboring properties.
- K. There is sufficient landscaping and screening to ensure harmony and compatibility with adjacent properties.
- L. The proposed operation is consistent with the applicant's submitted plans, master plans, projections, or, where inconsistencies exist, the benefits to the community outweigh the costs.
- M. The proposed use is in accordance with the City of Tolar Comprehensive Land Use Plan.

**28.8 ADDITIONAL CONDITIONS**.....

In authorizing a Specific Use Permit, the City Council may impose additional reasonable conditions necessary to protect the public interest and the welfare of the community.

**28.9 TIME LIMIT**.....

A Specific Use Permit issued under this division shall become null and void unless construction or use is substantially underway within one year of the granting of the permit, unless an extension of time is approved the City Council.

**28.10 REVOCATION OF PERMIT**.....

A Specific Use Permit may be revoked or modified, after notice and hearing, for either of the following reasons:

- A. The permit was obtained or extended by fraud or deception.
- B. One or more of the conditions imposed by the permit has not been met or has been violated.

**28.11 AMENDMENTS TO SPECIFIC USE PERMIT**.....

The procedure for amending a Specific Use Permit shall be the same as for a new application, provided the administrative official may approve minor variations from the original permit which do not increase density, change traffic patterns, or result in an increase in external impacts on adjacent properties or neighborhoods.

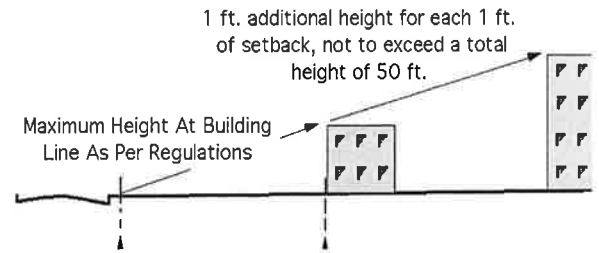
**Section 29 - General Height Requirements**

**29.1 NONRESIDENTIAL STRUCTURES**.....

A non-residential building may exceed the permitted height in a zoning district if the following conditions are met:

- A. A Site Plan is provided; and

- B. For every one foot exceeding the maximum permitted height, an additional one-foot of setback is provided on the front, side, and rear yards. The maximum height of a building shall not exceed 50 feet without a special exception. See Section 41.8, Authorized Special Exceptions.



## 29.2 EXCEPTIONS

Height regulations do not apply to steeples, domes, cupolas, or other architectural design elements usually required to be placed above the roof level and not intended for human occupancy.

## 29.3 ANTENNAS

For antenna and tower height regulations see Section 37, Wireless Communications Facilities.

# Section 30 - General Yard Requirements

The following general requirements provide additional criteria which apply to yard requirements in all zoning districts.

## 30.1 PROJECTIONS OF STRUCTURAL FEATURES

- A. Ordinary sills, belt courses, cornices, chimneys, bay windows, buttresses and ornamental features may project not more than twelve inches into a required yard; and
- B. Eaves may project not more than 36 inches into a required yard.

## 30.2 DELETED 2-17-14

## 30.3 DOUBLE FRONTAGE LOTS

Where lots have double frontage, running through from one street to another, a required front yard shall be provided on both streets unless otherwise established by plat or by ordinance, in which case only one required front yard need be provided.

## 30.4 SHARED YARDS PROHIBITED

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

## 30.5 CORNER LOTS

For the purposes of determining yard requirements on corner lots and through lots, all sides of a lot adjacent to streets shall be considered frontage, the property owner shall establish which yard shall be the front and the building shall face that yard. Yards shall be provided as indicated in the appropriate zoning district area regulations.

## 30.6 TWO OR MORE ZONING DISTRICTS

Where the frontage on one side of the street between two intersecting streets is divided by residential and commercial districts, the front yard shall comply with the requirements of the most restrictive district for the entire frontage from adjoining lots.

**30.7 ESTABLISHED BUILDING LINE**

Where a building line has been established by plat or previous ordinance, and the line requires a front yard setback greater or lesser in depth than is prescribed by this ordinance for the district in which the building line is located, the required front yard shall comply with the building line established by the previous ordinance or plat.

**30.8 MEASUREMENT**

The front yard shall be measured from the property line to the front face of the building, covered porch, covered terrace, or attached accessory building. Eave and roof extensions may project into the required front yard for a distance not to exceed twenty-four inches.

**Section 31 - Accessory Buildings****31.1 GENERAL PURPOSE AND DESCRIPTION**

An accessory building is a subordinate building detached from the main building, without sleeping areas or kitchen facilities not used for commercial purposes, not rented, and not occupied for human habitation, except as otherwise allowed by City ordinance. No accessory building shall be constructed until a main building exists on the lot.

**31.2 ACCESSORY BUILDING REGULATIONS**

The following regulations shall govern the location, size and use of any accessory buildings, except for barns and farm buildings used for agricultural uses as defined in:

- A. Maximum height: A single story with a maximum height of 12 feet measured from the average grade at a point three feet out from the slab to the lowest point of overhang on the roof.
- B. No accessory building shall be erected in any required yard area, except for residential garages and carports as allowed in paragraphs C, D, and E below.
- C. No accessory building shall be erected within ten feet of any other building, except detached residential garages may be located within five feet of the main dwelling; and the provisions of paragraph E below are met.
- D. No detached residential garage or carport shall be erected or placed closer to any street than the minimum yard requirements (building setback line) governing the district in which such garage or carport is located.
- E. No detached residential garage or carport shall be erected or placed within five feet from any side lot line, nor in a dedicated easement.
- F. Portable or storage buildings shall be not larger than 320 square feet of floor area, and a maximum height of 12 feet, and shall be metal, wood, stone, or masonry constructed; but shall not be of a metal commercial "kit" construction. A portable building less than 168 square feet may be of metal commercial "kit" construction and must be properly secured to prevent overturning with a method acceptable to the building official. No building may be located closer than five feet from any side or rear property line, no closer than five feet from a principal building, nor in a dedicated easement.
- G. No accessory building shall be used for dwelling purposes other than by domestic servants employed on the premises, as stipulated in *Section 12, Permitted Use Table*.

- H. Residential greenhouses for domestic use shall conform with the requirements of paragraph 5 of this subsection; however, such greenhouses shall not exceed a total aggregate floor area of 500 square feet.

## **Section 32 - Home Occupations**

The purpose of the home occupation provisions is to permit the conduct of home occupations which are compatible with the neighborhoods in which they are located.

### **32.1 REGULATIONS**

Home occupations are a permitted accessory use in all residential districts and are subject to the requirements of the district in which the use is located, in addition to the following:

- A. Only the members of the immediate family occupying the dwelling shall be engaged in the home occupations.
- B. The home occupation shall be conducted only within the enclosed area of the dwelling unit or the garage.
- C. There shall be no exterior alterations which change the character thereof as a dwelling and/or exterior evidence of the home occupation.
- D. No storage or display of materials, goods, supplies, or equipment related to the operation of the home occupation shall be visible outside any structure located on the premises.
- E. 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.
- F. The home occupation shall not create any greater vehicular traffic than normal for the district.
- G. No signs of any kind shall be allowed on premises advertising a home occupation or service.

## **Section 33 - Temporary Uses and Special Events**

### **33.1 GENERALLY**

Certain temporary uses of land are essential to the full development and utilization of the land and are deemed to promote the health, safety, and general welfare of the City. The temporary uses and special events hereinafter enumerated shall not be deemed violations of this ordinance when conducted under the conditions herein provided.

### **33.2 PERMITTED TEMPORARY USES**

The permitted temporary uses, the conditions of use, the zoning districts wherein the same shall be permitted, and approvals required are as follows:

- A. Construction Office - Temporary field or construction offices and temporary building material storage areas to be used solely for on-premise construction purposes in connection with the property on which they are erected, or within the same platted subdivision may be permitted in all zoning districts when approved by the administrative official. The application for a temporary use permit shall include a scale drawing showing the location and size of the

building(s), all outside storage areas, and proposed construction fencing. Such permit shall be issued for temporary buildings on construction sites for a period of six (6) months, with a renewal clause for a similar period. Such buildings must be removed within 30 days after substantial completion or abandonment of such new construction to which they are accessory. or upon the request of the administrative official or his/her designee.

- B.** Temporary outdoor sales on properties zoned "GC", "HC", and "I" by the existing occupants of existing businesses of such properties, may be permitted by the City enforcement officer for a period not to exceed 30 days upon the application and granting of a temporary use permit.
  - a. In no event shall such temporary uses be allowed for more than 30 consecutive days or more than once per year. All sales shall meet the special conditions, if any, imposed by the City enforcement officer and/or fire marshal for the protection of public interest and the welfare of the community.
  - b. No tent or similar structure shall be erected in any required setback or designated easement. Tents shall conform to the Uniform Fire Code and no tent shall be erected without first obtaining a permit. No outside use of property for sales will be allowed except by the existing occupants of the property. This includes parking of vehicles for a purpose other than conducting business on the premises.
  - c. The temporary outdoor sale of Christmas trees may be permitted on those properties zoned "GC", "HC", and "I" for a period of 40 days prior to Christmas Day. The administrative official may issue a permit for such sale when it is found that there is available adequate off-street parking area, either improved or unimproved, as determined by the building official; and that location and layout of drives, parking areas, lighting, and sale signs will not constitute a hazard to public travel on the abutting public streets. Trees, stands, equipment, trash, signs, lighting and shelters shall be removed by the permit holder no later than January 4 following the Christmas holiday.
  - d. Carnivals and circuses may be allowed as a temporary use for a period not exceeding fourteen consecutive days. Such events shall be on a site in the "GC", "HC", and "I" zoning districts. Adequate parking and sanitary facilities shall be made available to the satisfaction of the building official. No carnival or circus shall begin operation before 8:00 A.M. and operation shall cease before 11:00 P.M. on all nights except on Saturday when the event shall cease operation at midnight. The administrative official shall establish the terms and conditions for the temporary use at the time of approval. In the event that a sponsor is dissatisfied with the administrative official's decision, the sponsor may appeal the requested use to the City Council.

**33.3 PERMITTED SPECIAL EVENTS**

For the purpose of this section, "Special Events" are defined as any activity or event meeting the following criteria:

- A.** The event of activity is carried on for a period of time not exceeding three consecutive days;
- B.** No retail sales are conducted except those incidental to the primary activity such as refreshment and souvenir sales. Charitable and nonprofit organizations may conduct retail sales for fund-raising purposes in any zoning district;
- C.** Public assemblies carried on out-of-doors or in temporary shelters or tents.

**33.4 CONTENTS OF APPLICATION**

An application for approval of a temporary use or special event shall include the following information:

- A. Brief description of the event,
- B. Exact location,
- C. Expected attendance,
- D. Anticipated number of automobiles and proposed methods of providing parking for the same,
- E. Location and construction of any temporary signs to be used in connection with the event,
- F. Exact dates of commencement and termination of the event,
- G. Signed certification by the responsible party and the record owner of the land that all information provided is true and correct and that all schedules will be strictly adhered to.
- H. A fee in accordance with the City of Tolar fee schedule.

**33.5 APPROVAL BY THE CITY COUNCIL**

Approval of a permit for a temporary use or special event must be approved by the City Council.

**Section 34 - Off-Street Parking and Loading Requirements**

Whenever any ordinance, regulation, or plan, enacted or adopted by the City Council is for the purpose of providing off-street automobile parking spaces or of establishing requirements that such spaces be provided within any section or sections of the City, then such plan or requirements shall govern within such sections. Otherwise off-street automobile parking spaces shall be provided as follows, applicable to buildings hereafter erected and uses hereafter established, to such nonconforming uses as may be required to conform to the regulations hereof, and to extensions and enlargements of buildings and uses.

**34.1 PARKING TABLE**

Except as otherwise provided in this section, off-street parking spaces shall be provided as follows:

<b>Schedule of Parking Requirements</b>		
Land Use	Requirements	Additional Requirements
<b>Residential</b>		
Single-Family Detached Units	2 / unit	
Duplex	2 / unit	None
Cityhouse, Condominium, Duplex, Triplex, Quadruplex or Row	3 / unit	None
Multi-Family	1.5 / 1 bed unit 2 / 2 bed unit 2.5 / 3 bed unit	None
HUD Code Manufactured Home	2 / unit	None
Boarding or Rooming House, Hotel or Motel / Residence Motel or Inn	1 / residential unit	1 additional space for 200 sq. ft. of Exhibit or Ballroom space, plus 1 space per 100 sq. ft. of Meeting Rooms, plus 1 space per 2.5 seats in Restaurant and Lounge
Retirement Housing: Ambulatory Independent Residents	1.5 / unit	None

<b>Schedule of Parking Requirements</b>		
<b>Land Use</b>	<b>Requirements</b>	<b>Additional Requirements</b>
Retirement Housing: Nursing Home Facilities	1 / 2 beds	None
Dormitory	1.5 / 2 occupants for designed occupancy	None
Fraternity, Sorority, or Lodge	1 / 125 sq. ft.	none
<b>Institutional</b>		
Community Center	1 / 4 persons	None
Schools:		None
Elementary	1 / 25 students	
Junior High	1 / 18 students	
Senior High	1 / 5 students	
Trade	1 / 4 students	
Public Assembly Hall	1 / 3 seats	None
College or University	1 / 4 day students	None
Church	1 / 3 seats in the sanctuary or auditorium	None
Day Care or Day Nursery	1 / 5 pupils	None
Hospital	1.5 / bed	None
Mortuary or Funeral Home	1 / 4 seats in chapel	None
<b>Recreational</b>		
Theater	1 / 4 seats	None
Bowling Alley	4 / lane	None
Pool Hall, Arcade, Other Indoor Commercial Amusement	1 / 100 sq. ft. of floor area	None
Outdoor Commercial Amusement	1 / 500 sq. ft. of site area exclusive of building	None
Ballpark or Stadium	1 / 4 seats	None
Lodge or Fraternal Organization	1 / 125 sq. ft. of floor area	None
Driving Range	1 / 10 linear ft. of designated tee area	None
Miniature Golf	1 / tee	None
Personal Service Shop	1 / 250 sq. ft. of floor area up to 5000 sq. ft., then 1 / 200 sq. ft.	None
Indoor Retail Store or Shop	1 / 250 sq. ft. of floor area up to 5000 sq. ft., then 1 / 200 sq. ft.	None
Outdoor Retail Sales	1 / 500 sq. ft. of site area, exclusive of building	None
Furniture, Appliance Sales or Repair	1 / 600 sq. ft. of floor area	None
Coin- Operated or Self- Service Laundry or Dry Cleaner	1 / 200 sq. ft. of floor area	None
Shopping Center, Malls & Multi-occupancy uses (3-50 acres)	1 / 250 sq. ft. of floor area	None
Shopping Centers, Mall and Multi-occupancy use (over 50 acres)	1 / 300 sq. ft. of floor area	None
Eating or Drinking Establishment (no drive-through service)	1 / 2.5 seats	None
Eating or Drinking Establishment (with drive-through service and all others)	1 / 150 sq. ft.	None



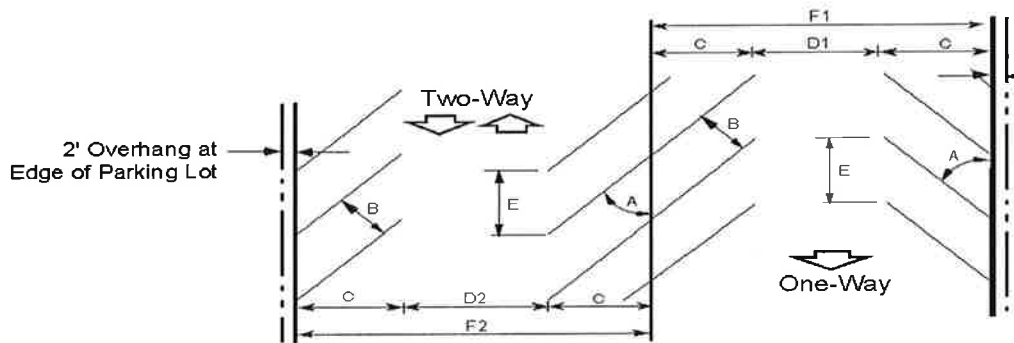
Schedule of Parking Requirements		
Land Use	Requirements	Additional Requirements
<b>Business Services</b>		
Bank and Savings & Loan or Other Similar Institution	1 / 300 sq. ft. of floor area	None
Medical, Dental Clinic or Office	1 / 150 sq. ft. of floor area	None
Veterinary Clinic	1 / 300 sq. ft. of floor area	None
Other Office or Professional Business	1 / 250 sq. ft. of floor area	None
<b>Automotive &amp; Equipment</b>		
Service Station	Minimum of 6	None
Auto Repair Garage or Shop	1 / 350 sq. ft. of floor area	None
Auto Repair Accessory Sales	1 / 300 sq. ft. of floor area	None
Vehicle or Machinery Sales (indoors)	1 / 500 sq. ft. of floor area	None
Car Wash (full -serve)	3 stacking spaces/	
Wash Bay	None	
Car Wash (self-serve or automatic)	3 stacking spaces/ wash bay	None
Brick or Lumber Yard	1 / 3 employees or	
1 / 1,000 sq. ft. of floor area	(whichever results in more spaces)	
Manufacturing or Warehousing	1 / 3 employees or	
1 / 1,000 sq. ft. of floor area	(whichever results in more spaces)	
Outside Storage	1 / 5,000 sq. ft. of floor area	None
Mini-warehouse	1 / 3,000 sq. ft. of floor area	None

**34.2 OFF-STREET LOADING REQUIREMENTS**

- A. In the following cases all retail, office and service buildings shall provide and maintain off-street facilities for the loading and unloading of merchandise and goods within the building or on the lot adjacent to a public alley or private service drive to facilitate the movement of traffic on the public streets:
  - a. When deliveries are made by truck more than once a day between the hours of 8:00 a.m. and 6:00 p.m
  - b. When the time of loading and unloading materials or goods exceeds ten (10) minutes between those hours
- B. Individual loading space dimensions shall be required as a minimum to be thirty-five feet (35') in length, twelve feet (12') width with a height clearance of fifteen feet (15').
- C. The number of off-street loading spaces shall be placed according to the following table:

Square Feet of Gross Floor Area in Structure	Maximum Required Spaces or Berths
0 to 10,000	None
10,000 to 50,000	1
50,000 to 100,000	2
100,000 to 200,000	3
Each additional 200,000	1 Additional

- D. **Mixed Use Buildings:** Where a building or a site contains two (2) or more uses, the off-street parking requirement shall be computed as the sum of the required off-street parking spaces for each individual use with the exception of shopping centers and multi-use purposes.
- E. **Drive Lane Widths and Parking Space Sizes:** Drive lanes and parking space sizes shall be required as shown in the following illustration. A driveway for access to any non-residential, single parking space or to a parking lot shall not measure less than that shown in the parking layout illustration. All drive approach widths shall be no less than those indicated in the below graphic. All two way drive lanes shall be a minimum of twenty-four (24) feet in width. Parking spaces shall be nine (9) feet wide by eighteen (18) feet deep for all ninety (90) degree parking spaces. Angled spaces shall be as shown in the graphic.



Parking Angle	Stall Width	Stall Depth	Min. Aisle Width One-Way	Min. Aisle Width Two-Way	Aisle Length Per Stall	Min. Aisle Length One-Way
(A)	(B)	(C)	(D1)	(D2)	(E)	(F)

- F. **On-Premise Parking Required:** All required commercial and residential parking spaces shall be located on the premises to which such requirement applies or within an off-street space of which the distance is not more than three hundred feet (300') from such premises.
- G. **Surface:** The surface of parking spaces and aisles, truck standing spaces, and access driveways therefor shall be treated, prepared and maintained for adequate drainage and the elimination of dust, dirt, and mud, according to City specifications.
- H. **Reduction:** In cases where the applicant can provide documentation that parking spaces exceed the amount necessary for the use and that a reasonable alteration of spaces may be provided. Said reduction shall not represent more than fifteen percent (15%) of the total required spaces and shall require a special exception from the Zoning Board of Adjustment.
- I. **Commercial Parking Development Standards:** The off-street parking or loading facilities required for nonresidential uses mentioned in these regulations shall be paved according to any of the following standards: Amended by Ordinance 2012-02
  - a. Not less than two inches (2") of hot mixed asphalt or two (2) course chip seal over at least six inches (6") of lime treated subgrade; or
  - b. Not less than two inches (2") of hot mixed asphalt over six inches (6") of crushed stone, flexible base; or
  - c. Four inches (4") of reinforced Portland Cement concrete over compacted subgrade.
  - d. Such lots shall be graded and drained in such a manner that run-off shall be properly

channeled into a storm drain, watercourse, pond area or other appropriate facility.

- J. Maintenance Requirements:** To insure that all requirements set forth in this section are carried forward, it will be the responsibility of the owner of the parking area to maintain the facility. All off-street parking areas shall be kept free of trash, debris, vehicle repair operation or display and advertising uses. At no time after initial approval of the parking area layout can changes be made in the location and number of provided spaces without approval of the City inspector.

### 34.3 RESIDENTIAL OFF-STREET PARKING.....

- A. Purpose:** It is recognized that uncontrolled residential off-street parking, specifically in residential front yards, is a public nuisance. The purpose of this subsection is to provide for the regulation of residential off-street parking and to specify the requirements for residential off-street parking as they pertain to the appearance and the health, safety, and welfare of the City.
- B. Restrictions:** It shall be illegal for any person to park or to allow to be parked on any property under his control any automobile, bus, truck, motorcycle, boat or recreational vehicle on any portion of a front yard or side yard of any area which is zoned R8, R6, D, or MH or in any Commercial or Industrial Zone Area being used for residential purposes, unless:
- a. Said area is a part of a gravel driveway bordered by concrete curbing or similar permanent border; and
  - b. Said area is a part of a required hard-surface, all-weather driveway that provides access to a garage, carport or off-street parking area required by the Comprehensive Zoning Ordinance; or
  - c. Relief in the form of a Special Exception has been granted by the Zoning Board of Adjustment to utilize the unpaved front yard area.
- C. Drive Width:** A driveway for access to any single parking space or to a parking lot shall not be less than twenty feet (20') in width, nor more than thirty feet (30') in width, at the property line along the street

### 34.4 SPECIAL EVENTS AND OTHER ONE-TIME EVENTS.....

"Special event" means a festival, celebration, performance or other such special event which occurs no more frequently than once per year, and which will or should be reasonably anticipated to attract patrons or visitors in such numbers as to exceed the capacity of the permanent parking spaces required and provided under other provisions of this section for the property upon which the special event is to be held. Events which are conducted more frequently than once per year are not considered "special events" under the provisions of this subsection and the property upon which these events are conducted must conform to the other provisions of this Article concerning parking requirements.

- A.** The persons or entities conducting any such special event shall submit to the administrative official at least forty-five (45) business days prior to said event a plan for the accommodation and parking of vehicles of persons reasonably expected to attend such event. The plan must include, at a minimum, the following information:
- a. A description and the address of the premises where the event is to be held;
  - b. A description and the address of any property, other than the premises described in (a) above, where parking is to be provided for patrons or visitors to the event;

- c. The name and address of the owner of the premises upon which parking for the event is to be provided, and a statement describing the terms and conditions of the agreement whereby the owner of such premises has authorized their use for parking;
  - d. The dates and times that the event is to be held;
  - e. The measures which will be taken by the persons or entities conducting the special event to ensure safe and orderly traffic flow to and from the event site and any parking area;
  - f. A plan or diagram of the proposed layout of the parking scheme upon the property to be used for parking for such event.
- B.** All parking for any such special event shall be provided off street and on an area and surface reasonably anticipated to be dry and safe for vehicular and pedestrian traffic. No public property or rights-of-way may be utilized or included in such parking areas except upon express, prior written permission by the City Council.
  - C.** Subject to the above requirements, the surface of such parking areas need not be paved or otherwise surfaced as required by the other provisions of this Article for permanent parking areas, but it must be suitable for the type and amount of vehicular and pedestrian traffic reasonably anticipated for the special event at issue.
  - D.** Upon submittal of the required parking plan to the City, the administrative official shall review it and shall advise the applicants whether any changes or modifications to said plan will be required. The administrative official has the sole discretion to approve or reject, or require modifications to, any parking plan required hereunder. No vehicles may be parked in any location not otherwise allowed under other subsections of this section, in connection with any special event, unless and until the City Council has issued a written approval of the parking plan of the special event.
  - E.** Such written permission may be revoked at any time by the City Council if it is found that false or misleading information was contained in the proposed parking plan.

**Section 35 - Sign Regulations**

**35.1 PURPOSE**

The regulations established in this section are intended to provide minimum standards to safeguard life, property, and public welfare regulating and controlling the use, materials, construction, location, number, maintenance, and the permitting of certain signs and sign structures. In addition, the ordinance is intended to enhance the beauty of the City by limiting visual clutter. The provisions of this section are not intended to permit a violation of any provision of any other ordinance or federal or state law.

**35.2 DEFINITIONS**

See *Section 48.3* for signage definitions.

**35.3 GENERAL STANDARDS**

- A.** The standards and regulations specified in this Section shall apply to all signs displayed in the City of Tolar and its extra-territorial jurisdiction.
- B.** Height of signs: Sign height shall be measured from ground level at the base of the sign to the highest part of the sign.

- C. Building and electrical codes applicable: All signs must conform to the regulations and design standards of the Building Code and other ordinances of the City. Wiring of all electrical signs must conform to the electric code of the City.
- D. Illumination of signs: Signs shall be designed, located, shielded, and directed to prevent the casting of glare or direct light from artificial illumination upon adjacent public right-of-way and surrounding property.
- E. Requirement to repair: Whenever a sign is damaged by wind, is inadequately maintained, is of faulty construction, or is damaged by any other cause, it shall be considered a public nuisance and the owner shall be required to repair such sign substantially to its original condition as determined by the designated official, or at the owner's election such sign shall be removed. A sign which has been permitted to remain in place as a nonconforming use shall be removed when the sign, or a substantial part of it, is blown down or otherwise destroyed or dismantled for any purpose other than maintenance operations or for changing the letters, symbols, or other material on the sign. For purposes of this ordinance, a sign or a substantial part of it is considered to have been destroyed if the cost of repairing the sign is more than 60% of the cost of erecting a new sign of the same type at the same location.
- F. Placement of signs: No sign may be erected or placed on public right-of-way. Any signs so erected or placed may be removed by the designated official without notice. No sign may be erected or placed on vacant lots or tracts unless written permission has been given by the property owner and such documentation is provided to the designated official upon the official's request.
- G. Sight triangle: No permanent or temporary sign shall be located to block the visibility in the required sight triangle as defined above.
- H. Noncommercial messages: Any sign authorized in this ordinance is allowed to contain a noncommercial message in place of any other authorized message.
- I. Off premise signs: Off premise signs shall be prohibited in the City of Tolar, with the exception of builders directional signs or instructional signs, when written permission has been given by the property owner and such documentation is provided to the designated official upon the official's request.
- J. Painted signs: No sign shall be permitted which is painted on the wall of any building or on any part of a building.

**35.4 SCHEDULE FOR PERMANENT SIGNS**

No permanent sign shall be erected, placed, displayed or located except in accordance with Table 1, Schedule for Permanent Signs.

**35.5 SCHEDULE FOR TEMPORARY SIGNS**

No temporary sign shall be erected, placed, displayed, or located except in accordance with Table 2, Schedule for Temporary Signs.

**35.6 POLE AND MONUMENT NOT TO BE USED IN COMBINATION**

Pole and monument signs shall not be used in combination on the same premise. Each premise shall be permitted only one pole sign or one monument sign. A pole sign or monument sign may be used in combination with other permanent signs listed in Schedule for Permanent Signs.

**35.7 PROHIBITED SIGNS**

The following signs are prohibited from installation, construction, repair, alteration, or relocation within the City, except as otherwise permitted in this ordinance:

- A. "A" frame or sandwich board, and sidewalk or curb signs, except as temporary signs.
- B. Balloons, or inflatable signs.
- C. Moving, flashing, animated, or rotating signs, signs with moving lights, or signs which create the illusion of movement, except for reader boards which convey a message.
- D. Temporary off-premise signs.
- E. Signs placed on or affixed to vehicles and/or trailers which are parked on a public right-of-way, public property, or private property so as to be visible from a public right-of-way where the apparent purpose is to advertise a product or direct people to a business or activity located on the same or nearby property. However, this does not prohibit signs placed on vehicles and trailers that are incidental to the primary use or ownership of the vehicle or trailer as transportation.
- F. Signs attached to utility poles or other surfaces which are not the property of the utility or serve a public purpose located within a public right-of-way or easement.
- G. Permanent off-premise signs, as defined by the Highway Beautification Act. Permanent off – premise signs allowed for non profit organizations.

**35.8 SIGNS EXEMPT FROM REGULATION**

The following signs are exempt from the provisions and regulations of this section:

- A. Public signs. Signs required by governmental bodies or specifically authorized for a public purpose by any law, statute, or ordinance. Such public signs may be of any type, number, area, height, location, or illumination as required by law, statute, or ordinance.

Schedule of Permanent Signs							
Sign Type	Permitted District	Permit Required?	Maximum Area (sq.ft.)	Height of Sign	Number of Signs	Setback	Spacing of Signs
Wall	All Non-residential uses and zoning districts	Yes	25% of wall facing the Street	Attached to structure and not to exceed the roof line	One sign for each business or tenant, for each street frontage.	---	---
Pole & Pylon	All Non-residential uses and zoning districts	Yes	200 sq. ft. in "GC" 300 sq.ft. in "HC"	30' All other locations 10' from bottom of sign to ground	One sign for each premises, or for each street frontage	10' (any portion of the sign)	100' separation from adjacent ground sign on each premises. Minimum of 50' on adjacent premises
Monument	All Non-residential uses and zoning districts	Yes	100 sq.ft. in Res districts & "GC"; 200 sq.ft. in all other Non-residential dist.	8 feet 12 feet	One sign for each premises, or for each street frontage	10' (any portion of the sign)	No restrictions
Canopy, Marquee, or Projection	All Non-residential uses and zoning districts	Yes	50% of Canopy, Marquee, or Projection Sign	Shall not exceed the height of the main structure	One sign for each main structure, or tenant for each street frontage	---	---
Window	All Non-residential uses and zoning districts	No	No Restrictions	---	---	---	---
Nameplate & Mailbox	All Non-residential uses and zoning districts	No	5 sq.ft. in Residential & "GC" 10 sq.ft. in all other Non-residential dist.	---	One sign for each business, or tenant lot for each street frontage	---	---
Roof	All Non-residential uses and zoning districts	Yes	200 sq.ft. in "GC" and "I"	10' from top of roof, not to exceed a total distance of 40' from ground	One sign for each main structure	---	---

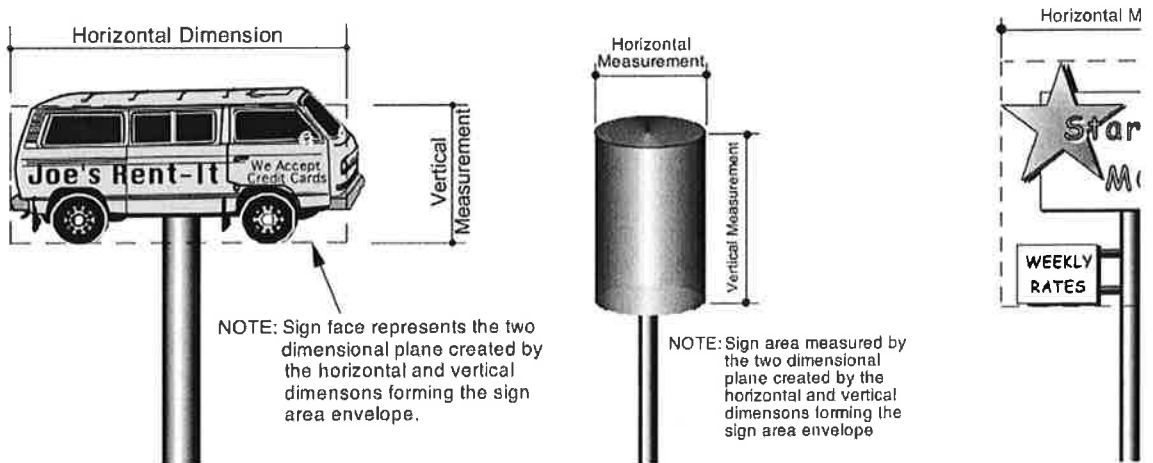
Schedule of Temporary Signs								
Sign Type	Permitted District	Permit Required?	Maximum Area (sq.ft.)	Height of Sign	Number of Signs	Setback	Spacing of Signs	Time Limitation
Real Estate	All Districts	No	Res = 6 s.f. ea face & 12 s.f. total Surface Non-res = 75 s.f. ea Face & 150 s.f. total surface	Res = 5 ft. Non-res = 15 ft. (Measured from greater of base of sign or street grade)	1 sign per premise & for lots abutting 2 or more streets. 1 sign for each street orientation.	On premise 10 ft. from curb or improved surface & 15 ft. from any driveway	No Restriction	Must be removed within 7 days of sale, lease, rental
Balloon or Inflatable		Yes	Greater than 10 cubic ft.	Not to exceed 100 ft. of tethered line.	Maximum of 2 located on premise	Secured on Premise	---	14 days per period with 60 days between occurrences
Search Light	Non-residential Districts	No	---	---	Maximum of three lights located on the premises	On premise	---	One period for 7 days annually
Non-Commercial Banner	Residential Districts and uses	No	No Restriction	Not to exceed the height of the main structure	One banner per premises	On Premise	No Restriction	One period for 7 days annually
Commercial Banner	Non-Residential Districts and Uses	Yes	No Restriction	Not to exceed the height of the main structure	One banner per premises	On Premise	No Restriction	14 days per period with 60 days between occurrences
Political	All Districts	No	Res = 6 s.f. ea face & 12 s.f. total Surface Non-res = 15 s.f. ea Face & 32 s.f. total surface	Res = 5 ft. Non-res = 8 ft. (Measured from greater of base of sign or street grade)	No Restrictions	On premise 10 ft. from curb or improved surface & 15 ft. from any driveway	No Restriction	3 months prior and 7 days following election
Portable		Yes	25 s.f. ea. Face & 50 s.f. total surface	15 ft. measured for sign base or street grade, whichever is greater.	1 sign per premise	On premise 10 ft. from curb or improved surface & 15 ft. from any driveway	20 ft. in any direction from any other portable sign	7 days per period with 60 days between occurrences
Construction	All Districts	No	Res = 50 s.f. ea face & 100 s.f. total Surface Non-res = 75 s.f. ea. Face & 150 s.f. total surface	15 ft. measured for sign base or street grade, whichever is greater.	1 sign per premise & for lots abutting 2 or more streets. 1 sign for each street orientation.	On premise 10 ft. from curb or improved surface & 15 ft. from any driveway	No Restriction	Duration of construction to 10 days following occupancy
Garage Sale	Yes	No	308 s.in. for one face.	No Restriction	1 sign per premise. 3 signs off-premise.	No restrictions	No Restriction	4 days
Yard	All Districts	No	Res = 6 s.f. ea face & 12 s.f. total Surface Non-res = 15 s.f. ea. Face & 30 s.f. total surface	Res = 5 ft. Non-res = 8 ft. (Measured from greater of base of sign or street grade)	1 sign per premise & for lots abutting 2 or more streets. 1 sign for each street orientation.	On premise 10 ft. from curb or improved surface & 15 ft. from any driveway	No Restriction	60 days but not to exceed 7 day after completion
Builder's	All Districts	Annual Permit for off Premises	Res = 6 s.f. ea face & 12 s.f. total Surface Non-res = 75 s.f. ea. Face & 150 s.f. total surface	Res = 5 ft. Non-res = 15 ft. (Measured from greater of base of sign or street grade)	1 sign per premise. 2 signs off-premise with permission of property owner	On premise 10 ft. from curb or improved surface & 15 ft. from any driveway	No Restriction	Permit renewed annually



- B. Signs on vehicles. Signs placed on or affixed to vehicles and / or trailers where the sign is incidental to the primary use of the vehicle or trailer as transportation.
- C. Warning signs. Signs warning the public of the existence of danger but containing no advertising material; to be removed within three days upon the subsidence of danger. Such warning signs may be of any type, number, area, height, location, or illumination as deemed necessary to warn the public of the existence of danger.
- D. Flags. Flags of governmental entities or non-profit organizations. Nothing in this ordinance shall be construed to prevent the display of a national or state flag, or to limit flags, insignias, or legal notices, or informational, directional, or traffic signs which are legally required and necessary to the essential functions of government agencies.
- E. Governmental signs. Signs of a duly constituted governmental body, including traffic or similar regulatory devices, legal notices, warnings at railroad crossings, and other instructional or regulatory signs having to do with health, hazards, parking, swimming, dumping, etc.
- F. Address numerals. Address numerals and other signs required to be maintained by law or governmental order, rule, or regulation are allowed, provided that the content and size of the sign do not exceed the requirements of such law, order, rule, or regulation.
- G. Athletic signs. Signs used as scoreboards in athletic stadiums.
- H. Directional signs. Signs which direct vehicles and pedestrian traffic, which may display arrows, words, or other symbols to indicate direction of facilities.
- I. Directory signs. Signs which are located in or adjacent to entrances or foyers.
- J. Instructional signs. Signs providing no advertising of any kind, which provide direction or instruction to guide persons to facilities intended to serve the public, including but not specifically limited to the signs identifying restrooms, public telephones, public walkways, parking areas, and other similar facilities.
- K. Public Seasonal Decorations or Special Public Events

**35.9 REGULATIONS GOVERNING SIGN MEASUREMENT**

- A. Measurement of Detached Signs: The sign area for a detached on-premise sign shall be the area included within vertical and horizontal line projections of the furthestmost points of any logo, letters, or other symbols, composed of the total area of the message, and any border,

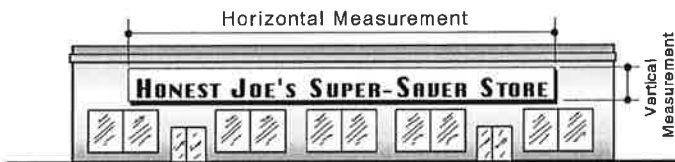


NOTE: Sign face represents the two dimensional plane created by the horizontal and vertical dimensions forming the sign area envelope.

NOTE: Sign area measured by the two dimensional plane created by the horizontal and vertical dimensions forming the sign area envelope

trim or surface upon which the message is displayed. One sign area will be calculated for a detached sign no matter how the message is displayed. The sign structure shall not be included in the sign area unless there is a sign displayed thereon.

- B. Measurement of Attached Signs: The sign area for an attached on-premise sign shall be the area included within the vertical and horizontal line projection of any logo, letters, or other symbols intended to be read together, composed of the total area of the message and any
- C. border, trim or surface upon which the message is displayed. There may be several sign areas on the wall of a building depending upon how a sign is displayed.



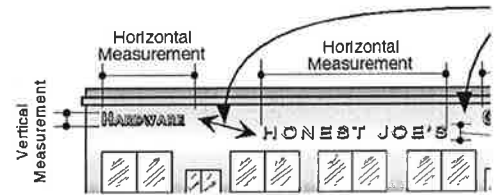
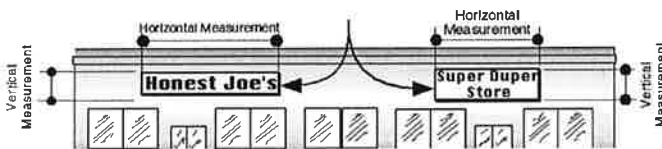
NOTE: Use only area of panel in calculation of sign area

**ATTACHED SINGLE PANEL WALL MOUNTED SIGN**



NOTE: Use painted area (for sign contrast) in calculation of sign area

**PAINTED WALL PANEL SIGN**



### 35.10 PERMIT REQUIREMENTS

Except as herein provided, no permanent sign shall be erected, placed, displayed or located without first obtaining a sign permit from the City.

- A. Application for Permit: Application for a permit for a permanent sign shall be made in writing upon forms furnished by the City Secretary. Such application shall contain the location by street and address number of the proposed sign structure, height, area, sign function, as well as the name, address and phone number of the owner and sign contractor or erector. The City Secretary may require the filing of plans or other pertinent information which, in the City Secretary's opinion, is necessary to ensure compliance with this Ordinance.
- B. Termination of Permit: A sign permit may be terminated in accordance with the following provisions:
  - a. A permit shall be active for the life of the Sign, as long as it is in compliance with this Ordinance.
  - b. A permit shall be terminated if the sign for which it has been issued has not been constructed within one year from the date of issuance.
  - c. A permit issued for any sign including its supporting structure shall automatically terminate in the event the sign shall fail and not be corrected within 60 days.
  - d. Permit Fees: A sign permit fee shall be paid to the City in accordance with the most current fee schedule adopted by the City.

**35.11 NONCONFORMING USES**

- A. Any existing sign that does not conform to the regulations stated herein shall be deemed a nonconforming sign and shall be subject to the provisions of *Section 37 Nonconforming Uses, Lots, and Structures* of this Ordinance. It is the declared purpose of this section that nonconforming signs and signs directing attention to nonconforming uses eventually discontinue and the signage comply with the regulations stated herein, having due regard for the investment in such signs.
- B. The City Council may order nonconforming signs which:
  - a. Are permanently affixed to the ground on the effective date of this Ordinance,
  - b. Were erected in conformity with City ordinances in effect at the time of their erection and
  - c. Remain in place after six (6) months from the effective date of this Ordinance, to be removed upon and subject to compliance with Chapter 216, Texas Local Government Code.
- C. Any lawfully existing nonconforming use or building may erect and maintain a sign in accordance with the regulations contained herein.

**35.12 AUTHORITY TO REMOVE SIGNS**

If in the opinion of the Building Official any sign erected or maintained along or across any sidewalk or public street becomes dangerous to life and limb or is proven to be an obstruction to the proper operation of the Fire Department, it shall be subject to the following:

- a. It shall be the duty of the Building Official to observe and make note of such facts.
- b. The Building Official shall thereupon issue a notice to the owner to correct noted violation within the time period specified in the notice, to be not more than ten days.
- c. If there is no response from the owner or his agent, the Building Official shall then refer the issue to the Building Standards, Plumbing, Adjustments and Appeals Board.
- d. If the Board determines that the facts stated by the Building Official are correct and it in its judgement the sign should be removed, it shall order that the sign be removed at the date specified in the Order of Removal.
- e. In the event the owner, agent or other responsible person should fail or refuse to remove such sign within the time specified by the Board, such person shall be deemed guilty of a misdemeanor.
- f. Each and every day that any sign shall be maintained past the time prescribed in the Board's Order of Removal, shall constitute a separate and distinct offence, and shall be turned over to the Municipal Court for process.

**35.13 MERITORIOUS EXCEPTIONS AND APPEALS**

- A. Generally. It is not the intention of these criteria to discourage innovation. It is entirely conceivable that signage proposals could be made that, while clearly nonconforming to this Ordinance and thus not allowable under these criteria, have obvious merit in not only being appropriate to the particular site or location, but also in making a positive contribution to the visual environment.

- B. Upon request of an interested party, the City Council shall hear and shall seriously and fairly consider a request for a meritorious exception under this Section.

### **35.14 PROHIBITION**

All signs not specifically authorized herein are prohibited. The administrative official shall have the authority to remove any sign in violation of this Ordinance which is not permanently affixed to the ground on the effective date of this Ordinance.

### **35.15 CONVERSION OF PORTABLE SIGNS TO PERMANENT SIGNS**

Portable signs may be converted into permanent signs by permanently affixing the portable sign to a foundation or pole. In order to convert a portable sign the applicant must submit a diagram indicating the structural design of the proposed permanent sign to be reviewed by the City staff. Any proposed converted sign must meet all the requirements of this section.

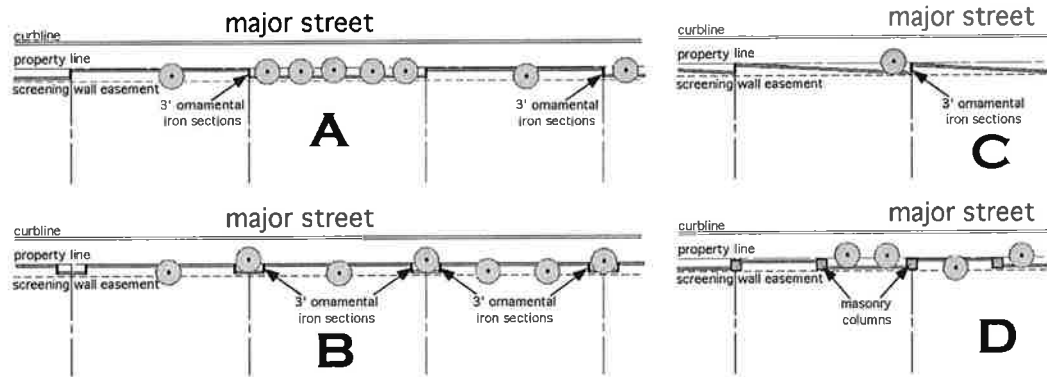
## **Section 36 - Screening Devices and Fence Regulations**

### **36.1 SCREENING REQUIREMENTS**

The intent of this section is to provide for visual screening between land uses of different character and to establish requirements for the installation and maintenance of screening devices to enhance the community's aesthetic qualities. A screening device shall be a solid, opaque, brick, stone or decorative block masonry wall, not less than six feet in height, measured at the highest finished grade, and designed by a professional civil engineer registered in the State of Texas. Construction and location details of the required screening devices shall be shown as part of the engineering site plan for all multifamily and nonresidential uses and as part of the final plat construction plans for all single-family residential uses. The screening wall shall be compatible in color and finish with the principal building(s) and or existing screening walls. The required screening wall shall be constructed prior to any building permits being issued for single-family residential subdivisions and before issuance of a certificate of occupancy for non-single-family developments. For the purpose of this section, single-family residential subdivision shall be defined as a subdivision containing two or more lots.

- A. **Single Family Residential Screening Requirement.** All single-family detached and attached residential subdivisions adjacent to major thoroughfares, as identified on the Tolar Thoroughfare Plan, shall be screened from the street. This includes all lots backing or siding on a thoroughfare. A screening wall is also required where an alley is parallel to and adjacent to a public street. Where single-family lots side on a major thoroughfare, a combination of masonry and wrought iron design may be considered if the non-masonry material does not exceed 40 percent of the surface of the screening wall. If using a combination of wrought iron and masonry, an evergreen shrub, achieving a six-foot height within one year of planting, shall be planted on the interior side of the wrought iron portion of the wall.
- B. **Screening Wall Articulation.** Masonry screening walls adjacent to thoroughfares or collector streets shall be constructed to the following standards:
- Off-sets shall be provided every 100 feet or less;
  - Off-sets shall be designed to be located at lot line intersections;
  - Off-sets shall be a minimum of 3 feet in depth and 8 feet in length;
  - Live plant materials shall be incorporated in the design of the off-sets;

- e. Off-set sections of the screening wall may be constructed of alternate non-masonry materials such as ornamental iron; and
- f. A 5 foot perimeter screening wall and landscape easement shall be dedicated for the perimeter improvements.

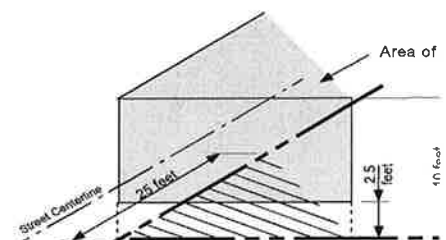


- C. Screening Wall Between Single Family and Multifamily Zoning Districts. There shall be constructed a structural screening wall of not less than six feet in height along any portion of multifamily residential zoning districts, which adjoins any single-family detached and attached zoning district, mobile home park or mobile home subdivision.
  - a. The construction of the screening wall is the responsibility of the multifamily property owner. However, if a single-family residential subdivision is being constructed adjacent to an existing multifamily use, with no screening wall in place, the construction responsibility will shift to the single-family residential developer/owner.
  - b. A combination of masonry and wrought iron design may be considered if the non-masonry material does not exceed 40 percent of the surface of the screening wall. If using a combination of wrought iron and masonry, an evergreen shrub, achieving a six-foot height within one year of planting shall be planted on the interior side of the wrought iron portion of the wall.
- D. Screening Wall Between Commercial and Residential Uses. There shall be constructed a screening wall of not less than six feet along any portion of an office use and a screening wall of not less than eight feet along any portion of a commercial, retail, industrial or warehouse use, which adjoins any portion of a single-family detached or attached residential, multifamily residential, mobile home park or mobile home subdivision zoning district.
  - a. The construction of the screening wall is the responsibility of the commercial or industrial property owner. However, if a single-family residential subdivision or a multifamily residential use is being constructed adjacent to an existing commercial or industrial use with no screening wall in place, the construction responsibility will shift to the residential developer/owner.
  - b. Screening requirement for institutional uses (schools and churches, etc.) in commercial zoning will be considered on a case-by-case basis.

- E. Screening Wall Requirement for Manufactured Housing Parks and Subdivisions.** All manufactured housing parks and subdivisions shall be screened by a screening wall of not less than six feet in height on all sides.
- The construction of the screening wall is the responsibility of the mobile home park or subdivision property owner. However, if a single-family residential subdivision is being constructed adjacent to an existing manufactured housing park or subdivision with no screening wall in place, the construction responsibility will shift to the single-family residential developer/owner.
- F. Screening Requirement for Wrecker Service Storage Yards and Wrecked Vehicles.** All wrecker service storage yards shall be screened by a screening wall of not less than eight feet in height on all sides.
- Screening walls shall also be provided anywhere wrecked vehicles are kept, such as auto body shops and repair garages. This provision does not apply if wrecked vehicles are kept within a completely enclosed building.
  - Any portion of the storage yard adjacent to or fronting a street shall be screened with an eight-foot decorative fence.
  - Other portions of the storage yard not adjacent to or fronting on a street, may be fenced with an eight-foot solid, opaque fence.
- G. Screening Requirement for Outside Storage.** In all zoning districts where outside storage of equipment, material, goods and supplies is allowed, all outside storage shall be screened from the view of any adjacent public street by a screening wall not less than eight feet in height.
- Any portion of the storage yard adjacent to or fronting a street shall be screened with an eight-foot decorative fence.
  - Materials and supplies may not be stacked higher than the height of the fence.
  - Other portions of the storage yard not adjacent to or fronting a street may be fenced with a solid, opaque fence.
  - This provision does not apply to display of goods for sale incidental to a retail use, plant nursery, sales and rental of motor vehicles, mobile homes, boats or trailers.

### 36.2 FENCING REQUIREMENTS

- A.** On a corner lot in any district, nothing shall be erected, placed, planted, or allowed to grow in such a manner as to materially impede vision between a height of two and one-half (2.5) and ten feet above the centerline grades of the intersecting streets in the area bounded by the street lines of such corner lots and a line joining points along said street lines 25 feet from the point of the intersection.
- B.** On an interior lot in any district, nothing shall be erected, placed, planted or allowed to grow in such a manner as to materially impede the vision or in any way create a traffic hazard to motorists entering or exiting any public highway, street, alley or private street or driveway from or to adjacent private property.



- C. No screening element comprised of brick, masonry, concrete or solid metal shall be erected or placed which would interfere with the installation or maintenance of any public utility line, service or drainageway, within the easements reserved therefor.
- D. Garbage, refuse and trash collection and storage areas in non-residential districts shall be fully enclosed by a suitable screening element of not less than six feet in height.
- E. Electric fences are expressly prohibited in all districts except those where agricultural and related principal activities are permitted, provided such fences shall be plainly marked at appropriate intervals as to the nature thereof.
- F. Barbed wire fences used in conjunction with permitted agricultural uses and activities in the agricultural zoning district are permitted, provided the building official deems there is no safety hazard related issues associated with said fence. Barbed wire fencing is expressly prohibited in all other zoning districts.
- G. Razor wire fencing, or other similar material, is strictly prohibited in residential zoning districts. When used in other districts, razor wire fencing must be a minimum of eight feet in height.

**36.3 FENCES IN RESIDENTIAL DISTRICTS.**

- A. Screening elements and fences shall be restricted to a maximum height of six feet, measured from the adjacent grade line, except as otherwise allowed in this section. Fences may be permitted to be constructed to heights exceeding six feet by special exception as approved by the Zoning Board of Adjustment.
- B. Garbage, refuse and trash collection and storage areas in any multifamily development, mobile home development or other nonresidential use permitted in a residential district shall be fully enclosed on three sides by a dense screening element to adequately screen such area from view of the surrounding area.
- C. No screening element or fence shall be erected, placed or planted beyond the front or side building line of any permitted building in a residential district, either on a corner lot or interior lot. Fences may be constructed to the property line upon approval of a special exception by the Zoning Board of Adjustment. Fencing located on or behind the building line shall not exceed six feet in height.
- D. Wood panel fences shall be constructed such that the support rails are located on the inside of the lot and the panel is located on the outside of the lot, so as to present a “smooth side out” appearance to the fence.

**Section 37 - Wireless Communication Facilities**

**37.1 PURPOSE**

Certain radio equipment used in transmitting and receiving signal energy are essential and are deemed to promote the health, safety, and general welfare of the citizens of the City. The placement of such equipment shall be located such that the health, safety, welfare, and aesthetic quality of the community shall not be compromised. Therefore the regulations governing the location of such equipment shall consider the aesthetic quality of the community equal to the health, safety, and general welfare of the community. The antennas, masts, and towers hereinafter enumerated shall not be deemed violations of this ordinance when made under the conditions herein provided.

**37.2 DEFINITIONS**

See Section 35 for Wireless Communications Facilities definitions.

**37.3 RESIDENTIALLY ZONED DISTRICTS - AMATEUR RADIO EQUIPMENT AND TV ANTENNAS**

Amateur radio equipment, including ham radio and CB equipment and personal use TV antennas, shall be allowed in the A, RR, R8, R6, MF, and MH zoning districts if they comply with the following regulations:

- A. Antenna facilities may be building attached, monopoles, or lattice towers;
- B. Up to 3 antenna facilities may be located on a lot of record, co-location is encouraged;
- C. An antenna facility, exclusive of the height of any antenna or mast, shall not exceed thirty-five (35) feet in height. Provided, however, that an antenna facility shall be permitted additional height at the ratio of one added foot in height for each additional foot of setback beyond the minimum setback required of an accessory building in the zoning district regulations contained in *Section 31 Accessory Buildings*. Regardless of the above, the maximum height for a tower permitted without a Special Exception in any residential district shall be 65 feet;
- D. The height of an antenna, including the height of any antenna facility to which they may be fastened or attached shall not exceed 65 feet in height without a Special Exception.
- E. An antenna not fastened to a antenna facility shall not exceed 50 feet without a Special Exception, except for an antenna which does not extend more than eight feet above a building on which it is mounted;
- F. A antenna facility shall be limited to having the number and size of antennas attached to it that are allowed by the antenna facility manufacturer's designs and specifications for maximum wind load requirements;
- G. Setbacks:
  - a. Antennas and antenna facilities shall not be permitted in front or side yards. Guy wires are not permitted in front yards;
  - b. Guy wires are permitted in required side and rear yards;
  - c. Setback for antenna facilities shall be the same as is required for accessory buildings in residential districts;
- H. Separation: There shall be no minimum or maximum separation requirements for antenna facilities from other structures on the same lot of record;
- I. Antenna facilities shall not be permitted in any easement;
- J. Lights: No auxiliary or outdoor lighting shall be allowed on antenna facilities located on residentially zoned property except such lights or lighting as may be required by the Federal Aviation Authority or the Federal Communications Commission;
- K. Construction standards: A building permit must be obtained prior to the construction and/or installation of an antenna facility. Antenna facilities must be installed as per the manufacturers recommendations or under the seal of a registered professional engineer of the State of Texas. Regardless of the above, all such antenna facilities must meet the Electronic Industries Association Standard EIA-222-D, Structural Standards for Steel Antenna Towers and Antenna Supporting Structures and the Building Code;



- L. Maintenance: Antennas and/or antenna facilities obviously not in use or obviously in need of maintenance as determined by the building official, shall be removed or brought into compliance within 30 days following notice given by the building official. This shall not preclude immediate action by the building official to safeguard life, limb, health, property, and public welfare;
- M. No part of an antenna facility or any attachment thereto may extend beyond the property lines of the owner of such antenna or antenna facility;
- N. No permit shall be issued for the installation of an antenna facility on a multi-family structure or property unless a notarized statement of permission from the owner is presented to the building department;
- O. All antenna facilities shall be subject to an inspection every five years by a qualified expert, such inspection to be conducted and charged for by the City in accordance with provisions in the building code;
- P. A Special Exception must be obtained in the residential zoning districts for any antenna facility which does not comply with the regulations specified hereinabove.

#### 37.4 NON-RESIDENTIAL DISTRICTS

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Radio, television, microwave broadcast relay, receiving towers, transmission and re-transmission facilities, satellite receiving only earth stations (home dish antenna), and any electronic emission equipment of a commercial nature shall be allowed in the nonresidential zoning districts if it complies with the following regulations:

- A. Up to 3 antenna facilities may be located on a lot of record, co-location is encouraged;
- B. Antenna facilities shall be limited to building attached and monopoles only;
- C. An antenna facility, exclusive of the height of any attached antenna, shall not exceed 35 feet in height. Provided, however, that an antenna facility shall be permitted additional height at the ratio of one added foot in height for each additional foot of setback beyond the minimum setback required of a accessory building in the zoning district regulations herein. Regardless of the above, the maximum height for an antenna facility permitted without a Special Exception in any nonresidential district shall be 65 feet;
- D. With the exception of stealth facilities, the height of an antenna, including the height of any antenna facility to which they may be fastened or attached, shall not exceed 65 feet in height without a Special Exception;
- E. With the exception of stealth facilities, an antenna shall not extend more than eight feet above a building on which it is attached;
- F. An antenna facility shall be limited to having the number and size of antennas attached to it that are allowed by the antenna facility manufacturer's designs and specifications for maximum wind load requirements;
- G. Setbacks: With the exception of stealth facilities, antennas and antenna facilities shall not be permitted in front or side yards;
- H. Antenna facilities shall not be permitted in any easement;

- I. Lights: No auxiliary or outdoor lighting shall be allowed on antennas located on residentially zoned property except such lights or lighting as may be required by the Federal Aviation Authority or the Federal Communications Commission;
- J. Construction standards: A building permit must be obtained prior to the construction and/or installation of a tower, antenna, or mast. Antenna facilities must be installed as per the manufacturers recommendations or under the seal of a registered professional engineer of the State of Texas. Regardless of the above, all such antenna facility and antennas must meet the Electronic Industries Association Standard EIA-222-D, Structural Standards for Steel Antenna Towers and Antenna Supporting Structures and the Building Code;
- K. Maintenance: Antenna facilities and antennas obviously not in use or obviously in need of maintenance as determined by the building official, shall be removed or brought into compliance within 30 days following notice given by the Building Official. This shall not preclude immediate action by the building official to safeguard life, limb, health, property, and public welfare;
- L. No part of an antenna facility and antennas or any attachment thereto may extend beyond the property lines of the owner of such antenna or antenna facility;
- M. No permit shall be issued for the installation of an antenna or antenna facility on a multi-family structure or property unless a notarized statement of permission from the owner is presented to the building department;
- N. All antennas, or antenna facilities shall be subject to an inspection every five years by a qualified expert, such inspection to be conducted and charged for by the City in accordance with provisions in the Building Code;
- O. A Specific use permit must be obtained in nonresidential zoning districts for any antenna or tower which does not comply with the regulations specified hereinabove.
- P. Stealth facilities, which meet the definition of stealth as provided in *Section 48.4, Wireless Communications Facilities Definitions* shall be exempt from the height and location requirements of this section. In addition, the City Manager or his designee shall be the final authority as to whether or not any facility meets the definition of "stealth".

**37.5 WRITTEN REPORT UPON DENIAL OF REQUEST**

The City of Tolar shall document any denial of a request to place, construct, or modify personal wireless service facilities in writing. Such documentation shall be supported by substantial evidence within the written record.

**37.6 SATELLITE RECEIVE-ONLY ANTENNAS GENERALLY**

Satellite receive-only antennas assist individuals in the receipt of satellite transmitted television signals. Satellite receive-only antennas shall not be deemed violations of this ordinance when made under the conditions herein provided. Such conditions are hereby found to be reasonable and clearly defined health, safety and aesthetic objectives.

**37.7 SATELLITE RECEIVE-ONLY ANTENNAS**

A satellite receive only antenna shall be allowed if it complies with the following:

- A. The satellite receive-only antenna is two meters or less in diameter and is located or proposed to be located in any area where commercial or industrial uses are generally permitted by non federal land use regulations or;

- B. The satellite receive-only antenna is less than one meter in diameter in any residential zoning district.

**37.8 LARGE SATELLITE RECEIVE-ONLY ANTENNAS**.....

Satellite receive-only antennas that are greater than one meter in diameter in residential districts or greater than two meters in diameter in non-residential districts shall be allowed in any zoning district if they comply with the following regulations:

- A. Only one satellite receive-only antenna per lot of record;
- B. A satellite receive-only antenna shall not exceed ten feet in height;
- C. Set backs:
  - a. Front and side: Satellite receive-only antennas shall not be permitted in front or side yards;
  - b. Rear: Satellite receive-only antennas shall be permitted in rear yards provided they meet the minimum setback as is required for accessory buildings in residential districts and as for all buildings in nonresidential districts;
- D. Separation: There shall be no minimum or maximum separation requirements for satellite receive-only antennas from other structures on the same lot of record;
- E. Satellite receive-only antennas shall not be permitted in easements;
- F. Lights: No auxiliary or outdoor lighting shall be allowed on satellite receive-only antennas except such lights or lighting as may be required by the Federal Aviation Authority or the Federal Communications Commission;
- G. Construction standards: A building permit must be obtained prior to the construction and/or installation of a satellite receive-only antenna. Satellite receive-only antennas must be installed as per the manufacturers recommendations or under the seal of a registered professional engineer of the State of Texas;
- H. Maintenance: Satellite receive-only antennas obviously not in use or obviously in need of maintenance as determined by the building official, shall be removed or brought into compliance within 30 days following notice given by the building official. This shall not preclude immediate action by the building official to safeguard life, limb, health, property, and public welfare;
- I. No part of a satellite receive-only antenna or any attachment thereto may extend beyond the property lines of the owner of such satellite receive-only antenna;
- J. No permit shall be issued for the installation of a satellite receive-only antenna on a multi-family structure or property unless a notarized statement of permission from the owner is presented to the Building Department;
- K. All satellite receive-only antennas shall be screened from view from adjoining properties by fencing or evergreen plants. A satellite receive-only antenna located within a fence surrounding the yard in which the satellite receive-only antenna is located shall be considered to be screened;
- L. A Special Exception must be obtained for any satellite receive only antenna which does not comply with the regulations specified hereinabove.

**37.9 SPECIAL EXCEPTION**

A Special Exception must be obtained for any antenna, tower, and/or satellite receive-only antenna which does not comply with the regulations specified in this section, herein above. In considering whether to grant a Special Exception from the regulations specified above, the following shall be considered:

- A. The effect on the value of the surrounding property;
- B. The potential for interference with the enjoyment of the use of surrounding properties;
- C. Aesthetics;
- D. The necessity of the Special Exception for the public health, safety, and welfare of the citizens or for governmental purposes;
- E. The zoning district and the adjoining zoning districts of the property for which the Special Exception is sought;
- F. The provisions of 47 C.F.R. § 25.104 which preempt local zoning or other regulations that differentiate between satellite receive-only antennas and other types of antenna facilities unless such regulations:
  - a. Have a clearly defined health, safety or aesthetic objective; and
  - b. Further the stated health, safety, or aesthetic objective without unnecessarily burdening the federal interest in ensuring access to satellite services and in promoting fair and effective competition among competing communications service providers;
- G. The unique conditions that govern reasonable reception on any given lot;
- H. To properly evaluate all applications to locate commercial antennas or towers which do not comply with the regulations specified hereinabove the following information must be provided by the applicant:
  - a. Describe the nature of the antenna site. Indicate whether the proposed structure is a monopole or mounted to a self-supporting structure. Indicate the proposed height;
  - b. Provide photos or drawings of all equipment, structures and antenna;
  - c. Describe why the antenna or tower is necessary;
  - d. State the name(s) of the telecommunications providers or other users of the antenna or tower and describe the use to be made by each user;
  - e. Indicate if this antenna or tower site is to be connected to other sites; and if so, describe how it will be connected and who will be the back haul provider;
  - f. The applicant must address whether or not they have made an effort to co-locate the facilities proposed for this antenna or tower on existing towers or facilities in the same general area. Please identify the location of these existing sites. If yes, please describe in detail these efforts and explain in detail why these existing sites were not feasible. Attach all studies or tests performed which demonstrate why the existing sites will not provide sufficient signal coverage. Provide written documentation from existing sites' owners and/or operators which confirm the statements provided. Indicate whether or not the existing sites allow/promote co-location and, if not, describe why not;
  - g. Indicate whether or not co-location will be allowed to other telecommunications providers at the requested site. If they are not allowed, state every reason and the basis for each reason;

- h. If the requested location is in a residential district the applicant must address whether or not they have made an effort to locate the facility in a commercial or industrial district. Please identify the location of these commercial and or industrial district sites. Please describe in detail these efforts and explain in detail why these commercial or industrial district sites were not feasible. Attach all studies or tests performed which demonstrate why the commercial or industrial sites will not provide sufficient signal coverage. Provide written documentation from commercial or industrial district sites' owners and/or operators which confirm the statements provided;
- i. Indicate the proposed provider's current coverage area for the City. Attach maps showing the areas the proposed provider's existing antenna currently cover, the areas the applicant's existing sites and other existing sites would cover, and the areas the applicant's existing sites and the requested site would cover.
- j. Describe the applicant's master antenna and tower plan for the City. Attach maps and other related documentation. Provide information indicating each phase of the plan.
- k. Describe the applicant's plan to minimize the number of telecommunications antenna and towers needed to cover the City.
- l. The City Council will approve a requested application subject to the finding that co-location of this facility with a nearby existing tower facility is technically not feasible and subject to the following conditions:
  - m. Applicant will permit co-location of others at the site;
  - n. Applicant will configure its antenna and other equipment to accommodate other providers;
  - o. Applicant will identify its backhaul provider connecting antenna sites; and
  - p. Applicant will give notice to the City identifying any providers who co-locates to the site and identify their backhaul provider.

**Section 38 - Nonconforming Uses, Lots, and Structures**

**38.1 CATEGORIES OF NONCONFORMITIES**

Within the districts established by this ordinance, or amendments that may later be adopted, there exist

- A. Lots and uses of land,
- B. Buildings and structures,
- C. Uses of land and buildings in combination, and
- D. Characteristics of use which were lawful before this ordinance was passed or amended, but which would be prohibited, regulated, or restricted under the terms of this ordinance or future amendments. It is the intent of this ordinance to permit these nonconformities to continue under regulations contained herein until they are removed, but not to encourage their survival. It is further the intent of this ordinance that such nonconformities shall not be enlarged upon, expanded or extended, nor be used as ground for adding other buildings and structures or uses prohibited elsewhere in the same district.

**38.2 NONCONFORMING USES REGULATED**

Nonconforming uses are declared by this ordinance to be incompatible with permitted uses in the districts involved. Neither nonconforming use of land or buildings, nor any nonconforming structure shall be enlarged, changed, altered, or repaired except in conformance with the regulations contained in this section.

**38.3 NONCONFORMING STATUS**

Any use, lot, or structure which does not conform to the regulations of the zoning district in which it is located, is nonconforming when:

- A. The use, lot, or structure was in existence and lawfully operating on the date of the passage of this ordinance, and has since been in regular and continuous use; or
- B. The use, lot, or structure is lawful at the time of the adoption of any amendment to this ordinance, but because of the amendment, no longer complies with applicable regulations; or
- C. The use, lot, or structure was in existence at the time of annexation to the City and has since been in regular and continuous use.

**38.4 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 of contiguous street frontage in the same ownership, which were recorded prior to the effective date of this ordinance. This provision shall apply even though such lot or lots fail to meet the minimum requirements for area, width, or both, as governed by the applicable area regulations for that particular zoning district; however, all other provisions of the applicable zoning district area regulations shall apply. Any required variances shall be obtained only through the Zoning Board of Adjustment.

**38.5 NONCONFORMING USES OF LAND**

Where at the time of passage of this ordinance lawful use of land exists which would not be permitted by the regulations imposed by this ordinance, the use may be continued so long as it remains otherwise lawful, provided:

- A. No such nonconforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this ordinance.
- B. No such nonconforming use shall be moved, in whole or in part, to any portion of the same lot or parcel other than that occupied by such use at the effective date of adoption or amendment of this ordinance.
- C. If any such nonconforming use of land is deemed to be abandoned for any reason for a period of more than 6 months, any subsequent use of such land shall conform to the regulations specified by this ordinance for the district in which such land is located.

**38.6 NONCONFORMING BUILDINGS**

Where a lawful building exists at the effective date of adoption or amendment of this ordinance that could not be built under the terms of this ordinance by reason of restrictions on area, lot coverage, height, yards, its location on the lot, or other requirements concerning the building, such building may be continued so long as it remains otherwise lawful, subject to the following provisions:

- A. No such nonconforming building may be enlarged or altered in a way which increases its nonconformity, but any building or portion thereof may be altered to decrease its nonconformity or to comply with City building codes.
- B. Should such nonconforming building or nonconforming portion of a building be destroyed by any means to an extent of more than 50 percent of its replacement cost at the time of destruction, it shall not be reconstructed except in conformity with the provisions of this ordinance, or when approved by the Zoning Board of Adjustment, after public hearing thereon, when the Board's findings, having due regard for the property rights of persons affected, were considered in the light of public welfare and the character of the area surrounding the nonconforming building and the conservation and protection of property.
- C. Should such building be moved for any reason for any distance whatever, it shall thereafter conform to the regulations of the district in which it is located after it is moved.

**38.7 NONCONFORMING USES OF BUILDINGS**

If lawful use involving individual buildings exists at the effective date of adoption or amendment of this ordinance, that would not be allowed in a particular district under the terms of this ordinance, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

- A. No existing building devoted to a use not permitted by this ordinance in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved or structurally altered except in changing the use of the building to a use permitted in the district in which it is located, or to comply with City building codes.
- B. Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of this ordinance, but no such use shall be extended to occupy any land outside such building.
- C. If no structural alterations are made, except as required by the City's building codes, any nonconforming use of a building, or building and premises, may be changed to another nonconforming use provided that the Zoning Board of Adjustment, either by general rule or by making findings in the specific case, shall find that the proposed use is equally appropriate or more appropriate to the district than the existing nonconforming use. In permitting such change, the Zoning Board of Adjustment may require appropriate conditions and safeguards in accord with the provisions of this ordinance.
- D. Any building in which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district, and the nonconforming use may not thereafter be resumed.
- E. When a nonconforming use of a building is discontinued or abandoned for six consecutive months, the building shall not thereafter be used except in conformity with the regulations of the district in which it is located.
- F. Where nonconforming use status applied to a building and premises in combination, removal or destruction of the building shall eliminate the nonconforming status of the land. Destruction for the purpose of this subsection is defined as damage to an extent of more than 50 percent of the replacement cost at time of destruction.
- G. Where nonconforming use status applies to a conforming building, such use shall be immediately terminated upon transfer to another ownership or lease.

**38.8 REPAIRS AND MAINTENANCE**.....

On any nonconforming building or portion of a building containing a nonconforming use, work may be done in any period of 12 consecutive months on ordinary repairs, or on repair or replacement of nonbearing walls, fixtures, wiring or plumbing, to an extent not exceeding 50 percent of the current replacement cost of the nonconforming building or nonconforming portion of the building, as the case may be, provided that the cubic content existing when it became nonconforming shall not be increased.

If a nonconforming building or portion of a building containing a nonconforming use becomes physically unsafe or unlawful due to lack of repairs and maintenance, and is declared by any duly authorized City official to be unsafe or unlawful by reason of physical condition, it shall not thereafter be restored, repaired or rebuilt except in conformity with the regulations of the district in which it is located.

Nothing in this ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

**38.9 NONCONFORMING USES DISCONTINUED**.....

A nonconforming use of any building or structure which has been discontinued shall not thereafter be returned to any nonconforming use. A nonconforming use shall be considered discontinued when:

- A. It has been replaced with a conforming use; or
- B. Such building or structure is or hereafter becomes vacant and remains unoccupied or out of use for a continuous period of six months, or the equipment and furnishings of the nonconforming use have been removed from the premises and have not been replaced within such six month period; or
- C. The intention of the owner to permanently discontinue the use is apparent.

**38.10 CHANGES THAT LESSEN NONCONFORMITY**.....

Changing to a more restricted or less intensive nonconforming use that lessens the extent of the original nonconformity may be permitted by the Zoning Board of Adjustment.



## Article 5 - Administration

### Section 39 - Administration and Enforcement

#### 39.1 ADMINISTRATIVE OFFICIAL.....

An administrative official designated by the City Council shall administer and enforce this ordinance. Said person may be provided with the assistance of such other persons or consultants as the City Council may direct.

#### 39.2 ENFORCEMENT.....

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

### Section 40 - Completion of Buildings Under Construction

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 actual building construction has been carried on diligently. 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.

### Section 41 - Zoning Board of Adjustment

#### 41.1 ESTABLISHMENT.....

A Zoning Board of Adjustment is hereby established, which shall consist of five regular members and two alternate members, each to be appointed for a term of two years by the City Council. Alternate members shall serve in the absence of regular member(s) in keeping with rules and procedures adopted by the Zoning Board of Adjustment. Members of the Zoning Board of Adjustment may be removed from office by the City Council for cause upon written charges and after public hearing. Vacancies shall be filled by appointment of the City Council for the unexpired term of the member affected. All cases to be heard by the Zoning Board of Adjustment must be heard by a minimum number of four members.

#### 41.2 CITY COUNCIL OPTION.....

In accordance with Section 211.008 of the Local Government Code, the City Council may assume the duties of the Zoning Board of Adjustment are authorized by ordinance. This Zoning Ordinance shall provide that authorization for the City of Tolar. This shall not be considered a mandate but shall be elective on the part of the City Council.

**41.3 ZONING BOARD OF ADJUSTMENT TERMS OF OFFICE.....**

The terms of three of the members of the Zoning Board of Adjustment shall expire on the first Monday in June of each odd-numbered year, and the terms of two of the members shall expire on the first Monday in June of each even-numbered year. The members of the board shall be identified by place numbers one through five. The odd-numbered places shall expire in the odd-numbered years; the even-numbered places shall expire in the even-numbered years. This *Section 41.3, Zoning Board of Adjustment Terms of Office* does not apply to the City Council if it is fulfilling the responsibilities of the Zoning Board of Adjustment as provided in Section 41.2, *City Council Action*.

**41.4 PROCEDURE.....**

The Zoning Board of Adjustment members shall select a chairman and vice-chairman from among its members.

- A. The board shall hold an organizational meeting on the first Monday in July of each year and shall elect a vice-chair from among its members before proceeding to any other matters of business.
- B. Officers will serve for a term of one year.
- C. Meetings shall be held at the call of the chairman and at such other times as the board may determine.
- D. All meetings shall be open to the public.
- E. The Zoning Board of Adjustment shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be public record and be immediately filed in the office of the board.
- F. The Zoning Board of Adjustment shall adopt rules necessary to the conduct of its affairs and in keeping with the provisions of this ordinance and state statutes.
- G. A quorum for the conduct of business shall consist of four members of the commission.
- H. The members of the commission shall regularly attend meetings and public hearings of the commission and shall serve without compensation. Three consecutive unexcused absences shall constitute grounds for dismissal.
- I. Duties of the officers shall be as follows:
  - a. Chairman. The chairman shall preside at all meetings and may administer oaths and compel the attendance of witnesses, and shall have the same subpoena powers as the municipal court.
  - b. Vice-chairman. The vice-chairman shall assist the chairman in directing the affairs of the Board and act in the absence of the chairman.

**41.5 POWERS OF THE BOARD.....**

The Zoning Board of Adjustment shall have the powers and exercise the duties of a Zoning Board of Adjustment in accordance with *Section 211.009 of the Texas Local Government Code*. The Board's jurisdiction shall extend to and include the hearing and deciding of the following types of appeals and applications, and to that end shall have the necessary authority to ensure continuing compliance with its decision. The Zoning Board of Adjustment shall have the following powers and duties:

- A. Interpretation.** To render an interpretation of the zoning regulations or the manner of their application where it is alleged there is error in any order, requirement, decision, or determination made by the administrative official in the administration of this ordinance. In reaching its decisions the Board shall establish firm guidelines for future administrative action on like matters.
- B. Special exceptions.** To hear and decide upon those applications for special exceptions when the same is authorized under this ordinance subject to Board approval. A special exception shall not be granted by the Zoning Board of Adjustment unless it finds:
- a. That the use is specifically permitted under the ordinance; and
  - b. That the locations of proposed activities and improvements are clearly defined on the site plan filed by the applicant; and
  - c. That the exception will be wholly compatible with the use and permitted development of adjacent properties.
- C. Variances.** To authorize upon appeal in specific cases such variance from the height, yard area, coverage, and parking regulations set forth in this ordinance as may be necessary to secure appropriate development of a parcel of land which differs from other parcels in the district by being of such restricted area, shape, or slope that it cannot be appropriately developed without such modification. A variance from the terms of this ordinance shall not be granted by the Zoning Board of Adjustment unless and until it finds that:
- a. Special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district; and
  - b. That literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this ordinance;
  - c. That the special conditions and circumstances do not result from the actions of the applicant;
  - d. That granting the variance requested will not confer on the applicant any special privilege that is denied by this ordinance to other lands, structures or buildings in the same district.
  - e. The board shall further make a finding that the reasons set forth in the application justify the granting of the variance, and that the variance is the minimum variance that will make possible the reasonable use of the land, building or structure.
  - f. The Zoning Board of Adjustment shall further make a finding that the granting of the variance will be in harmony with the general purpose and intent of this ordinance, and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.
  - g. Under no circumstances shall the board grant a variance to allow a use not permissible under the terms of this ordinance in the district involved, or any use expressly or by implication prohibited by the terms of this ordinance in said district.
- D. Nonconforming Uses.**
- a. The Board may permit the reconstruction, extension, or enlargement of a building occupied by a nonconforming use on the lot or tract occupied by the building, and the addition of off-street parking or off-street loading to a nonconforming use.

- b. The Board may require the discontinuance of nonconforming uses of land or buildings under any plan whereby the full value of the buildings and facilities can be amortized within a definite period of time, taking into consideration the general character of the neighborhood and the necessity of all property to conform to the regulations of this ordinance. All actions to discontinue a nonconforming use of land or structure shall be taken with due regard to the property rights of the persons affected, when considered in light of the public welfare and the character of the area surrounding the designated nonconforming use and the conservation and preservation of the property.
- c. The Board shall, from time to time, on its own motion or upon cause presented by interested property owners, inquire into the existence, continuation, or maintenance of any nonconforming use within the City.

#### 41.6 APPEALS TO THE ZONING BOARD OF ADJUSTMENT.....

- A. Interpretation.** Appeals to the Zoning Board of Adjustment concerning interpretation or administration of this ordinance may be taken by any person aggrieved or by any officer, agency, department or commission of the City affected by any decision of the administrative official. Such appeals shall be taken within 10 business days or such lesser period as may be provided by the rules of the board, by filing with the administrative official from whom the appeal is taken, and with the Zoning Board of Adjustment a notice of appeal specifying the grounds for appeal. The administrative official shall forthwith transmit to the board all papers constituting the record upon which the action appealed from was taken.
- B. Stay of proceedings.** An appeal stays all proceedings in furtherance of the action appealed from, unless the administrative official from whom the appeal is taken certifies to the Zoning Board of Adjustment after the notice of appeal is filed with him that, by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life and property. In such case, proceedings shall not be stayed other than by a restraining order which may be granted by the Zoning Board of Adjustment or by a court of record on application, and on due cause shown.
- C. Special Exception Application.** An application for a special exception to use or develop property as specifically authorized in district use regulations or in this section may be filed by any person owning the affected property or by any tenant upon written authorization of the owner. Such application shall be filed with the Board, and a copy thereof with the administrative official.
- D. Form of Appeal or Application.** The appeal or application shall be in such form and contain such information as the Board may require under its rules of procedure. An incomplete appeal or application shall be deemed only to give notice of intent to appeal or apply to the Board, and shall not be reviewed or scheduled for hearing until brought to completion.
- E. Notice of Hearing.** Official written notice of public hearing on every application for a variance or special exception or for an interpretation of regulations applying solely to an individual property shall be sent to all owners of property, or to the person rendering the same for City taxes, affected by such application, located within 200 feet of any property affected thereby, within not less than 10 days before such hearing is held. Such notice shall be served by using the last known address as listed on the City tax roll and depositing the notice, postage paid, in the United States mail. Notice of hearings on requests for interpretation of regulations applying to more than one property and ownership shall be given by means of a general notice as provided below. In addition, a list of items on the agenda to be heard by the Board shall be posted at a public place in City Hall at least 72

hours before the hearing on said items, and a list of agenda items shall be published in a newspaper of general circulation in the City of Tolar at least twenty-four 24 hours before the hearing at which action will be considered.

#### 41.7 HEARING AND DECISION

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- A. Generally.** The board shall fix a reasonable time for the hearing of appeal, give public notice thereof as well as due notice to the parties in interest, and decide the same within a reasonable time. At the hearing, any party may appear in person or by agent or attorney. Evidence supporting the grant or denial of an appeal shall be submitted only through the administrative official or to the Board in public meeting. An appeal or application may be withdrawn upon written notice of the administrative official, but no appeal shall be withdrawn after posting of hearing notice and prior to board action thereon without formal consent of the Board.
- B. Decision and Voting.**
- a. Every decision of the Board shall be based upon findings of fact and every finding of fact shall be supported in the record of proceedings. The enumerated conditions required to exist on any matter upon which the Board is authorized to pass under this ordinance shall be construed as limitations on the power of the Board to act.
  - b. Nothing herein contained shall be construed to empower the Board to change the terms of this ordinance, or to effect changes in the zoning districts. The powers of the Board shall be so applied that the terms of this ordinance will be strictly enforced.
  - c. In exercising the above-mentioned powers, the Zoning Board of Adjustment may, so long as such action is in conformity with the provisions of *Section 211.008 Board of Adjustment through Section 211.013 Conflict with Other Laws. Exceptions of the Texas Local Government Code*, may modify in whole or in part any order, requirement, decision or determination appealed from and may make such order, requirements, decision or determination as ought to be made, and to that end shall have the powers of the administrative official from whom the appeal is taken.
  - d. The concurring vote of four members of the board shall be necessary to reverse any order, requirement, decision or determination of the administrative official, or to decide in favor of the applicant on any matter upon which it is required to pass under this ordinance, or to effect any variation in the application of this ordinance.
- C. Disqualification from voting.**
- a. A member shall disqualify himself from voting whenever he finds that he has a personal or monetary interest in the property under appeal, or that he will be directly affected by the decision of the Board.
  - b. A member may disqualify himself from voting whenever any applicant, or his agent, has sought to influence the vote of the member on the appeal, other than in the public hearing.
- D. Approval of Request.**
- a. In approving any request, the Zoning Board of Adjustment may designate such conditions in connection therewith in order to secure substantially the objectives of the regulations or provisions to which such variance is granted and to provide adequately for the maintenance of the integrity and character of the zone in which such permit is granted.

- b. When necessary, the Zoning Board of Adjustment may require guarantees, in such form as it deems proper, to insure that conditions designated in connection therewith are being or will be complied with.
  - c. Unless a building permit or certificate of occupancy is obtained, appeal shall expire 60 days after the Board's decision unless a greater time is requested in the application and is authorized by the Board. Any approval may be granted one emergency extension of 60 days on written request filed with the Board before expiration of the original approval.
- E. Denial of Request.** No appeal or application that has been denied shall be further considered by the Board under a subsequent request obtained by filing new plans and obtaining of a new decision from the administrative official unless:
- a. The new plans materially change the nature of the request; or
  - b. The permitted development of other nearby property in the same zone has been substantially altered or changed by a ruling of the Board, so as to support an allegation of changed conditions.
- F. Appeals of Zoning Board of Adjustment Action.** Any person or persons, or any board, taxpayer, department, commission or agency of the City aggrieved by any decision of the Zoning Board of Adjustment may seek review by a court of record a petition duly certified, setting forth that such decision is illegal in whole or in part, specifying the grounds of such illegality. Shall petition shall be presented to the court within ten days after the filing of the decision complained of in the office of the Zoning Board of Adjustment, and not thereafter.

**41.8 AUTHORIZED SPECIAL EXCEPTIONS**.....

The following privately owned or privately operated uses may be permitted as special exceptions by the Zoning Board of Adjustment in the districts indicated below, subject to full and complete compliance with any and all conditions listed, together with such other conditions as the Board may impose for protection of the public health or safety:

Special Exception	District Where Permitted
Shared of the same off-street parking areas by two or more uses as follows: <ul style="list-style-type: none"> <li>a. When two or more uses, according to such approved plan, share the same off-street parking area, each may be considered as having provided such shared space individually.</li> <li>b. The land uses and common parking facility must be located in close proximity to one another.</li> <li>c. The land uses must be located not farther from the shared parking than a distance of 300 feet, measured by a straight line from the nearest point of the land on which the use is served is located to the nearest point of the separated off-street parking space.</li> </ul>	HC, GC, I
Off-site parking when the following applies: <ul style="list-style-type: none"> <li>a. Must be located not farther from the use served than a distance of 300 feet, measured by a straight line from the nearest point of the land on which the use is served is located to the nearest point of the separated off-street parking space.</li> <li>b. A written agreement shall be drawn to the satisfaction of the City attorney and executed by all parties concerned assuring the continued availability of the off-site parking facilities for the use they are intended to service.</li> </ul>	HC, GC, I
Additional Height for Accessory Buildings in residential districts	A, RR, R8, R6, D MF, & MH
Additional Height for Parking Lot Light Poles	All Districts

Exceed Illumination of 20 foot-candle for Public and Semi-Public Facilities	All Districts
Permit Laser Source Lights, Searchlights, Floodlights, Up-lighting of displays and bldgs, and Mercury Vapor lights	All Districts
Reduction of required parking between 11% and 50%	HC, GC, I
Antenna facilities which do not meet the requirements of <i>Section 35 Wireless communication Facilities</i>	See <i>Section 35</i> ,
Additional height over 60 feet	HC, GC, I
Parking in the front yard on an unimproved surface	R8, R6, D, & MH

**41.9 FEES**.....

There shall be a fee assessed for each request for a variance to this ordinance, in accordance with the City of Tolar fee schedule. Costs shall not be allowed against the Board unless it shall appear to the court that the Board acted with gross negligence or in bad faith, or with malice in making the decision appealed.

**Section 42 - Duties of City Council**

The duties of the City Council in connection with this ordinance shall not include hearing and deciding questions of interpretation and enforcement that may arise. Under this ordinance the City Council shall have only the duties of considering and adopting or rejecting proposed amendments or the repeal of this ordinance, as provided by law, and, of establishing a schedule of fees and charges as stated in Section 43 Fee Schedule.

**Section 43 - Fee Schedule**

The City Council shall establish a schedule of fees, charges and expenses and a collection procedure for the administration, review and processing of applications regarding the issuance of building permits, certificates of occupancy, zoning change requests, plats, Zoning Board of Adjustment appeals and other matters pertaining to this ordinance. The schedule of fees shall be posted in the office of the zoning administrative official, and may be altered or amended only by action of the City Council. Until all applicable fees, charges and expenses have been paid in full, no action shall be taken on any application or appeal.

**Section 44 - Amendments**

**44.1 GENERALLY**.....

The regulations, restrictions, and district boundaries created by this ordinance may be amended from time to time by the City Council.

**44.2 AMENDMENT INITIATION**.....

An amendment to this ordinance may be initiated by the City Council on its own motion or an owner or agent having proprietary interest in any property.

**44.3 PROCEDURE**

Any amendment to this ordinance shall require public hearings to be held before the City Council.

**44.4 NOTICE**

When any amendment relates to a change in classification or boundary of a zoning district, written notice of all public hearings before the City Council on proposed changes and classifications shall be sent to owners of real property lying within 200 feet of the property on which the change in classification is proposed. Such notice will be given not less than ten days before the date set for hearing, to all owners as the ownership appears on the last approved City tax roll. Such notice may be served by depositing the same, properly addressed, postage paid, in the City post office. Notice shall also be posted along with the agenda for all hearings and related meetings in accordance with the applicable laws of the State of Texas.

When an amendment relates to a change of zoning classification or to the text of this ordinance not affecting specific property, notice of the public hearings before the City Council shall be given by publication in a newspaper of general circulation in the City without necessity of notifying property owners by mail. The notice shall state the time and place of the hearing and the nature of the subject to be considered, which time shall not be earlier than 15 days from the date of publication.

**44.5 PROTEST**

In case the City Council does not approve the change, or in case of a written protest against such change, filed with the City secretary and signed by the owners of 20 percent or more, either of the area of the lots included in such proposed change, or of those lying within 200 feet of the property on which the change is requested, the amendment shall not be approved except by the favorable vote of three-fourths of all members of the City Council.

**44.6 FREQUENCY OF PETITION**

A property owner, lessee, developer or option holder may petition the City Council for an amendment to the text or district map of this ordinance, provided that before any action shall be taken as provided in the section, the party or parties petitioning for amendment shall deposit with the City secretary the fee amount stipulated by resolution of the City Council to cover the approximate cost of this procedure, and under no condition shall said sum or any part thereof be refunded for failure of such proposed amendment to be enacted into law. A party shall not initiate the same action for a zoning amendment or specific use permit affecting the same land more often than once every 12 months.

**Section 45 - Violations and Penalties**

**45.1 COMPLAINTS REGARDING VIOLATIONS**

Whenever a violation of this ordinance occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint stating fully the causes and basis thereof shall be filed with the administrative official. He shall record properly such complaint, immediately investigate, and take action thereon as provided by this ordinance.

**45.2 PENALTIES FOR VIOLATION**

Any person, firm, association of persons, corporation, or other organization who shall violate any provision of this ordinance shall be guilty of a misdemeanor and, upon conviction, shall be fined an amount not to exceed \$2,000.00. Each day a violation of this ordinance shall continue shall constitute a separate offense. Nothing herein contained shall prevent the City from taking such other lawful action as is necessary to prevent or remedy any violation.



**Section 46 - Severability**

The sections, paragraphs, sentences, clauses, and phrases of this ordinance are severable, and if any phrase, clause, sentence, paragraph, or section of this ordinance shall be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the remaining phrases, clauses, sentences, paragraphs, or sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such unconstitutional or invalid phrase, clause, sentence, paragraph, or section.

## Article 6 - Definitions

### Section 47 - Rules for Words and Phrases

#### 47.1 GENERAL INTERPRETATION.....

For the purpose of this 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.

#### 47.2 TENSE AND NUMBER.....

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.

#### 47.3 INTERPRETATION OF CERTAIN WORDS.....

The word "person" includes a firm, association, organization, partnership, trust, foundation, company, or corporation as well as an individual; the word "shall" is mandatory, not directory; the word "may" is permissive; the word "used" means "designed, intended, or arranged to be used"; "occupied" means "occupied or intended, designed, or arranged to be occupied." The word "lot" includes the words "plot," "parcel" or "tract of land"; the word "building" includes the word "structure"; the word "including" means "including but not limited to."

### Section 48 - Definitions

#### 48.1 GENERAL DEFINITIONS.....

The following general definitions do not include the definitions of uses. Uses are defined in *Section 48.2, Use Definitions and Explanations*. The following words, when used in this ordinance, shall have the meaning respectively ascribed to them in this section, unless the context of this ordinance clearly indicates otherwise.

**Administrative Official.** The individual charged with the administration and enforcement of this ordinance, or his duly authorized representative.

**Alley.** A public minor way which is used primarily for secondary vehicular service access to the back or side of properties otherwise abutting on a street or highway.

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

**Block.** An area enclosed by streets and occupied by or intended for buildings; or if used as a term of measurement, it shall mean the distance along a side of a street between the nearest two streets which intersect said street on the said side.

**Board.** The Zoning Board of Adjustment.

**Breezeway.** A covered passage one story in height and six feet or more in width connecting a main structure and an accessory building. A breezeway shall be considered an accessory building.

**Building.** Any structure built for the support, shelter and enclosure of persons, animals, chattels or movable property of any kind. When subdivided in a manner sufficient to prevent the spread of fire each portion so subdivided may be deemed a separate building.

**Building 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.

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

**Certificate of Occupancy.** An official certificate issued by the City through the administrative official which indicates conformance with or approved conditional waiver from the building or zoning regulations and authorizes legal use and occupancy of the premises for which it is issued.

**City Council (Council).** The governing body of the City of Tolar, Texas.

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

**Density.** The number of dwelling units permitted per net acre of land. A net acre of land does not include portions of streets or alleys.

**District.** A section of the City of Tolar for which the regulations governing the area, height, or use of the land and buildings are uniform.

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

**Easement.** A grant of one or more property rights by the owner to, or for the use by, the public, a corporation, or another person or entity.

**Family.** Any number of persons living together as a single non-profit housekeeping unit in which not more than four individuals are unrelated by blood, marriage, or adoption.

Notwithstanding the definition in the preceding paragraph, a family shall be deemed to include five or more persons not within the second degree of kinship occupying a dwelling unit and living as a single, nonprofit housekeeping unit, if said occupants are handicapped persons as defined in Title VIII of the Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988. Such unrelated individuals shall have the right to occupy a dwelling in the same manner and to the same extent as any family unit as defined in the first paragraph of this definition.

**Fence.** An open or solid enclosure designed to contain or prevent intrusion. An open fence is one in which the vertical surface thereof is not less than 70 percent open. A solid fence is one in which the vertical surface thereof is not greater than 30 percent open, and may be considered as a screening element. (See also Screening element.)

**Flood Plain.** Any land area susceptible to being inundated by water from any source.

**Floodway.** The channel, river, or other watercourse and the adjacent land area that must be reserved in order to discharge the 100-year flood without cumulatively increasing the water surface elevation more than one foot at any point.

**Floor Area.** The total square feet of floor space within the outside dimensions of a building including each floor level, but excluding cellars, attics, carports, or garages.

**Floor Area Ratio (FAR).** An indicated ratio between the number of square feet of total floor area in the main building(s) on a lot and the total square footage of land in the lot; it is the number resulting from dividing the main building floor area by the lot area.

**Glare.** A sensation of brightness within the visual field that causes annoyance, discomfort, or loss in visual performance and visibility.

**Grade.** The average of the finished ground level at the center of all walls of a building. In cases where walls are parallel to and within five feet of a sidewalk, the ground level shall be measured at the sidewalk.

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

- A. The highest point of the roof's surface if a flat surface;
- B. To the deck line of mansard roofs; or
- C. To the mean height level between eaves and ridge for hip and gable roofs and, in any event, excluding chimneys, cooling towers, elevator bulkheads, penthouses, tanks, water towers, radio towers, ornamental cupolas, domes or spires, and parapet walls not exceeding ten feet in height.

If the street grade has not been officially established, the average front yard grade shall be used for a base level.

**Impervious Coverage.** Any material that substantially reduces or prevents the infiltration of stormwater into previously undeveloped land.

**Infrastructure.** The essential facilities such as water, sewers, streets, highways, public utilities, libraries, parks, police and fire services, and other facilities related to the protection of the health, safety, and general welfare.

**Landscaping.** Live plant material including grass, shrubs, trees, and flowering plants as required by Section 4.11 Landscape Regulations.

**Loading Space, Off-street.** Space logically and conveniently located for bulk pickups and deliveries, scaled to delivery vehicles expected to be used and accessible to such vehicles when required off-street parking spaces are filled. Required off-street loading space is not to be included as off-street parking space in computation of required off-street parking space.

**Lot.** A parcel of land which is shown on an approved plat recorded in the Hood County plat records.

**Lot Area.** The area of the horizontal plane bounded by the vertical planes through front, side, and rear lot lines.

**Lot, Corner.** A lot abutting upon two more streets at their intersection.

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

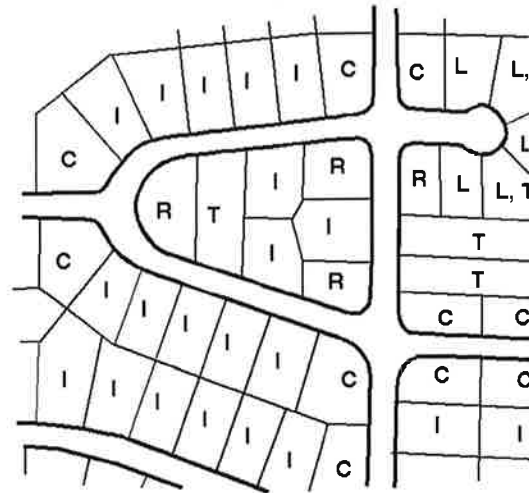
**Lot Depth.** The horizontal mean distance between the midpoint of the front and the midpoint of the rear lot lines.

**Lot, Flag.** A lot with access provided to the bulk of the lot by means of a narrow corridor.

**Lot, Interior.** A lot that is other than a corner lot.

**Lot Lines.** The property lines bounding a lot as defined herein.

**Lot Line, Front.** The boundary between a lot and the street on which it fronts.



**Lot Line, Rear.** The boundary line not intersecting a front lot line which is most distant and most closely parallel to the front lot line.

**Lot Line, Side.** Any lot boundary line not a front or rear line thereof.

**Lot, Through.** A lot other than a corner lot with frontage on more than one street. Through lots abutting two streets may be referred to as double frontage lots. Such lot(s) shall provide a front yard on each street.

**Lot Width.** The width of a lot at the front building line.

**Main (Principal) Building.** The building or buildings on a lot which are occupied by the primary use.

**Masonry.** That form of construction composed of brick, stone, concrete, gypsum, hollow-clay tile, glass block, fiber cement board, stucco or similar building units or materials or combination of these materials laid up unit by unit and set in mortar (Masonry does not include exterior insulated finish systems [EIFS]).

**Nonconforming Building.** A building which legally existed prior to the adoption, revision, or amendment of this ordinance but that does not meet the limitations on building size or location on a lot for the district in which the building is located, or for the use being made of the building.

**Nonconforming Lot.** A lot which was in compliance with applicable regulations prior to the adoption, revision, or amendment of this ordinance, but which fails by reason of adoption, revision, or amendment to conform to the lot requirements for the district in which it is located.

**Nonconforming Use.** A use of land which legally existed at the time of the effective date of this ordinance, or subsequent amendments thereto, which does not conform to the use regulations of the district in which it is situated.

**Occupancy.** The use or intended use of the land or buildings by proprietors or tenants.

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

**Parking Space, Off-street.** For the purposes of this ordinance, an off-street parking space shall consist of a space adequate for parking an automobile with room for opening doors on both sides, together with properly related access to a public street or alley and maneuvering room. Required off-street parking areas for three or more automobiles shall have individual spaces marked, and shall be so designed, maintained and regulated that no parking or maneuvering incidental to parking shall be within any public street, or alley, right-of-way, and so that any automobile may be parked and unparked without moving another. For purposes of rough computation, an off-street parking space and necessary access and maneuvering room shall be estimated at 300 square feet for residential uses and 400 square feet for nonresidential uses, but off-street parking requirements will be considered to be met only when actual spaces meeting the requirements in this ordinance are provided, maintained and improved in a manner appropriate to the circumstances of the case, and in accordance with all ordinances and regulations of the City. All required off-street parking spaces shall be provided and maintained wholly within private property lines and not within any public highway, street or alley right-of-way.

**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 and subject to approval by the City Council. Reference to a final plat in this ordinance means an official plat of record which has been approved by the City Council and filed in the plat records of Hood County.

**Premises.** Land together with any buildings or structures occupying all or any portion of the land.

**Private Drive, Street, or Place.** An open, unoccupied space, other than a street or alley, permanently established or reserved or dedicated in private ownership as the principal means of vehicular access to property abutting thereon.

**Property line.** (See lot line).

**Residence.** Same as a dwelling; also when used with the word "district," an area of residential regulations.

**Room.** A building or portion of a building which is arranged, occupied or intended to be occupied as living or sleeping quarters but not including toilet or cooking facilities.

**Screening Element/Device.** Screening element (device) or suitably screened as herein referred, shall mean any of the following:

- A. 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 30 percent open; or

- B. 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;
- C. 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.

**Semitrailer.** A vehicle designed or used with a motor vehicle so that part of the weight of the vehicle and its load rests on or is carried by another vehicle.

**Setback, Building.** The minimum horizontal distance between the front wall of any projection of the building (excluding steps) and the street line. (Same as Building line.)

**Special Exception.** A use that would not be generally appropriate without restriction throughout the zoning district but which, if controlled as to number, area, location, intensity or relation to the neighborhood, would or could be compatible therein and promote the public health, safety, welfare, morals, order, comfort, convenience, appearance, prosperity or general welfare. Such uses may be permitted as special exceptions by the Zoning Board of Adjustment, after public hearing thereon. See *Section 40 Zoning Board of Adjustment*.

**Specific Use.** The use of any building, structure, or land not specifically allowed by district regulations, but permitted as a specific use in accordance with *Section 24 Specific Use Permits*.

**Story.** That part of a building included between the surface of one floor and the surface of the floor next above, or if there be no floor above, that part of the building which is above the surface of the highest floor thereof. A top story attic is a half story when the main line of the eaves is not above the middle of the interior height of such story. The first story is above the middle of the interior height of such story. The first story is the highest story having its interior floor surface not more than four feet above the curb level, established or mean street grade or average ground level.

**Street.** A public way between two right-of-way lines (other than an alley or private drive) which has been dedicated or deeded to the public for public use and affords a principal means of access (vehicular or otherwise) to property abutting thereon, as well as for utilities and sidewalks.

**Street Line.** The right-of-way line of a street.

**Structure.** Anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground. Among other things, structures include buildings and mobile homes.

**Structural Alterations.** Any change in the supporting members of a building, such as bearing walls, columns, beams or girders, or any substantial changes in the roofs or exterior walls, excepting such repair or replacement as may be required for the safety of the building, but not including openings in bearing walls as permitted by the City building code.

**Thoroughfare.** Those public streets designated on the City of Tolar Thoroughfare Plan as "thoroughfares".

**Trailer.** a vehicle that is designed or used to carry a load wholly on its own structure; and is drawn or designed to be drawn by a motor vehicle.

**Vehicle.** As used herein shall include motor vehicle, motorcycle, trailer and semitrailer.

**Variance.** A variance is a relaxation by the Zoning Board of Adjustment of the dimensional regulations of the zoning ordinance where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions or the situation of the applicant, a literal enforcement of the zoning ordinance would result in unnecessary and undue hardship. See *Section 40 Zoning Board of Adjustment*.

**Yard, Front.** A yard across the full width of the lot extending from the building line to the front line of the lot abutting a street. Depth of required front yards shall be measured at right angles to a straight line joining the foremost points of the side lot lines. The foremost point of the side lot line, in the case of rounded property corners at street intersections, shall be assumed to be the point at which the side and front lot lines would have met without such rounding.

**Yard, Rear.** A yard between the rear lot line and the rear line of the main building and the side lot lines. Depth of a required rear yard shall be measured in such a manner that the yard established is a strip of the minimum width required by district regulations with its inner edge parallel with the rear lot line.

**Yard, Side.** A yard between the building and the side line of the lot and extending from the front yard to the required minimum rear yard. Width of a required side yard shall be measured in such a manner that the yard established is a strip of the minimum width required by district regulations with its inner edge parallel with the side lot line.

**Zoning District Map.** The official certified map upon which the boundaries of the various zoning districts are drawn and which is an integral part of the zoning ordinance.

#### **48.2 LAND USE DEFINITIONS AND EXPLANATIONS**

The following definitions and explanatory notes supplement, restrict, and define the meaning and intent of the uses listed in *Section 11, Permitted Use Table*.

**Accessory Building.** A subordinate building having a use customarily incident to the main building. A building housing an accessory use is considered an integral part of the main building when it has any part of a wall in common with the main building, or is under an extension of the main roof and designed as an integral part of the main building.

**Accessory Use.** A use customarily incidental to the main use of the property.

**Agricultural Use.** The use of a parcel of land for farming or ranching and shall include the structures that are normally associated with agricultural uses. However, this use shall not include commercial dairies, commercial dog kennels, commercial hatcheries, and commercial mink, fox, rat, or other fur bearing animal farms, or the farming of swine or exotic animals.

**Ambulance Service.** An establishment which provides ambulatory transport of persons, to or from a medical facility, for a fee.

**Amusement Center, Indoor.** A facility providing game equipment for entertainment and amusement as its primary source of income. Games contained in the facility may include coin operated machines utilizing balls, pins, and baskets, video equipment, and pinball. Other equipment may include skill games such as pool, billiards, bowling, shuffle board, darts, and batting cages. Any combination of



these games may be used in the facility. Games of wagering and chance, including 8-liners, categorized as gambling are prohibited and not included in this use.

**Amusement Center, Outdoor.** An amusement enterprise offering entertainment or games of skill to the general public for a fee or charge wherein any portion of the activity takes place in the open.

**Animal Grooming.** An establishment that offers to the general public the service of animal grooming for domestic pets. No boarding or medical care is provided.

**Animal Pound, Shelter.** A facility used to house or contain stray, homeless, abandoned, or unwanted animals and that is owned, operated, or maintained by a public body, or other nonprofit organization devoted to the welfare, protection, and humane treatment of animals.

**Antique Shop.** An establishment offering for sale articles such as glass, china, furniture, or similar furnishings and decorations which have value and significance as a result of age, design, or sentiment.

**Apartment.** A room or suite of rooms arranged, designed, or occupied as a dwelling unit residence by a single family, individual, or group of individuals living together as a single housekeeping unit.

**Apparel Alteration and Repair or Tailor Shop.** An establishment offering individual alteration, repair, or creation of clothing apparel to the public.

**Appliance Repair, Household.** A shop specializing in repair of household appliances.

**Art Gallery.** An establishment offering works of art for viewing and sale to the general public.

**Arts, Crafts, and Hobby Shop.** An establishment offering for sale those items commonly associated with hobbies, including display areas for hobbies.

**Assembly Hall.** A building and associated facilities dedicated to social or recreational activities serving the City or a neighborhood.

**Assembly Plant.** A facility for the assembly of equipment including automobiles, trucks, farm machinery, railroad cars, engines, and appliances from components fabricated for the most part in other locations.

**Athletic Field and Play Field, Commercial.** An athletic field or stadium owned and operated privately, including a baseball field, golf course, football field, or stadium which may be lighted for night-time play.

**Athletic Field and Play Field, Public.** An athletic field or stadium owned and operated by a public agency for the general public, including a baseball field, golf course, football field, or stadium which may be lighted for night-time play.

**Auction House.** A place where objects of art, furniture, or other goods are offered for sale to persons who bid on the object in competition with each other.

**Auditorium.** A large building and associated facilities for gathering an audience for speeches and performances.

**Auto Auction.** An enclosure or area, including outside storage, designed for the sale of automobiles at auction or using other sales techniques.

**Auto Car Wash.** An area and/or structure with machine or hand operated facilities used principally for the cleaning, washing, polishing, or waxing of motor vehicles.

**Auto Impound Lot / Wrecker Business.** An establishment offering the service of towing, impounding, and temporary storage of vehicles either which have been in an accident or are illegally parked.

**Auto Paint and Body Shop.** An automotive shop with a primary purpose of repairing and painting the outside surfaces of automobiles, trucks, and vans, and repairing and replacing the upholstery of such vehicles.

**Auto Parts and Accessory Sales.** An automotive shop with a primary purpose of selling new parts and accessories for automobiles, trucks, and vans.

**Auto Rental (Car and Truck).** An establishment primarily engaged in the short-term rental or extended term leasing of automobiles and trucks, not including truck tractors or semi-trailers.

**Auto Repair Garage.** An enclosed facility designed for the repair and maintenance of automobiles, trucks, and vans with outside storage allowed but no outside repair or maintenance conducted.

**Auto Sales, New and Used.** An open area or lot used for the display or sale of automobiles, trucks, and vans, 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.

**Auto Service Station.** An establishment for the retail sales of petroleum products, automobile accessories, auto tune-up, muffler installation incidental to the primary use, tire installation or repair, oil change or other lubricate services in which all services provided and all storage, supplies, parts, equipment, and accessories are indoors, with the exception of fuel-dispensing operations.

**Auto Service Station, Light Maintenance.** A premises where gasoline and other petroleum products are sold and / or light maintenance activities such as engine tune-ups, lubrication, minor repairs, and carburetor cleaning are conducted. Service stations shall include automobile inspection services, but shall not include areas where heavy automobile maintenance activities such as engine overhauls, automobile painting, and body fender work are conducted.

**Bakery, Retail Confectionery.** A shop offering for sale on premises those baked goods or candies made on premises or off premises. No production for off premise sale is allowed.

**Bakery, Wholesale Candy.** A manufacturing facility for either baked goods or candy with the purpose of selling the products at off-site retail locations.

**Bank, Savings and Loan Association, Financial Institution.** A building or premise offering banking, savings and loan, and other financial services, not including pawn shops as herein defined.

**Barber Shop, Beauty Salon, other Personal Shop.** An establishment which provides personal services including hair cuts, perms, color treatments, manicures, pedicures, and other personal beauty services.

**Boardinghouse.** A building other than a hotel, where lodging and meals for five or more persons, not members of the principal family therein, are served for compensation.

**Bottling Works.** A facility for the bottling of products for off-site retail sales.

**Building Materials Manufacturing.** A facility for the production of building materials which include fiberglass, wallboard, shingles, etc.

**Building Material Sales.** A distribution and sales center for retail and wholesale hardware, plumbing, lumber, and other materials used in the building trade.

**Bus, Train, and Taxi Station or Terminal.** A facility that provides for regularly scheduled transit services, passenger lounges, ticketing, and customer parking.

**Cabinet and Upholstery Shop.** A shop for the assembly of cabinetry for domestic use and furniture repairing, refinishing, and upholstery.

**Camp Ground and Related Facilities.** An area that is occupied or intended or designed for occupancy by transients using recreational vehicles, tents, or other temporary dwellings for dwelling, lodging, or sleeping purposes. The use may also include cooking facilities, bath houses, and recreation areas. This does not include a manufactured housing community.

**Caretaker's Residence, Guard's Residence, Servant's Quarters.** A residence located on a premises with a main non-residential or residential use occupied only by an employee of the principal use, and serviced through the same utility meters or connections as the principal use to which it is accessory. Manufactured homes are not permitted for this use.

**Carport.** A structure built and used for the shelter and protection of motor vehicles against the elements and consisting of a roof and supports, open on three sides from roof to adjacent ground level.

**Catering Service.** A facility where food is prepared in large quantities to be transported to, served, and consumed at an off-site location.

**Cemetery, Mausoleum, Crematorium.** An area or structure designed to contain the remains of humans or animals for permanent interment.

**Clinic.** A public or private, profit or non-profit facility for the reception and treatment of outpatient persons physically or mentally ill, injured, handicapped, or otherwise in need of physical or mental diagnosis, treatment, care, or similar service.

**Collectibles Shop.** A retail establishment offering such collectible items as sports trading cards, comic books, and stuffed animals for sale to the general public.

**Community Center.** A building dedicated to social or recreational activities, serving the City or a neighborhood and owned and operated by the City, or by a non-profit organization dedicated to promoting the health, safety, morals, or general welfare of the City.

**Contractor, No Outside Storage Permitted.** A business such as an electrician, mechanic, or plumber whose primary use provides a service by installing electrical, mechanical, or plumbing systems; which also may have limited sales of electrical, mechanical, or plumbing supplies or equipment as a secondary use incidental to its primary use. No outside storage permitted.

**Contractor, Outside Storage Permitted.** A business such as an electrician, mechanic, or plumber whose primary use provides a service by installing electrical, mechanical, or plumbing systems; which also may have limited sales of electrical, mechanical, or plumbing supplies or equipment as a secondary use incidental to its primary use. Outside storage permitted.

**Contractors Storage or Equipment Yard.** An area located on the same lot or separate lot as a principal use, used for outside storage of construction equipment, including vehicles and construction material.

**Convenience Store, with or without Fuel Sales.** A premise where gasoline and/or other petroleum products are sold as a principal use, and in connection with the principal use, a convenience store offering for sale prepackaged food products, household items, and other goods commonly associated with the same.

**Convent, Rectory, Monastery.** The building, buildings, or premises occupied by a religious community or association as a residence and a place of work and worship.

**Copy Shop.** A small commercial printing shop which sells on-site most of the items printed along with associated items.

**Cosmetic Tattoo Establishment.** An establishment where trained personnel apply micro-injections of pigment to the dermal layer of skin such that facial cosmetics are applied on a permanent basis. This does not include a tattoo parlor.

**Country Club.** An area containing a golf course and a clubhouse and available only to private specific membership. Such a club may contain adjunct facilities such as a private club (only in conformance with these regulations and applicable state statutes), dining room, swimming pool, tennis courts, and similar recreational or service activities.

**Dairy Processing.** A commercial plant for the storage and processing of milk and milk products.

**Day Care Center, Adult.** An agency at which six or more disabled or elderly adults not related to the proprietor, are left for care for a part of the 24 hours of the day.

**Day Care Center, Child.** An agency at which six or more children, under the age of 16 and not related to the proprietor, are left for care for a part of the 24 hours of the day.

**Day Care, in the Home.** A private residence where care, protection, and supervision are provided on a regular schedule, at least twice a week to no more than six children, including children of the adult provider.

**Department Store.** A store offering a variety of comparison and consumptive goods at retail price to the general public.

**Dwelling, Assisted Living Facility.** A facility intended to provide dwelling units for occupancy by persons requiring the level of care and support defined by the State of Texas as "supervised living".

**Dwelling, Industrialized Housing.** A detached residential building that is designed for the use and occupancy of one family, 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 does not include any residential structure that is in excess of three (3) stories or forty nine (49) feet 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 (i) housing constructed of sectional or panelized systems not utilizing modular components; or (ii) any ready made 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.

**Dwelling, Manufactured Housing or Mobile Home.** Shall be defined and differentiated by the following:

- A. Mobile Home is a structure that was constructed before June 15, 1976, transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width or 40 body feet or more in length; or when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems.
- B. HUD- Code Manufactured Home is a structure, constructed on or after June 15, 1976, according to the rules of the United States Department of Housing and Urban Development, transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width or 40 body feet 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.

**Dwelling, Multifamily.** A residential building containing three or more dwelling units, with the number of families in residence not exceeding the number of dwelling units provided.

**Dwelling, Single Family Attached.** An attached residential building, not including a mobile home or HUD Code manufactured home, which contains not more than one dwelling unit per lot of record.

**Dwelling, Single Family Detached.** A detached residential building, not including a mobile home or a HUD Code manufactured home, which contains not more than one dwelling unit per lot of record.

**Dwelling, Guesthouse,** A residential dwelling, which may include living, sleeping, bathing, and kitchen facilities but is secondary to the main dwelling structure and is used solely for habitation of guests on a temporary basis and at no compensation.

**Dwelling, Two-family.** A residential building containing two dwelling units.

**Electrical Generating Station.** A facility designed to convert electrical current from other energy sources for consumption by dwellings and other structures.

**Electrical Sub-Station.** A facility designed to convert electrical current to a different phase or voltage prior to consumption by dwellings and other structures.

**Electrical Transmission Line.** A high voltage line used to transmit electrical current to or between electrical substations or long distances and customarily associated with towers.

**Electronics Manufacturing.** A facility for the production of printed circuit boards, microchips, and other electronic parts which may be assembled on site into end products such as computers, televisions, radios, and communication equipment.

**Exterminating Service.** A business providing extermination services for household pests, including insects and rodents.

**Factory Outlet, Retail or Wholesale Store.** An establishment that offers goods and products to the public that are obtained direct from the manufacturer at prices that reflect savings due to the reduced cost of said direct distribution.

**Farm Machinery and Implement Sales and Service.** An enclosed area designed for sales and repair of farm machinery.

**Funeral Home, Mortuary.** A building or part thereof used for human funeral services. Such building may contain space and facilities for cremation facilities, embalming, and the performance of other services used in preparation of the dead for burial; the performance of autopsies and other surgical procedures; the storage of caskets, funeral urns, and other related supplies; and the storage of funeral vehicles. Where a funeral home is permitted, a funeral chapel shall also be permitted.

**Furniture, Fixture, and Appliance Store.** A retail establishment offering home furnishings, fixtures, and appliances to the general public.

**Garage, Private.** An enclosed two-car accessory building or portion of a main building on the same lot and used for the storage only of private passenger motor vehicles and recreational vehicles, owned and used by the owners or tenants of the premises.

**Garage, Public.** A building or portion thereof, except as herein defined as a private garage or as a repair garage, used for the storage of motor vehicles, or where any such vehicles are kept for remuneration or hire; in which any sale of gasoline, oil, and accessories is only incidental to the principal use. Facilities for washing may be provided.

**Garage, Repair.** A building or space for the repair or maintenance of motor vehicles, not including factory assembly of vehicles, auto wrecking establishments, or junkyards.

**Gas Regulator Station.** A station used to regulate the flow or pressure of gas in a pipeline.

**Gift Shop.** A shop offering gifts, souvenirs, and associated products for sale.

**Golf Course, Driving Range.** An establishment offering areas for driving of golf balls including "pitch and putt" facilities.

**Golf Course, Miniature.** An establishment offering facilities for miniature golf.

**Golf Course, Private.** Grounds and facilities used in the playing of the game golf, for use by private membership.

**Golf Course, Public.** Grounds and facilities used in the playing of the game golf, privately owned but open to the public for a fee and operated as a commercial venture.

**Go Cart Track and Other Motor Vehicle Track or Facility.** A private, commercial enterprise offering outdoor go-cart tracks to the general public for a fee or charge. A go-cart is a non-licensed motorized low horse power vehicle powered by either a gas or electrical motor to be used for the purpose of entertainment, generally having the capacity of one driver/operator. Does not include remote control vehicles.

**Governmental Administration Facility.** A building or structure owned, operated, or occupied by governmental agency to provide a governmental service to the public.

**Greenhouse or Plant Nursery.** An establishment operated for commercial purposes, offering plants grown on premises and off premises and associated products for sale for use in connection with home gardening activities.

**Grocery Store.** A retail store primarily engaged in the retail sales of all sorts of canned goods, dry goods, fresh fruits and vegetables, and fresh and prepared meats, fish, and poultry.

**Group Home for the Disabled or Disadvantaged.** A dwelling shared by four or more disabled persons, including resident staff, who live together as a single housekeeping unit and in a long-term, family-like environment in which staff persons provide care, education, and participation in community activities for the residents with the primary goal of enabling the resident to live as independently as possible in order to reach their maximum potential.

As used herein, the term "disabled" shall mean having (1) a physical or mental impairment that substantially limits one or more of the person's major life activities so that such person is incapable of living independently; (2) a record of having such an impairment; or (3) being regarded as having such an impairment. However, "disabled" shall not include current illegal use of or addiction to controlled substance, nor shall it include any person whose residency in the home would constitute a direct threat to the health and safety of other individuals. The term "group home for the disabled" shall not include alcoholism or drug treatment center, work release facilities for convicts or ex-convicts, or other housing facilities serving as an alternative to incarceration.

**Gymnasium.** A building or room used for physical education and sports, which may be equipped with gymnastic or other sports related equipment and which may have seating in which spectators may view sports activities.

**Hardware Store.** An establishment offering hand tools, small building materials, and associated convenience items for sale to the general public.

**Health Club, Recreation Facility.** An indoor facility including uses such as game courts, exercise equipment, locker rooms, Jacuzzi, and/or sauna and pro shop, gymnasiums, private clubs (athletic, health, or recreational), reducing salons, and weight control establishments.

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

**Helistop.** A landing pad for occasional and infrequent use by rotary wing aircraft with no fueling facilities.

**Hobby Studio, Private.** An accessory activity area, used by the occupants of the premises purely for personal enjoyment, amusement, recreation, or cultivation of artistic talents.

**Home Occupation.** An occupation customarily conducted for gain or support entirely within a dwelling by a member or members of a family while residing therein, and which is clearly incidental and secondary to the residential use of the premises and does not change the character thereof. See *Section 29 Home Occupations*.

**Hospital.** An institution specializing in giving clinical, temporary, and emergency services of a medical or surgical nature to human patients and injured persons, and licensed by state law to provide facilities and services in surgery, obstetrics, and general medical practice including related facilities such as laboratories, out-patient departments, training facilities, central services facilities, and staff offices that are an integral part of the facilities. Hospitals may include supportive retail and personal service uses operated by or under the control of the hospital primarily for the convenience of patients, staff, and visitors.

**Hotel, Motel.** A building or portion thereof in which ten or more guest rooms are provided for occupancy for compensation by transient guests.

**Junk.** The term "junk" is defined to mean, and shall include, scrap iron, scrap tin, scrap brass, scrap copper, scrap lead, or scrap zinc and all other scrap metals and their alloys, and bones, rags, used cloth, used rubber, used rope, used tinfoil, used bottles, old cotton or used machinery, used tools, used appliances, used fixtures, used utensils, used boxes or crates, used pipe or pipe fittings, used automobile or airplane tires, and other manufactured goods that are so worn, deteriorated or obsolete as to make them unusable in their existing condition, subject to being dismantled for junk.

**Kennel.** A lot or premises on which four or more dogs, cats or other domestic animals at least four months of age are housed or accepted for boarding, trimming, grooming and/or bathing for which remuneration is received.

**Laboratory, Medical and/or Dental.** A facility with materials and scientific and technological equipment designed for scientific experimentation, examination, evaluation, and documentation for medical and other technologies.

**Landscape Service.** A business principally engaged in the decorative and functional alteration, planting, and maintenance of grounds. Such a business may engage in the installation and construction of underground improvements necessary to support or sustain the landscaped surface of the ground.

**Laundry, Dry Cleaning Full Service.** A retail establishment providing full service laundry and dry cleaning services to the general public.



**Laundry, Dry Cleaning Pickup and Receiving Station.** A retail establishment providing a drop-off and pick-up point for customers to leave wearing apparel or other material in need of laundry and dry cleaning and pick up of items when laundered and/or dry cleaned.

**Laundry, Dry Cleaning Self Service.** A retail establishment providing facilities for customers to launder or dry clean wearing apparel or other materials.

**Library.** Buildings and structures open for the general public, for which a fee may or may not be charged for the use of book and other media collections.

**Lithography or Print Shop.** A large commercial printing shop with multiple presses and capabilities.

**Locksmith Shop.** A shop that specializes in making, selling, and repairing keys, locks, and associated material.

**Lodge, Fraternal, Sorority, and Clubs.** An association of persons meeting regularly for their mutual benefit or for the promotion of some common purpose, supported jointly through payment of membership dues, all members having the right to vote on policies and business.

**Machine Shop.** A shop that manufactures metal products through the use of presses, stamps, and dyes.

**Machinery Sales or Repair.** A facility for the storage, repair, outside sales, or rental of heavy machinery or equipment.

**Manufactured Housing Park or Subdivision.** A parcel of land not less than three acres in size developed for rental or sale of lots for the installation for residential uses of HUD Code manufactured Housing.

**Manufactured or Industrialized Housing Sales or Rental.** An area devoted to outside sales or rental of HUD-Code manufactured homes or industrialized housing. For off premise residential use only.

**Manufacturing Facility (Light).** A facility used for sub-assembly, or assembly of sub-assemblies for industrial purposes, and may conduct manufacturing that does not emit noise, odor, dust, or other hazards.

**Meat Market.** A retail facility that offers meat, fish, and poultry products for sale to the public and shall include the sale of meat and meat products to restaurants, hotels, clubs, and other similar establishments when such sale is conducted as part of the retail business on the premises.

**Meat Product Processing.** A facility for processing cuts of meat from off-site into finished products.

**Medical, Dental, and Optical Retail Sales.** An establishment offering prescription and over the counter products for sale.

**Medical, Dental Office.** Offices for one or more physicians, surgeons, or dentists engaged in treating the sick or injured, but not including rooms for the abiding of patients.

**Medical Equipment Sales, Rental, and Leasing Service.** An establishment including offices, stores, and display rooms for the display, sale, rental, and leasing of medical equipment.

**Mini-warehouse.** A building or group of buildings in a controlled access and fenced compound consisting of varying sized of individual, compartmentalized, and controlled access, self-contained units that are leased or owned for the storage of business and household goods or contractor supplies.

**Motor Freight Terminal.** A facility with the capability of handling a large variety of goods involving various forms of transportation and providing multimodal shipping capabilities, such as rail to truck and truck to air.

**Museum.** An institution for the collection, display, and distribution of objects of art or science which is sponsored by or owned and operated by the City, a public or quasi-public agency, and which facility is open to the general public.

**Music Store.** An establishment offering music, musical instruments, and other related items for sale to the general public. Such establishment may offer repair services of musical instruments.

**Nursing Home.** A structure used for or occupied by persons recovering from illness or suffering from the infirmities of old age, including developments containing convalescent or nursing facilities.

**Office, Business.** An office in which chattels or goods, wares, or merchandise are not commercially displayed, created, sold, or exchanged.

**Office Machine Sales and Service.** A shop specializing in the sale and repair of office machinery.

**Office, Professional.** A building or portion of a building wherein services are performed involving predominantly administrative, professional, or clerical operations. Including but not limited to insurance broker, public stenographers, real estate broker, stock broker, doctor, dentist, and other persons who operate or conduct offices which do not require the stocking of goods for wholesale or retail sales.

**Office, Real Estate Development Tract or Field Office.** A temporary office for the purpose of selling real estate to the general public located on or adjacent to the real estate being offered for sale.

**Office Supply Store.** A store that specializes in office supplies.

**Optician Shop.** A shop that manufactures optical devices, especially eyeglasses.

**Park.** Public or private land available for recreational, educational, cultural, or aesthetic use.

**Parking Area.** An area for the driving, parking, display, or storage of motor vehicles.

**Parking Lot, Commercial (Auto).** A structure or lot devoted to the temporary parking of automobiles for a fee.

**Parking Lot, Commercial (Truck).** A facility for temporary parking of currently commercial licensed trucks in excess of one ton, for a fee.

**Pawn Shop.** A shop specializing in making small loans against personal property or buying used personal goods from individuals.

**Pet Shop.** A shop offering small animals for sale, with associated goods and services.

**Pharmaceutical Plant.** A facility for the production of drugs for medicine.

**Pharmaceutical Products Manufacturing.** A facility for the production of drugs for medicine.

**Pharmacy.** An establishment offering prescription and over the counter pharmaceuticals and other associated products for sale to the public.

**Philanthropic and/or Charitable Use.** A nonprofit organization supported mainly by charity and whose principal function is the performance of charitable work.

**Photographic Equipment Sales and Service.** A shop that specializes in the sale and repair of photographic equipment.

**Photographic Service.** An establishment offering drop off of film for processing and pickup of developed photographs and related services.

**Plastic Products Manufacturing.** A facility for the production of molded products constructed out of plastic, fiberglass, or other composite material.

**Private Club.** An establishment providing social and dining facilities as well as alcoholic beverage service to an association of persons and otherwise falling within the definition of and permitted under the provisions of that portion of Title 3, Chapter 32, VTCA, Alcoholic Beverage Code, as hereafter amended and as it pertains to the operation of private clubs.

**Public Maintenance Building, Storage Yard.** A structure or yard that is used for storage of equipment, materials, or other property and that is owned and maintained by a governmental entity.

**Public Safety Facility, Police and Fire.** A facility designed to provide public protection from dangers of fire and crime, including civil defense, operational centers, police and fire stations, and training facilities.

**Public Utility.** A closely regulated enterprise with a franchise for providing to the public a utility service deemed necessary for the public health, safety, and welfare.

**Radio, Television Studio.** A facility designed to create and broadcast original source programming, or relay commercial programming from another source, including taped or pre-recorded materials for any part of the radio spectrum for commercial consumption.

**Wireless Transmission or Receiving Facility.** A structure or structures supporting antennas and/or commercial satellite antenna dishes which are transmitting or receiving any portion of the radio spectrum including wireless communication facilities, but excluding non-commercial antenna installations for home use of radio or television. See *Section 35 Wireless Communications Facilities*.

**Railroad Freight Terminal.** A facility for the assembly or storage of freight to or from rail cars.

**Recreational Ranch or Farm.** An establishment incorporating a variety of rural uses, including sports arenas, rodeo grounds, pavilions, animal stables, and facilities which may be rented for private parties.

**Recreational Vehicle Storage (Commercial).** A facility or location which, upon payment of a fee, provides for the parking and storage of recreational vehicles.

**Recycling Collection Center.** A building in which used materials such as newspapers, glassware, and metal cans are separated and processed prior to shipment to others who will use those materials to manufacture new products.

**Religious Institution.** Facilities in which persons regularly assemble for religious worship and activities intended primarily for purposes connected with such worship or propagating a particular form of religious belief.

**Rental Store.** An establishment that provides equipment and goods for rent by the general public to be used off site. All storage of rental equipment and goods shall be contained within the limits of the primary structure.

**Rental Yard, Commercial and Heavy Equipment.** An establishment that provides heavy equipment for rent to contractors or the general public to be used off site. The storage of rental equipment or goods may occur either within the limits of the primary structure or may be displayed and stored outside of the primary structure. Areas reserved for repairs and maintenance of all equipment or goods must be within the primary structure.

**Restaurant.** A business establishment whose principal business is the selling of unpackaged food to the customer in a ready-to-consume state, in individual servings, or in non-disposable containers, and where the customer consumes these foods while seated at tables or counters located within the building. Such use includes cafés, lunch rooms, and tea rooms.

**Restaurant, Drive-in / Drive-thru.** Any place or premises used for sale, dispensing, or serving of food, refreshments, or beverages in automobiles, including those establishments where customers may serve themselves and may eat or drink the food, refreshments, or beverages on the premises.

**Restaurant, Refreshment Stand (Temporary or Seasonal).** Any place or premises used for sale, dispensing, or serving of food, refreshments, or beverages from a temporary or permanent building on a temporary or seasonal basis.

**Rodeo Ground / Fair Ground.** An outdoor entertainment area providing an arena for rodeo activities, including grandstands and bleachers for the viewing public, storage pens, and facilities for the caring and presentation of livestock, and open area for exhibits and carnival activities.

**Roominghouse.** A building other than a hotel where lodging for three but not more than 12 persons is provided for definite periods for compensation pursuant to previous arrangement.

**Salvage Yard.** An area for salvage of metals, and/or other fabricated products, which may include a yard or building where automobiles or parts of automobiles or machinery are stored, dismantled and/or offered for sale in the open as whole units, as salvaged parts or as processed metal.

**School, Business College.** A facility that provides a curriculum limited to the teaching of office and business practices and skills.

**School, College or University.** An academic institution of higher learning, accredited or recognized by the State, and offering a program or series of programs of academic study leading to a recognized degree or advanced degree. Including junior and senior colleges, universities, conservatories and seminaries.

**School, Commercial Instruction.** A facility that instructs and trains students in the arts, such as of music, dance, gymnastics, or martial arts, and is primarily operated on a commercial basis.

**School, Commercial Trade.** A business organized to operate for a profit and offering instruction and training in a trade such as welding, brick laying, machinery operation, and similar manual trades.

**School, Home.** Educational activities consisting of a defined curriculum with the purpose of satisfying the state educational requirements and said educational activities being conducted in the home of a student living in the home. Said educational activities shall be considered to be a part of the housekeeping activities of a family.

**School, Home Day.** Educational activities consisting of a defined curriculum with the purpose of satisfying the state educational requirements and said educational activities being conducted in a home but not necessarily the home of the student living therein. There shall be no more than 6 unrelated students not living in the home in which the educational activities are being conducted. The total number of students living in the home in which the activities are being conducted shall not exceed 12 at any given time.

**School, Institution, Rehabilitation, and Training Center.** A facility that provides rehabilitation and training operated or sponsored by chartered educational, religious, or philanthropic organizations, but excluding uses such as trade schools, which are operated primarily on a commercial basis.

**School, Nursery.** An establishment providing for the care, supervision, and protection of children.

**School, Primary or Secondary.** A public or private facility that provides a curriculum of elementary or secondary academic instruction, including kindergartens, elementary schools, junior high schools, and high schools.

**School, Vocational.** A secondary or higher education facility primarily teaching usable skills that prepare students for jobs in a trade and meeting the state requirements of a vocational facility.

**Shoe Repair.** An establishment offering shoe repair service to the general public.

**Sign Shop, Painted or Silkscreened.** A retail business offering signs and banners for sale.

**Skating Rink.** An establishment that provides facilities for participant ice or roller skating.

**Stable, Commercial.** A building designed for the keeping of horses or mules used for pleasure riding or driving, for boarding, or for hire, including a riding track.

**Stable, Private.** A building designed for the keeping of horses or mules owned by the occupants of the premises and not kept for remuneration, hire, or sale.

**Stockyard.** An area designed to receive and transfer large quantities of livestock, containing a number of holding pens, loading and unloading areas, ramps, and other facilities required for the handling of large quantities of livestock.

**Stone Monument Sales.** A retail establishment offering for sale stone monuments produced off-premises, excluding cutting of slabs.

**Storage and Warehousing Establishment.** A facility that is constructed such that large quantities of products or goods may be stored for extended periods of time. Said facility may be equipped with loading ramps and docks that facilitate the loading and off-loading of semi-trailer vehicles.

**Storage Yard.** Facilities to store any equipment, machinery, building materials, or commodities, including raw, semi-finished, and finished materials outside at ground level.

**Studio.** A facility for professional work or teaching of any form of commercial or fine arts, photography, music, drama, dance, but not including commercial gymnasium or dance hall.

**Swimming Pool, Water Park, Commercial.** A swimming pool and accessory facilities, not part of the municipal or public recreation system, and not a private swim club, but where the facilities are available to the general public for a fee.

**Swimming Pool, Private.** A swimming pool and accessory facilities constructed for the exclusive use of the proprietor, when located in other than the minimum front yard.

**Tattoo Parlor/Body Piercing Studio.** An establishment whose principle business activity, either in terms of operation or as held out to the public, is the practice of one or more of the following: (1) placing of designs, letters, figures, symbols, or other marks upon or under the skin of any person, using ink or other substances that result in the permanent coloration of the skin by means of the use of needles or other instruments designed to contact or puncture the skin; (2) creation of an opening in the body of a person for the purpose of inserting jewelry or other decoration.

**Taxidermist Studio.** A retail establishment offering for sale to the public the products produced by a taxidermist at a separate location.

**Taxidermist Shop.** An establishment offering the services of taxidermy.

**Telephone Exchange, Switching, or Relay.** A facility for the exchange, switching, relaying, or transmission of telephone services, not including public office facilities, storage, or repair facilities.

**Textile Manufacturing.** Includes knitting, weaving, printing, and finishing of textiles and fibers into fabric goods

**Theater, Indoor Motion Picture.** An establishment offering motion pictures for viewing by the public.

**Tobacco Shop.** A retail establishment offering for sale to the public tobacco products and accessories.

**Utility Building and Structures.** Operations such as power substations, water tanks or reservoirs, water or sewage treatment plants, also including supportive structures such as pump and lift stations.

**Veterinary Hospital with Outside Pens.** An office and clinic of a doctor of veterinary medicine for small domestic animal practice including outside treatment pens.

**Veterinary Hospital without Outside Pens.** An office and clinic of a doctor of veterinary medicine for small domestic animal practice, without outside treatment pens.

**Veterinarian Office, Large Animal Practice.** The offices of a doctor of veterinary medicine with on site treatment of large domestic animals, which may consist of livestock and/or other farm animals and may include outside treatment pens, shelters, or barns.

**Veterinarian Office, Small Animal Practice.** The offices of a doctor of veterinary medicine with on site treatment of small domestic animals, which consist primarily of household pets and animals that are not sheltered in pens or barns (excluding dog runs and pens).

**Video / Game Rental.** A commercial establishment that provides as a service a library of video movies and video games which may be rented on a short term basis and returned for reuse.

**Watch and/or Jewelry Sales and Repair.** An establishment offering watches and jewelry for sale to the public, and offering repair services for jewelry, watches, and similar items.

**Warehousing and Freight Office and Storage.** A use engaged in storage, wholesale sales, and distribution of manufactured products, supplies, and equipment, but excluding bulk storage of materials that are flammable or explosive or that create hazardous or commonly recognized offensive conditions.

**Welding or Machine Shop.** A facility for the machining and welding of metals, not including forging or structural welding.

#### **48.3 SIGNAGE DEFINITIONS**

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For the purposes of this section, the following definitions shall apply:

**Area of Sign.** The total area within the extreme rectangular perimeter of the attraction area intended to draw attention to the sign. Supporting structures shall not be included in calculations. The area of the sign with two faces, approximately opposed, shall be that of the larger face if such condition prevails; but, if the angle between the panes of the opposing faces exceeds 30 degrees, the total area of both faces shall be considered the sign area. For multisided or circular signs, the calculation shall include all of the projected area.

**Awning.** An architectural projection which provides weather protection, identity, or decoration, and is supported by the building to which it is attached. It is composed of a lightweight rigid or retractable skeleton structure over which another cover is attached, which may be of fabric or other material. Such sign may be raised or retracted to a position against the building, and may be illuminated.

**Banner.** A sign made of paper, plastic, or fabric, with or without a frame, containing characters, letters, illustrations, or ornamentations applied to paper, plastic, or fabric. Banner does not include a flag.

**Billboard.** A sign which directs attention to a business, person, organization, activity, event, place, commodity, product, or service conducted, sold, or offered at a location other than the premises on which the sign is located.

**Builders directional sign.** A temporary sign which provides direction or instruction to guide persons to sites where new homes are under construction, usually off-premise.

**Canopy.** A structure made of metal or other material with a frame supported by either one or more columns or the building to which it is accessory, and is open on two or more sides.

**Construction sign.** A temporary sign identifying individuals or companies involved in design, construction, wrecking, financing, or improvements of the premises where work is under construction.

**Directory sign.** A sign which indicates the name and/or address of the tenants or occupants, the address of the premises, and/or identification of any business or occupation which may exist on the premises.

**External illumination.** Illumination of a sign by an artificial source of light which is not contained within the sign itself.

**Flag.** Any fabric containing distinctive color, pattern, or symbols, used as a symbol of a government, political subdivision, non-profit organization, or corporation that is flown from flagpoles.

**Flashing sign.** An illuminated sign on which the artificial source of light is not maintained stationary or constant in intensity and color at all times when the sign is illuminated. For the purpose of this ordinance, any moving illuminated sign affected by intermittent lighting shall be deemed to be a flashing sign.

**Gross surface area.** The area of the smallest rectangle enclosing the extreme limits of characters, lettering, illustrations, ornamentation, or other fixtures, material, or color forming part of the sign. Structural supports bearing no sign copy shall not be included in gross surface area; however, if any portion of the required structural supports become enclosed for decorative or architectural purposes, that portion will be included in the total gross surface area of the sign. Gross surface area shall be measured on one side only of a two faced (back to back) sign carrying the same image and message on both faces. Two faced signs carrying different messages and images on each side shall be considered as separate signs.

**Ground sign.** A sign not wholly supported on a building, or which has its main supporting structure depending on the ground for attachment.

**Illuminated sign.** A sign which has characters, letters, figures, or designs illuminated by electric lights, luminous tubes, or other means that are specifically placed to draw attention to, or provide night time viewing of, the subject matter on the sign face.

**Illumination, external.** Lighting by means of an unshielded light source (including neon tubing) which is effectively visible as an external part of the sign.

**Illumination, internal.** Lighting by means of a light which is within a sign having translucent background, silhouetting opaque letters or designs, on which letters or designs are placed, which are themselves made of translucent material.

**Incidental signs.** Small signs of a non-commercial nature, intended primarily for convenience of the public. Included are signs designating restrooms, address numbers, hours of operation, entrances to buildings, directions, help wanted, public telephones, and so forth.



**Inflatable sign.** Any display capable of being expanded by air or other gas and used on a permanent or temporary basis to advertise a product or event.

**Instructional sign.** A sign limited to directional messages, principally for pedestrian and vehicular traffic, such as one-way, entrance, and exit.

**Logo.** Any design or insignia of an organization, individual, company, or product which is commonly used in advertising to identify that organization, individual, company, or product.

**Marquee.** Any hood or awning or permanent construction projecting from the wall of a building or other structure containing either permanent or changeable advertising.

**Menu board.** A sign displaying the menu for a drive-up window for a food establishment.

**Monument sign.** A permanent ground sign generally constructed out of brick, stone, or cast concrete supported on a concrete foundation across the entire base of the structure.

**Moving sign.** A sign which revolves, rotates, swings, undulates, or otherwise attracts attention through the movement of parts or through the impression of movement, including automatic electronically controlled copy changes, but not including flags, banners, or pennants.

**Nameplate sign.** An on-premise non-illuminated sign identifying only the name, address, and/or profession of the occupant of the premises on which the sign is located.

**Off-premise sign.** A sign which directs attention to a business, person, organization, activity, event, place, commodity, product or service not conducted, sold, or offered upon the premise on which the sign is located.

**On-premise sign.** A sign which promotes or advertises a business, person, organization, activity, event, place, commodity, product, or service which is conducted, sold, or offered upon the premise where the sign is located.

**Pennant.** A wind device usually made of lightweight plastic, fabric, or other material whether or not containing a message of any kind, usually triangular in shape and attached to a single cord.

**Permanent sign.** A sign which is fixed in nature that is erected, affixed, or maintained on a premises for a period of time which is regulated by Table 1, Schedule for Permanent Signs.

**Pole sign (also called pylon sign).** A freestanding ground sign supported by one or more poles columns, uprights, or braces placed in or upon the ground and having no guys or braces to the ground or to any other structure.

**Political sign.** A temporary sign pertaining to any national, state, county, or local election that supports or opposes an announced candidate, political party, or issue of political significance.

**Portable sign.** Any temporary sign supported by the ground but not attached to the ground, which can be regularly moved from a location at periodic intervals, and which is located upon the premises where the business, profession, activity, commodity, service, or entertainment referred to by the sign is located. The term "portable sign" shall include the following:

- A. A sign which is mounted on a trailer or wheels or is part of a trailer and by its design can be towed from one location to another by the use of attached wheels or by attaching an axle to existing mounts;
- B. An "A-frame" type sign;
- C. A sign affixed by pole or poles to a portable base made of wood, metal, or concrete;
- D. A sign suspended or attached to a stand with an inverted "T" base; and
- E. Any sign that the base is inserted into a sleeve mounted or driven into the ground which can be easily extracted from said sleeve by simply lifting or removing bolts.

**Premises.** A lot or tract, or a combination of contiguous lots or unplatted tracts if the lots or tracts or combination are under a single ownership and are reflected in the plat or deed records of Hood County. Multi-tenant locations shall be considered as being one premises.

**Projecting Sign.** A sign suspended from a building or structure and projecting out there from more than one Foot.

**Pylon sign.** See pole sign.

**Qualified Street Frontage.** The width of property along the street of a commercial or industrial development which bears the address of the property.

**Reader board sign.** A sign comprised of non-permanent letters, numerals, or symbols which may be changed by adding, removing, or rearranging the letters, numerals, or symbols, either manually or electronically.

**Real estate sign.** A sign relating to the sale, lease, or rental of the premises upon which such a sign is placed.

**Roof sign.** A sign mounted upon, against, or directly above the roof or parapet line of a building or structure, or that is wholly dependent upon a building for support and that projects above the top walk or edge of a building with a flat roof, the eave line of a building with a gambrel, gable, or hip roof, or the deck line of a building with a mansard roof.

**Search light.** A large outdoor lighting apparatus used to attract attention to a business or a specific location.

**Secondary sign.** A sign located on premise identifying individual uses in a mixed use multi-tenant commercial shopping center.

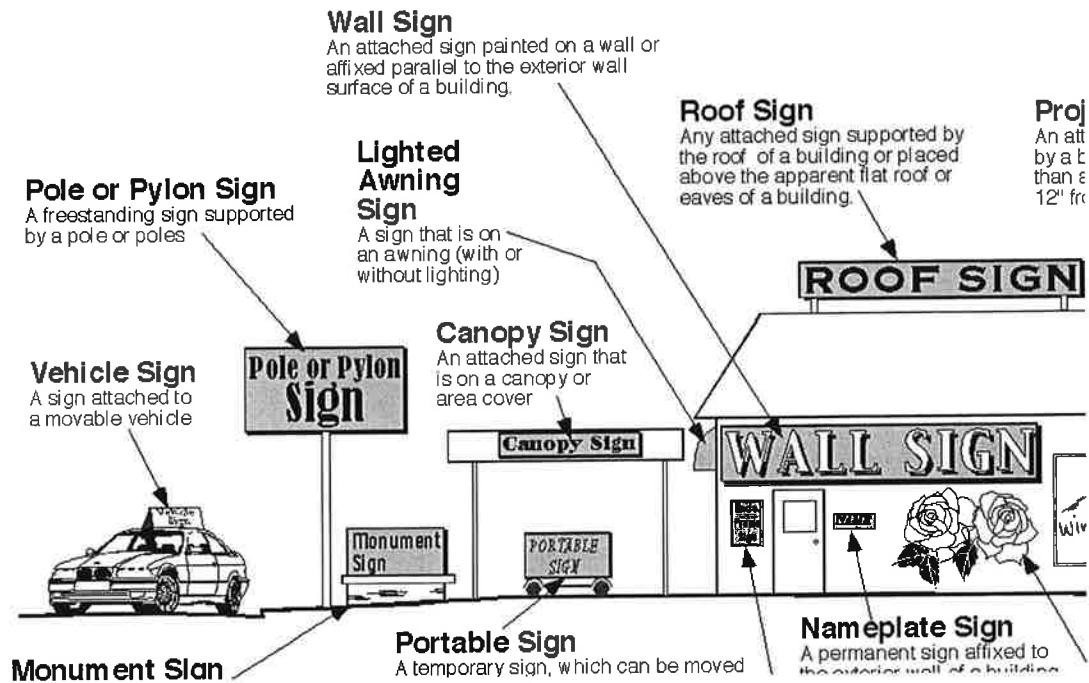
**Sight triangle.** An area of unobstructed visibility on either corner of a street and/or driveway of at least 25 feet in any direction.

**Sign.** Any name, number, identification, description, announcement, declaration, demonstration, device, display, flag, banner, pennant, illustration, logo, balloon, streamer, valance, advertising display, poster, beacon, light, or insignia, illuminated or non-illuminated, affixed directly or indirectly to or upon any building, window, door, or outdoor structure, which is visible to the general public and calls attention to any business, person, organization, event, commodity, object, product, service, place, or activity, including any permanently installed or situated merchandise or facsimile.

**Street grade.** The average elevation of the projected corners of a property, adjacent to a dedicated street right-of-way or roadway easement, the elevation of the corners being measured at the top of the curb, or the centerline of the street if no curb is present.

**Temporary event.** An event such as a "grand opening," or a "going out of business sale" which lasts for a period of time not to exceed 60 days

**Temporary sign.** A non-permanent sign designed or intended to be displayed for a short period of time erected, affixed, or maintained on a premises and regulated by Table 2, Schedule for Temporary Signs. Trailer and portable signs are classified as temporary signs.



**Vehicular sign.** Any sign, not including bumper stickers, on or in a vehicle moving along the ground or on any vehicle parked temporarily, incidental to its principal use for transportation. This definition shall not include signs which are being transported to a site of permanent erection or lettering of company vehicle that advertises only the company name, address, and/or logo, or temporary signs (with an area less than 3 feet) attached to vehicles which may be removed daily.

**Wall sign.** A sign attached or affixed to an exterior wall of a building or structure or dependent upon a building for support with the exposed face of the sign located in a place substantially parallel to the exterior building wall to which it is attached or by which it is supported and not extending more than 12 inches from said wall. A wall sign shall not extend above the wall or parapet to which the sign is attached. For the purpose of this section, awnings, canopy fascias, mansards extending along a building side shall be considered a part of the wall.

**Warning sign.** A sign containing no advertising material, warning the public of the existence of danger.

**Window sign.** A sign attached to, placed upon, or painted on the exterior or interior of a window or door of a building, which is intended for public viewing from the exterior of such building.

**Yard sign.** Any sign of a temporary nature other than a development, real estate, builders or construction sign, which includes the advertisement of a service which has been performed on premise, or construction / repair that has been performed on premises.

#### **48.4 WIRELESS COMMUNICATIONS FACILITIES DEFINITIONS...**

The following definitions shall apply.

**Antenna:** A device used in communications which transmits or receives radio signals.

**Antenna, building attached:** Antenna attached to existing structures in two general forms: (1) roof-mounted, in which antennas are placed on the roofs of buildings, or (2) building-mounted, in which antennas are mounted to the sides of buildings. These antennas can also be mounted on structures such as water tanks, billboards, church steeples, electrical transmission towers, etc.

**Antenna facility:** A building or independent support structure and the antennas mounted thereon, along with an associated and necessary equipment building.

**Antenna, microwave:** Also known as "dish" antenna. A dish-shaped antenna used to link communications sites together by wireless transmission of voice or data, utilizing electromagnetic radiation frequencies from 3 GHz to 300 GHz; and using relatively low transmitter power levels when compared to other forms of transmission.

**Antenna, panel:** Also know as "directional" antenna. An antenna or array of antennas designed to concentrate a radio signal in a particular area. Panel antenna are typically flat, rectangular devices approximately six square feet in size.

**Antenna, whip:** Also know as "omnidirectional antenna". Shaped cylindrically, whip antennas have diameters between two and six inches, and measure between one and eighteen feet in height. They are used to emit signals in a 360 degree horizontal plane and a compressed vertical plane.

**Co-location:** The act of locating wireless communications equipment from more than one provider on a single antenna facility.

**Equipment storage:** A small unmanned, single story equipment building less than 500 square feet in size used to house radio transmitters and related equipment.

**Monopole:** An antenna facility composed of a single spire used to support communications equipment. No guy wires are used or permitted.

**Lattice tower:** A tower having three or four support steel legs and holding a variety of antennas. These towers range from 60 to 200 feet in height and can accommodate a variety of users.

**Satellite receive-only antenna:** An antenna that enables the receipt of television signals transmitted directly from satellites to be viewed on a television monitor. Such antennas are commonly known as a satellite dish, television receive-only antenna, dish antenna, parabolic antenna or satellite earth station antenna.

**Stealth Facility:** An antenna facility that is virtually transparent or invisible to the surrounding neighborhood. Stealth facilities may include totally enclosed antennas, wireless facilities that replicate or duplicate the construction of common structures such as flagpoles, and camouflaged wireless facilities that are constructed to blend into the surrounding environment