



CITY OF PRINCETON

Zoning Ordinance

Ordinance # 2016-01-25-01

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ORDINANCE NO. 2015-01-25-01

AN ORDINANCE OF THE CITY OF PRINCETON, TEXAS, ADOPTING A COMPREHENSIVE ZONING PLAN AND ZONING MAP AND DIVIDING THE CITY INTO SEVERAL DISTRICTS; ESTABLISHING AND PROVIDING FOR ZONING REGULATIONS AND CREATING ZONING DISTRICTS IN ACCORDANCE WITH A COMPREHENSIVE PLAN; WITHIN SUCH DISTRICTS REGULATING THE USE OF LAND, BUILDINGS AND STRUCTURES; REGULATING THE HEIGHT, SIZE, AND LOCATIONS OF BUILDINGS; ESTABLISHING DENSITY, OPEN SPACE, SCREENING, AND MINIMUM OFF-STREET PARKING REQUIREMENTS; REGULATING THE ERECTION, REPAIR, AND ALTERATION OF ALL BUILDINGS AND STRUCTURES; PROVIDING FOR SPECIFIC USE PERMITS FOR CERTAIN USES; RECOGNIZING NONCONFORMING USES AND STRUCTURES AND PROVIDING RULES FOR THE REGULATION THEREOF; PROVIDING FOR CERTIFICATES OF OCCUPANCY AND COMPLIANCE; DEFINING CERTAIN TERMS; PROVIDING A METHOD OF AMENDMENT; PROVIDING A PENALTY FOR VIOLATION OF SUCH ORDINANCE AND FOR INJUNCTIVE RELIEF TO PERSONS AFFECTED BY THE VIOLATION OF SAID ORDINANCE; PROVIDING A SAVING CLAUSE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PRINCETON, TEXAS, THAT A COMPREHENSIVE ZONING ORDINANCE AND MAP ARE HEREBY PASSED AND APPROVED WHICH SHALL PROVIDE AS FOLLOWS:

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ARTICLE I GENERAL PROVISIONS

82-01 TITLE

This ordinance shall be known and may be cited as “The City of Princeton Zoning Ordinance”.

82-02 PURPOSE

Zoning Regulations and Districts are herein established in accordance with a Comprehensive Plan for the purpose of promoting the health, safety, morals and general welfare of the citizens of the City. They are 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, and to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, wastewater, schools, parks and other public requirements. They have been established with reasonable consideration for the character of each district and its peculiar suitability for the particular uses specified; and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the City.

82-03 ZONING DISTRICT MAP

A. ZONING DISTRICT BOUNDARIES DELINEATED ON ZONING DISTRICT MAP

The boundaries of the zoning districts set out herein are delineated upon the Zoning District Map of the City of Princeton, Texas, said map being hereby adopted as part of this ordinance as fully as if the same were set forth herein in detail.

B. REGULATIONS FOR MAINTAINING ZONING DISTRICT MAP

- 1) Two (2) original, official and identical copies of the Zoning District Map are hereby adopted bearing the signature of the Mayor and attestation of the City Secretary and shall be filed and maintained as follows:
- 2) One copy shall be filed with the City Secretary, to be retained as the original record and shall not be changed in any manner.
- 3) One copy shall be filed with the City Manager or his/her designee and shall be maintained up-to-date by posting thereon all changes and subsequent amendments for observation in issuing building permits and for enforcing the Zoning Ordinance. A written record (logbook) shall be kept by the City Manager or his/her designee of all changes made to the Zoning District Map.
- 4) Reproductions of the official Zoning District Map may be made for information purposes.

82-04 ZONING DISTRICT BOUNDARIES

A. RULES FOR DETERMINING DISTRICT BOUNDARIES

The district boundary lines shown on the zoning district map are usually along streets, alleys, property lines, or extensions thereof. Where uncertainty exists as to the boundaries of districts as shown on the official zoning map, the following rules shall apply.

- 1) Boundaries indicated as approximately following streets, highways or alleys shall be construed to follow the centerline of such street, highway or alley. Boundaries indicated as approximately following platted lot lines shall be construed as following such lines.

- 2) Boundaries indicated as approximately following city limits shall be construed as following city limits.
- 3) Boundaries indicated as following railroad or utility lines shall be construed to be the centerline of the right-of-way; if no centerline is established, the boundary shall be interpreted to be midway between the right-of-way.
- 4) Whenever a street, alley or other public way is vacated by official action of the City Council, or whenever a street or alley area is franchised for building purposes, the zoning district line adjoining each side of such street, alley or other public way shall be automatically extended to the centerline of such vacated street, alley or way, and all areas so involved shall then and henceforth be subject to all regulations of the extended districts.
- 5) Where physical features of the ground are at variance with information shown on the official zoning district map, or if there arises a question as to how a parcel of property is zoned and such question cannot be resolved by the application of subsection 82-04(A), or the zoning property is invalidated by a final judgment of a court of competent jurisdiction, the property shall be considered as classification A – Agricultural District, temporarily. In an area determined to be temporarily classified as A – Agricultural District, no person shall construct, add or alter any building or structure or cause the sale to be done, nor shall any use be located therein or on the land which is not permitted in an A – Agricultural District, unless and until such territory has been zoned to permit such use by the City Council. It shall be the duty of the City Council to determine a permanent zoning for such area as soon as practicable.

82-05 ZONING OF ANNEXED TERRITORY

A. PERMANENT ZONING CONCURRENT WITH ANNEXATION

An area or areas being annexed to the City of Princeton shall ordinarily be given permanent zoning concurrently with the annexation.

B. TEMPORARY CLASSIFICATION

In instances in which the zoning of an annexed territory concurrently with the annexation is impractical, the annexed territory shall be temporarily classified as Agricultural (A). The procedure for establishing permanent zoning on annexed territory shall conform to the procedure established by law for the adoption of original zoning regulations.

C. REGULATIONS IN AREAS TEMPORARILY CLASSIFIED

Until permanent zoning is established by the Planning and Zoning Commission and approved by the City Council, the regulations shall follow the requirements outlined in this Ordinance regarding that classification.

82-06 COMPLIANCE WITH ZONING REGULATIONS

A. COMPLIANCE WITH ZONING REGULATIONS REQUIRED

All land, buildings, structures or appurtenances thereon located within the City of Princeton which are hereafter occupied, used, erected, altered, removed, placed, demolished or converted shall be occupied, used, erected, altered, removed, placed, demolished or converted in conformance with the zoning regulations prescribed for the zoning district in which such land or building is located as hereinafter provided.

B. BUILDING PERMITS PROHIBITED WITHOUT PLAT

No permit for the construction or placement of a building or buildings upon any tract or plot shall be issued unless the plot or tract is part of a plat of record, properly approved by the Planning and Zoning Commission and City Council and filed in the Plat Records of county or counties in which the plot or tract is located.

C. EXCLUSIONS

Nothing herein contained shall require any change in the plans, construction or designated use of a building under construction at the time of the passage of this ordinance and which entire building shall be completed within one (1) year from the date of passage of this ordinance.

D. ONE MAIN BUILDING ON A LOT OR TRACT

Only one main building for one family or two family use with permitted accessory buildings may be located upon a lot or tract. Every dwelling shall face or front upon a public street or approved place other than an alley. Where a lot is used for retail and dwelling purposes, more than one main building may be located upon the lot but only when such buildings conform to all the open space, parking and density requirements applicable to the uses and districts. Whenever two or more main buildings or portions thereof are placed upon a single lot or tract and such buildings will not face upon a public street, the same may be permitted when the site plan for such development is approved by the City Council. No parking area, storage area or required open space for one building shall be computed as being open space, yard or area requirements for any other dwelling or other use.

E. ARCHITECTURAL STANDARDS—RESIDENTIAL AND NON-RESIDENTIAL

- 1) These standards shall apply, except where otherwise indicated, to all new residential and nonresidential construction and remodeling and/or rebuilding of existing residential and nonresidential buildings as may be defined in other City ordinances or standards in all zoning districts within the corporate City limits.
- 2) Architectural Design—Compliance with architectural design standards shall be a condition of either Building Construction Plans, Site Plan, Preliminary/Final Plat, or general development requirements.
- 3) Construction Materials—The use of unfinished concrete blocks or unfinished tilt wall panels to meet the masonry requirement is prohibited from use unless they are textured. All exterior finishes must meet the Princeton masonry requirements, in Section 82-06(E).
- 4) Masonry Requirements—All structures shall be constructed with a minimum of eighty percent (80%) masonry coverage (excluding the total window area), except as noted in this subsection. All permanent structures shall be compatible in architectural style, including the use of brick, Austin stone, cast stone, stucco, textured tilt wall construction, or other textured masonry surface approved by the Planning and Zoning Commission and the City Council. The remaining twenty percent (20%) of exterior finishing materials shall complement the building design and masonry materials used. Any deviation of less than the eighty percent (80%) masonry coverage shall require approval of a variance from the Zoning Board of Adjustment, only after finding that the spirit of this ordinance is not compromised. Manufactured homes are exempted from the masonry requirements. Exterior walls may not be constructed with metal siding.
- 5) Windows—Windows shall be consistent with the design and construction of the building. Total window area shall meet the current International Energy Conservation Code requirements.
- 6) Roof Design & Materials—Sloped, gabled or pitched roofs visible from a public street shall be made of thirty-year (30) composite shingles, slate, or pre-finished metal or other quality roofing materials. Colors shall be consistent with Section 82-06(F).

- 7) Awnings/Canopies—The use of decorative awnings/canopies is permitted, provided all awnings are designed to be compatible with the structure on which they are located. Awnings and canopies shall be of a consistent pattern, size, shape, material and shall be consistent with or complementary to construction of the building and approved with site plan approval in non-residential developments.
- 8) Archways—Archways may be used in conjunction with doorways or windows and shall have an architectural style consistent with the basic design.
- 9) Exterior Lighting—Lighting fixtures shall be of a design complementary to the building illumination shall be compatible with surrounding development.
- 10) Utility Equipment & Gutters—Utility equipment and gutters shall be constructed of quality materials and consistent with the design and color of the primary structure. Utility equipment (e.g. rooftop air conditioning units, meters, etc.) shall be screened from public view and utility access will be underground (e.g. telephone, electric cables) in nonresidential and residential developments.
- 11) Health Standards---All situations involving health regulations (food preparation, related equipment) shall be in accordance to the applicable International Building Code and the Food Establishment Rules set forth by Collin County Health Authority or the City’s appointed official.
- 12) Trash Receptacles—Guidelines for metal and/or commercial/industrial trash receptacle screening:
 - a. Refuse enclosures shall be screened from public view on all four (4) sides with an eight (8) foot solid, opaque screen of either masonry, landscaping treatment or other compatible building or landscape material.
 - b. Trash receptacle areas should not be placed in an area along a public street. Such areas should be located to allow for convenient access by refuse vehicles.
 - c. When located in a highly visible area, trash receptacle screening walls should be softened with landscape materials on earth berms.
 - d. Screening doors on the enclosure should be finished with a high quality material and durable finish and shall be consistent with or complementary to construction of the building.
- 13) Sign Design—The design of a sign shall complement the architectural design of the nonresidential building, and shall be included in the color rendering required in Section 82-06(E). The design and placement shall follow the City of Princeton Sign Ordinance.
- 14) Procedure for Determining Alternative Exterior Materials and Design
 - a. Exceptions to the material requirements may be permitted on a case by case basis. All requests for alternative exterior building materials and architectural design shall be noted and described on a Site Plan with elevation drawings to be submitted to the Planning and Zoning Commission for recommendation to the City Council for final approval. If requested by the City, an elevation drawing indicating architectural design elements or a sample of the material may be required to be submitted with the Site Plan.
 - b. The Planning and Zoning Commission and City Council may approve an alternative exterior material if it is determined it is equivalent or better than masonry according to the criteria listed in Section 82-06(E), Masonry Requirements.

- c. Consideration for exceptions to the above requirements shall be based only on the following:
 - 1) Architectural design and creativity
 - 2) Compatibility with surrounding developed properties
- 15) Residential Repetition of Elevation and Floor Plan—Unless otherwise approved by the zoning administrator, the following residential design standards shall be followed:
 - a. A minimum of seven (7) platted residential lots must be skipped on the same side and four (4) lots must be skipped on the opposite side of a street before rebuilding the same single family residential unit with an identical (or nearly identical) street elevation design. Identical or nearly identical street elevation design means little or no variation in the articulation of the facade, height or width of facade, placement of the primary entrances, porches, number and placement of windows, and other major architectural feature.
 - b. The identical (or nearly identical) floor plan shall not be repeated on neighboring, side by side lots or directly across the street.

F. NONRESIDENTIAL ARCHITECTURAL STYLE ELEMENTS

These style elements provide a pallet of architectural elements that would be considered conforming to the intent of the Architectural Design Standards as they relate to nonresidential developments.

- 1) Conforming Architectural Design—A Site Plan where new buildings are to be constructed on a site development with existing buildings shall complement the overall design and incorporate as many of the architectural elements of existing buildings as reasonable.
- 2) Color—The primary exterior color of buildings shall be comprised of earth tones and shall be used on at least eighty-five (85%) of that building facade (except glass area). Masonry materials such as stone, rock and brick are encouraged. Secondary accent colors may be used on up to 15% of the exterior façade and shall complement the base color. Colors shall be specifically approved on building elevations submitted as part of the general development requirements.
- 3) Non-Conforming Architectural Design—Site Plans where the primary elements of the buildings on site are not consistent with the Nonresidential Architectural Design Standards shall require approval of the City Council with a recommendation by the Planning and Zoning Commission. Consideration for approval will be in the form of a variance request in writing demonstrating the need for said variance. The following shall be used as a guide for considering variance requests:
 - a. That special conditions and circumstances exist which are particular to the land, structure or building being proposed, which is not applicable to other land, structures or buildings.
 - b. That literal interpretations of the provisions of these standards would deprive the applicant of rights commonly enjoyed by other properties using the same standards.
 - c. That special conditions and circumstances do not result from the actions of the applicant.
 - d. That granting the variance request will not confer on the applicant any special privileges that are denied by these standards to other lands, structures or buildings.
 - e. No non-conforming structures or buildings shall be considered grounds for the issuance of a variance.
 - f. Financial hardships shall not be considered grounds for the issuance of a variance.

G. LANDSCAPING AND FENCING

The following requirements shall be satisfied prior to the issuance of a certificate of occupancy for residential use.

- 1) Fence Requirement
 - a. Each lot within a residential planned development shall construct a six-foot fence of approved material within the required side and back yard, measured at the adjacent grade. No fence shall be constructed within the required front yard or beyond the front building line, unless approved elsewhere in this ordinance. Fences shall follow the City’s Fence ordinance as it exists or subsequently amended, and shall be constructed with steel posts.
 - b. Each lot within a residential or non-residential development that adjoins a different zoning district shall be required to construct the required fencing or wall separating the zoning districts. The required fencing or wall shall be constructed at the time of the development, unless otherwise approved by the City Council.
 - c. Applicability Table:

Developing Property	Adjacent Property	Responsible Party
Nonresidential Zoning	Residential Zoning	<i>Property owner of the nonresidential tract of land</i>
Multi-family Zoning	Single-Family Zoning	<i>Property owner of the multi-family tract of land</i>
Rezoned nonresidential or multi-family property	Developed property requiring screening from rezoned property	<i>Property owner of the rezoned tract of land</i>

- 2) Grass—The required front, side and rear yards shall be sodded, plugged, sprigged hydro-mulched or seeded, except that solid sod shall be used in swales, or when necessary to prevent erosion. Grass areas shall be established with complete coverage within a six (6) month period from time of plantings, and shall be re-established, if necessary, to ensure grass coverage of all areas.
- 3) Irrigation—An automatic underground irrigation, sprinkler or other water system outfitted with a Rain and Freeze Detector shall be provided for the required front and side yards.
- 4) Landscaping—A minimum landscaping along the front building line shall include ground covering, shrubs, perennial plantings that shall be approved at time of final plat submissions.
- 5) Tree Planting—The following tree planting requirements shall be satisfied prior to the issuance of a certificate of occupancy for all residential zoned lots.
 - a. A minimum of one tree, with a minimum caliper width of two inches (2”) and at least eight feet (8’) in height, shall be provided on each residential lot. At least one tree shall be located in the required front yard.
 - b. Trees utilized to satisfy this requirement must be selected from the tree pallet located in the City’s Landscaping Ordinance, as it may be amended. (Ordinance No. 2008-05-13)

H. DRAINAGE REGULATIONS

Refer to the Princeton Design Standards for stormwater drainage and flood control design provisions.

I. PARKLAND DEDICATION

See City of Princeton Parkland Dedication Ordinance, as currently amended.

ARTICLE II ZONING DISTRICTS

82-07 ZONING DISTRICTS ESTABLISHED

The City of Princeton, Texas, is hereby divided into zoning districts as listed in the section.

ABBREVIATED DESIGNATION	ZONING DISTRICT NAME
RESIDENTIAL ZONING DISTRICTS	
A	Agricultural
SF-E	Single-Family – Estate
SF-SE	Single-Family – Small Estate
SF-1	Single-Family 1
SF-2	Single-Family 2
TF	Two-Family (Duplex)
SF-Z	Single-Family – Zero Lot Line
SF-TH	Single-Family Townhome
MH-S	Manufactured Home Subdivision
MH-P	Manufactured Home Park
MF-1	Multifamily Residential – Medium Density
MF-2	Multifamily Residential – High Density
NONRESIDENTIAL ZONING DISTRICTS	
NC	Neighborhood Convenience District
C-1	Commercial – Office, Light Retail and Neighborhood Services
C-2	Commercial – General
M-1	Manufacturing/Industrial – Light
M-2	Manufacturing/Industrial – Heavy
SPECIAL ZONING DISTRICTS	
PD	Planned Development

ARTICLE III RESIDENTIAL ZONING DISTRICTS

82-08 A – AGRICULTURAL DISTRICT

A. GENERAL PURPOSE AND DESCRIPTION

The Agricultural District is intended to apply to land situated on the fringe of an urban area, used for agricultural purposes, and which may become an urban area in the future. Therefore, the agricultural activities conducted in the Agricultural District should not be detrimental to urban land uses and intensity of use permitted in this district is intended to encourage and protect agricultural uses until urbanization is warranted and the appropriate change in district classification is made.

B. PERMITTED USES

Uses permitted in this district are outlined in Section 82-28 Use Chart.

C. HEIGHT AND AREA REGULATIONS

District Regulation	Standard
Minimum Lot Area	1 acre ^a
Minimum Lot Width	200 feet
Minimum Lot Depth	400 feet
Minimum Building Size	1,200 square feet
Maximum Lot Coverage	10%
Maximum Height	35 feet
Minimum Front Yard Setback	35 feet ^b
Minimum Side Yard Setback, Street Side^c	15 feet
Minimum Side Yard Setback, Interior	15 feet
Minimum Rear Yard Setback	30 feet

D. PARKING REGULATIONS

Two (2) covered spaces behind the front building line for single-family dwelling units. Other off-street parking space regulations are set forth in Section 82-32.

The elimination of a garage space by enclosing the garage with a stationary building wall shall be prohibited unless another garage of the same size (i.e., that has the same number of enclosed parking spaces) is built, simultaneously with the garage enclosure, elsewhere on the same lot within the proper setbacks, not exceeding the maximum lot coverage or any other city regulations.

E. FENCE AND SCREENING

See Section 82-06(G) and the City of Princeton Fence Ordinance, as currently amended.

^a Single-family dwellings require building lots of two (2) acres or more.

^b The minimum front yard setback requirements can be reduced by a maximum of 5' to allow for the encroachment of covered front porches, living area, and J-swing garages. Front entry garages shall not be permitted to encroach into the front setback.

^c 25 feet if garage faces a side street.

F. LANDSCAPING

See Section 82-06(G) and the City of Princeton Landscape Ordinance, as currently amended.

G. RESERVED

H. OTHER REGULATIONS

1) Permitted Accessory Uses

- a. Telephone exchange, provided no public business and repair or outside storage facilities are maintained; gas lines; and gas regulating stations.
- b. Accessory buildings and structures clearly incidental to agricultural operations, including but not limited to barns, stables, equipment sheds, granaries, private garages, pump houses and servants quarters not for rent, provided that the total area of buildings and structures shall be limited to ten percent (10%) of the gross land area of tract. All accessory buildings shall comply with the current building codes as adopted or as amended and shall require a permit from the city development department.
- c. Temporary metal buildings of less than six hundred (600) square feet that are used for tool and supply storage.

82-09 SF-E – SINGLE FAMILY RESIDENTIAL - ESTATE DISTRICT

A. GENERAL PURPOSE AND DESCRIPTION

The Single Family Residential - Estate District is designed to accommodate single-family residential development on large lots. The district can be appropriately located in proximity to agricultural and standard single-family residential uses. Densities in this district will not exceed one (1) unit per gross acre.

B. PERMITTED USES

Uses permitted in this district are outlined in Section 82-28 Use Chart.

C. HEIGHT AND AREA REGULATIONS

District Regulation	Standard
Minimum Lot Area	1 acre
Minimum Lot Width	100 feet
Minimum Lot Depth	200 feet
Minimum Building Size	2,400 square feet
Maximum Lot Coverage	35%
Maximum Height	35 feet
Minimum Front Yard Setback	35 feet ^a
Minimum Side Yard Setback, Street Side ^b	15 feet
Minimum Side Yard Setback, Interior	15 feet
Minimum Rear Yard Setback	30 feet

1) Minimum lot width shall be measured at the building line.

D. PARKING REGULATIONS

A minimum of two (2) covered, enclosed parking spaces behind the front building line for single-family dwelling units. Other off-street parking spaces regulations are set forth in Section 82-32.

The elimination of a garage space by enclosing the garage with a stationary building wall shall be prohibited unless another garage of the same size (i.e., that has the same number of enclosed parking spaces) is built, simultaneously with the garage enclosure, elsewhere on the same lot within the proper setbacks, not exceeding the maximum lot coverage or any other city regulations.

E. FENCE AND SCREENING

See Section 82-06(G) and the City of Princeton Fence Ordinance, as currently amended.

F. LANDSCAPING

See Section 82-06(G) and the City of Princeton Landscape Ordinance, as currently amended.

G. OTHER REGULATIONS

Reserved.

^a The minimum front yard setback requirements can be reduced by a maximum of 5’ to allow for the encroachment of covered front porches, living area, and J-swing garages. Front entry garages shall not be permitted to encroach into the front setback.

^b 25 feet if garage faces a side street.

82-10 SF-SE – SINGLE FAMILY RESIDENTIAL-SMALL ESTATE DISTRICT

A. GENERAL PURPOSE AND DESCRIPTION

The Single Family Residential - Estate District is designed to accommodate single-family residential development on large lots. The district can be appropriately located in proximity to agricultural and standard single-family residential uses.

B. PERMITTED USES

Uses permitted in this district are outlined in Section 82-28 Use Chart.

C. HEIGHT AND AREA REGULATIONS

District Regulation	Standard
Minimum Lot Area	12,000 square feet
Minimum Lot Width	90 feet
Minimum Lot Depth	100 feet
Minimum Building Size	2,000 square feet
Maximum Lot Coverage	35%
Maximum Height	35 feet
Minimum Front Yard Setback	25 feet ^a
Minimum Side Yard Setback, Street Side ^b	15 feet
Minimum Side Yard Setback, Interior	15 feet
Minimum Rear Yard Setback	25 feet

1) Minimum lot width shall be measured at the building line.

D. PARKING REGULATIONS

A minimum of two (2) covered, enclosed parking spaces shall be provided per unit behind the front building line. Other off-street parking space regulations are set forth in Section 82-32.

The elimination of a garage space by enclosing the garage with a stationary building wall shall be prohibited unless another garage of the same size (i.e., that has the same number of enclosed parking spaces) is built, simultaneously with the garage enclosure, elsewhere on the same lot within the proper setbacks, not exceeding the maximum lot coverage or any other city regulations.

E. FENCE AND SCREENING

See Section 82-06(G) and the City of Princeton Fence Ordinance, as currently amended.

F. LANDSCAPING

See Section 82-06(G) and the City of Princeton Landscape Ordinance, as currently amended.

^a The minimum front yard setback requirements can be reduced by a maximum of 5' to allow for the encroachment of covered front porches, living area, and J-swing garages. Front entry garages shall not be permitted to encroach into the front setback.

^b 25 feet if garage faces a side street.

82-11 SF-1 – SINGLE FAMILY RESIDENTIAL DISTRICT - 1

A. GENERAL PURPOSE AND DESCRIPTION

The Single Family Residential District - 1 is designed to accommodate the standard single-family residential development. The district can be appropriately located in proximity to multifamily residential areas and certain neighborhood local retail and office uses. Densities in this district are intended to be less than four (4) units per gross acre.

B. PERMITTED USES

Uses permitted in this district are outlined in Section 82-28 Use Chart.

C. HEIGHT AND AREA REGULATIONS

District Regulation	Standard
Minimum Lot Area	7,500 square feet
Minimum Lot Width	60 feet
Minimum Lot Depth	100 feet
Minimum Building Size	2,000 square feet
Maximum Lot Coverage	40%
Maximum Height	35 feet
Minimum Front Yard Setback	25 feet ^a
Minimum Side Yard Setback, Street Side^b	15 feet
Minimum Side Yard Setback, Interior	10 feet
Minimum Rear Yard Setback	20 feet

D. PARKING REGULATIONS

A minimum of two (2) covered, enclosed parking spaces shall be provided per unit behind the front building line. Other off-street parking space regulations are set forth in Section 82-32.

The elimination of a garage space by enclosing the garage with a stationary building wall shall be prohibited unless another garage of the same size (i.e., that has the same number of enclosed parking spaces) is built, simultaneously with the garage enclosure, elsewhere on the same lot within the proper setbacks, not exceeding the maximum lot coverage or any other city regulations.

E. FENCE AND SCREENING

See Section 82-06(G) and the City of Princeton Fence Ordinance, as currently amended.

F. LANDSCAPING

See Section 82-06(G) and the City of Princeton Landscape Ordinance, as currently amended.

^a The minimum front yard setback requirements can be reduced by a maximum of 5’ to allow for the encroachment of covered front porches, living area, and J-swing garages. Front entry garages shall not be permitted to encroach into the front setback.

^b 25 feet if garage faces a side street.

82-12 SF-2 – SINGLE FAMILY RESIDENTIAL DISTRICT - 2

A. GENERAL PURPOSE AND DESCRIPTION

The Single Family Residential District - 2 is intended to provide for medium density single-family residential development. This district functions as a buffer or transition between major streets, non-residential areas and lower density residential areas. Density in this district is intended to range between four (4) and six (6) units per gross acre.

B. PERMITTED USES

Uses permitted in this district are outlined in Section 82-28 Use Chart.

C. HEIGHT AND AREA REGULATIONS

District Regulation	Standard
Minimum Lot Area	6,000 square feet
Minimum Lot Width	55 feet
Minimum Lot Depth	100 feet
Minimum Building Size	1,800 square feet
Maximum Lot Coverage	40%
Maximum Height	35 feet
Minimum Front Yard Setback	25 feet ^a
Minimum Side Yard Setback, Street Side ^b	15 feet
Minimum Side Yard Setback, Interior	7.5 feet
Minimum Rear Yard Setback	20 feet ^c

D. PARKING REGULATIONS

A minimum of two (2) covered, enclosed parking spaces shall be provided per unit behind the front building line. Other off-street parking space regulations are set forth in Section 82-32.

The elimination of a garage space by enclosing the garage with a stationary building wall shall be prohibited unless another garage of the same size (i.e., that has the same number of enclosed parking spaces) is built, simultaneously with the garage enclosure, elsewhere on the same lot within the proper setbacks, not exceeding the maximum lot coverage or any other city regulations.

E. FENCE AND SCREENING

See Section 82-06(G) and the City of Princeton Fence Ordinance, as currently amended.

F. LANDSCAPING

See Section 82-06(G) and the City of Princeton Landscape Ordinance, as currently amended.

^a The minimum front yard setback requirements can be reduced by a maximum of 5' to allow for the encroachment of covered front porches, living area, and J-swing garages. Front entry garages shall not be permitted to encroach into the front setback.

^b 25 feet if garage faces a side street.

^c A one-story wing or extension may be built within fifteen (15) feet of the rear lot line.

82-13 TF – TWO FAMILY RESIDENTIAL (DUPLEX) DISTRICT

A. GENERAL PURPOSE AND DESCRIPTION

The purpose of the Two Family Residential (Duplex) District is to promote stable, quality residential development of slightly increased densities. Consistent with the City’s Comprehensive Plan, this district may be used as a “buffer” district between low density and high-density districts or between residential and non-residential districts.

B. PERMITTED USES

Uses permitted in this district are outlined in Section 82-28 Use Chart.

C. HEIGHT AND AREA REGULATIONS

District Regulation	Standard
Minimum Lot Area	One Dwelling Unit per Lot 5,000 square feet
	Two Dwelling Units per Lot 8,000 square feet
Minimum Lot Width	One Dwelling Unit per Lot 45 feet
	Two Dwelling Units per Lot 70 feet
Minimum Lot Depth	100 feet
Minimum Building Size	1,200 square feet
Maximum Lot Coverage	60%
Maximum Height	35 feet
Minimum Front Yard Setback	25 feet ^a
Minimum Side Yard Setback, Street Side^b	15 feet
Minimum Side Yard Setback, Interior	8 feet
Minimum Rear Yard Setback	20 feet

D. PARKING REGULATIONS

A minimum of two (2) covered spaces behind the front building line for single-family dwelling units. Other off-street parking space regulations are set forth in Section 82-32.

The elimination of a garage space by enclosing the garage with a stationary building wall shall be prohibited unless another garage of the same size (i.e., that has the same number of enclosed parking spaces) is built, simultaneously with the garage enclosure, elsewhere on the same lot within the proper setbacks, not exceeding the maximum lot coverage or any other city regulations.

A residential driveway is limited to a width of twenty-four feet (24’), measured at the property line. A driveway connecting to an alley, where the garage faces onto the alley, may have a width up to a maximum of thirty-two feet (32’).

E. FENCE AND SCREENING

See Section 82-06(G) and the City of Princeton Fence Ordinance, as currently amended.

F. LANDSCAPING

See Section 82-06(G) and the City of Princeton Landscape Ordinance, as currently amended.

^a The minimum front yard setback requirements can be reduced by a maximum of 5’ to allow for the encroachment of covered front porches, living area, and J-swing garages. Front entry garages shall not be permitted to encroach into the front setback.

^b 25 feet if garage faces a side street.

82-14 SF-Z – SINGLE-FAMILY RESIDENTIAL-ZERO LOT LINE DISTRICT

A. GENERAL PURPOSE AND DESCRIPTION

The purpose of the SF-Z (zero lot line home) district is to encourage construction of single-family homes of medium density to provide greater diversity of housing opportunities in the community. This district is intended to allow a maximum density of nine (9) units per acre.

B. PERMITTED USES

Uses permitted in this district are outlined in Section 82-28 Use Chart.

C. HEIGHT AND AREA REGULATIONS^a

District Regulation	Standard
Minimum Lot Area	4,500 square feet
Minimum Lot Width	40 feet
Minimum Lot Depth	90 feet
Minimum Building Size	1,200 square feet
Maximum Lot Coverage	55%
Maximum Height	35 feet
Minimum Front Yard Setback	20 feet ^b
Minimum Side Yard Setback, Street Side ^c	15 feet
Minimum Side Yard Setback, Interior	0 feet/10 feet
Minimum Rear Yard Setback	20 feet

For lots with a zero (0) side yard setback:

- 1) A roof overhang equipped with a gutter may extend a maximum of eight (8) inches into a neighboring property. No other roof overhangs or extensions from a wall may extend into a neighboring lot.
- 2) The closest exterior roofline to an adjacent property shall be storm guttered if the general slope of the roof falls toward the neighboring property. Gutters shall include returns to direct the water to the lot of origin.
- 3) The "zero" side shall be designated on the Final Plat. All access, maintenance, and use easements shall be provided on preliminary and Final Plats.
- 4) A minimum five (5) foot wide access, maintenance, and use easement shall be dedicated on the Final Plat for all lots adjacent to lots with a "zero" side. The purpose of this easement is to give the adjoining owner access for maintenance of his/her dwelling.
- 5) The majority of one side of the structure shall be located within three (3) feet of one side lot line. Building walls which are located adjacent to the "zero" side of the lot shall not have any doors, windows, ducts, grills, vents, or other openings. This requirement precludes exterior walls forming enclosures for courts, patios, or similar indentations to the "zero" wall.

Also see Section 82-30(E), Garden (Patio) Homes.

^a See Sec. 82-30(E) for additional site development conditions.

^b The minimum front yard setback requirements can be reduced by a maximum of 5' to allow for the encroachment of covered front porches, living area, and J-swing garages. Front entry garages shall not be permitted to encroach into the front setback.

^c 25 feet if garage faces a side street.

D. PARKING REGULATIONS

One (1) covered enclosed space behind the front building line for single-family dwelling units and HUD Code manufactured homes. Other off-street parking regulations are set forth in Section 82-32.

The elimination of a garage space by enclosing the garage with a stationary building wall shall be prohibited unless another garage of the same size (i.e., that has the same number of enclosed parking spaces) is built, simultaneously with the garage enclosure, elsewhere on the same lot within the proper setbacks, not exceeding the maximum lot coverage or any other city regulations.

E. FENCE AND SCREENING

See Section 82-06(G) and the City of Princeton Fence Ordinance, as currently amended.

F. LANDSCAPING

See Section 82-06(G) and the City of Princeton Landscape Ordinance, as currently amended.

82-15 SF-TH – TOWNHOME DISTRICT

A. GENERAL PURPOSE AND DESCRIPTION

This zone is designed to encourage construction of single-family attached town homes of medium density to provide greater diversity of housing opportunities in the community. This district provides for the development of structures built to accommodate three to eight units per structure.

B. PERMITTED USES

Uses permitted in this district are outlined in Section 82-28 Use Chart.

C. HEIGHT AND AREA REGULATIONS

District Regulation	Standard
Minimum Lot Area	2,700 square feet per unit
Minimum Lot Width	40 feet
Minimum Lot Depth	100 feet
Minimum Building Size	1,200 square feet
Maximum Lot Coverage	60%
Maximum Height	35 feet
Minimum Front Yard Setback	20 feet ^a
Minimum Side Yard Setback, Street Side ^b	15 feet
Minimum Side Yard Setback, Interior	15 feet
Minimum Rear Yard Setback	20 feet

D. PARKING REGULATIONS

Two (2) covered enclosed spaces behind the front building line. Other off-street parking regulations are set forth in Section 82-32.

The elimination of a garage space by enclosing the garage with a stationary building wall shall be prohibited unless another garage of the same size (i.e., that has the same number of enclosed parking spaces) is built, simultaneously with the garage enclosure, elsewhere on the same lot within the proper setbacks, not exceeding the maximum lot coverage or any other city regulations.

Rear entry off-street parking shall be provided for all uses established in this zone.

E. FENCE AND SCREENING

See Section 82-06(G) and the City of Princeton Fence Ordinance, as currently amended.

F. LANDSCAPING

See Section 82-06(G) and the City of Princeton Landscape Ordinance, as currently amended.

^a The minimum front yard setback requirements can be reduced by a maximum of 5’ to allow for the encroachment of covered front porches, living area, and J-swing garages. Front entry garages shall not be permitted to encroach into the front setback.

^b 25 feet if garage faces a side street.

G.

OTHER REGULATIONS

- 1) Site plan approval shall be required prior to development.
- 2) Signs in this district shall comply with the requirements of the City of Princeton sign ordinance (as amended).

82-16 MH-1 – MANUFACTURED HOME DISTRICT (MANUFACTURED HOME SUBDIVISION DISTRICT)

A. GENERAL PURPOSE AND DESCRIPTION

The Manufactured Home District is intended to provide for quality manufactured home subdivision development containing many of the characteristics and the atmosphere of a standard single-family subdivision.

B. PERMITTED USES

Uses permitted in this district are outlined in Section 82-28 Use Chart.

C. HEIGHT AND AREA REGULATIONS

District Regulation	Standard
Minimum Lot Area	6,000 square feet
Minimum Lot Width	55 feet
Minimum Lot Depth	100 feet
Minimum Building Size	N/A
Maximum Lot Coverage	40%
Maximum Height	35 feet
Minimum Front Yard Setback	25 feet
Minimum Side Yard Setback, Street Side	15 feet
Minimum Side Yard Setback, Interior	15 feet
Minimum Rear Yard Setback	25 feet

D. PARKING REGULATIONS

Two (2) covered spaces shall be provided per unit located on the lot plus additional spaces for accessory uses as required in Section 82-32.

The elimination of a garage space by enclosing the garage with a stationary building wall shall be prohibited unless another garage of the same size (i.e., that has the same number of enclosed parking spaces) is built, simultaneously with the garage enclosure, elsewhere on the same lot within the proper setbacks, not exceeding the maximum lot coverage, or any other city regulations.

E. FENCE AND SCREENING

See Section 82-06(G) and the City of Princeton Fence Ordinance, as currently amended.

In the event that manufactured home district sides or backs upon a single-family, two-family or townhome district, a solid masonry screening wall of not less than six (6) feet nor more than eight (8) feet in height shall be erected on the property line separating these districts. The purpose of the screening wall or fence is to provide a visual and protective barrier between the properties.

F. LANDSCAPING

See Section 82-06(G) and the City of Princeton Landscape Ordinance, as currently amended.

G. ADDITIONAL RESTRICTIONS APPLICABLE TO MH-1 DISTRICT

- 1) Manufactured housing design and construction will comply with construction and safety standards published by the Department of Housing and Urban Development pursuant to the requirements of the National Manufactured Housing Construction and Safety Standards Act of 1974 and all manufactured homes will be subject to inspection by the Building Official.

- 2) Underpinning and skirting will be required and will be installed prior to occupancy.
- 3) Accessory buildings will be either manufactured or constructed in accordance with city codes.
- 4) All manufactured homes and modular homes shall comply with all regulations of the State of Texas and such regulations are hereby incorporated into this section.
- 5) All signs in the district shall comply with the requirements of the City of Princeton Sign Ordinance (as amended).

82-17 MH-2 – MANUFACTURED HOME PARK DISTRICT

A. GENERAL PURPOSE AND DESCRIPTION

The Manufactured Home Park District is intended to provide for quality manufactured home park development and maintenance. Manufactured home parks are defined as tracts or units of land under sole ownership where lots are rented or leased as space to be used for placement of a manufactured home.

B. PERMITTED USES

- 1) Manufactured home park of not less than two (2) or more than ten (10) acres in size.
- 2) Uses normally accessory to a manufactured home park, including office and/or maintenance buildings for management and maintenance of the park only, recreation buildings and swimming pools, private clubs, laundry facilities, storage facilities, and recreation areas for use by the resident of the park.

Other uses permitted in this district are outlined in Section 82-28 Use Chart.

C. PERMITTED SPECIFIC USES

The following specific uses shall be permitted in the MH-2 District when granted in accordance with Section 82-30:

- 1) Boat and recreational vehicle and travel trailer storage yard.
- 2) Travel trailer and commercial overnight camping park.
- 3) Other uses as listed in Section 82-28 Use Chart of this ordinance.

D. HEIGHT AND AREA REGULATIONS

District Regulation	Standard
Minimum Lot Area	9,000 square feet ^a
Minimum Lot Width	50 feet
Minimum Lot Depth	120 feet
Minimum Building Size	N/A
Maximum Lot Coverage	N/A
Maximum Height	35 feet
Minimum Front Yard Setback	25 feet
Minimum Side Yard Setback, Street Side	15 feet
Minimum Side Yard Setback, Interior	10 feet
Minimum Rear Yard Setback	25 feet

E. PARKING REGULATIONS

Two (2) covered spaces shall be provided per unit located on the lot plus additional spaces for accessory uses as required in Section 82-32.

The elimination of a garage space by enclosing the garage with a stationary building wall shall be prohibited unless another garage of the same size (i.e., that has the same number of enclosed parking spaces) is built, simultaneously with the garage enclosure, elsewhere on the same lot within the proper setbacks, not exceeding the maximum lot coverage, or any other city regulations.

^a For each dwelling unit over three (3) in number, no less than 1,500 square feet of additional lot area is required. A maximum of ten (10) units may be constructed per acre.

F. FENCE AND SCREENING

See Section 82-06(G) and the City of Princeton Fence Ordinance, as currently amended.

In the event that manufactured home district sides or backs upon a single-family, two-family or townhome district, a solid masonry screening wall of not less than six (6) feet nor more than eight (8) feet in height shall be erected on the property line separating these districts. The purpose of the screening wall or fence is to provide a visual and protective barrier between the properties.

G. LANDSCAPING

See Section 82-06(G) and the City of Princeton Landscape Ordinance, as currently amended.

H. ADDITIONAL RESTRICTIONS APPLICABLE TO MANUFACTURED HOME PARK DISTRICT

- 1) Manufactured housing design and construction will comply with construction and safety standards published by the Department of Housing and Urban Development pursuant to the requirements of the National Manufactured Housing Construction and Safety Standards Act of 1974 and all manufactured homes will be subject to inspection by the Building Official.
- 2) Underpinning and skirting will be required and will be installed prior to occupancy.
- 3) Accessory building will be either manufactured or constructed in accordance with city codes.
- 4) All manufactured homes and modular homes shall comply with all regulations of the State of Texas and such regulations are hereby incorporated into this section.
- 5) All signs in this district shall comply with the requirements of the City of Princeton Sign Ordinance (as amended).

82-18 MF-1 – MULTIPLE FAMILY RESIDENTIAL - MEDIUM DENSITY

A. GENERAL PURPOSE AND DESCRIPTION

The MF-1 District is established to meet the needs for medium density residential areas where such development is in concert with area aesthetics, is environmentally sound, is compatible to the neighborhood, and promotes the character of the community. The district is characterized by smaller scale buildings and extensive open space and landscaping. This district should not be located with frontage or direct access on major thoroughfares or with principal access to local residential streets. This district permits two story apartments, three-plexes, and four-plexes, promoting a maximum density of four (4) dwelling units per lot.

B. PERMITTED USES

The following uses shall be permitted:

- 1) Multiple family dwellings and clustered multiple family dwellings, in which clustered multiple family dwellings have a site plan approved by the Planning and Zoning Commission for the particular project in which they are proposed.
- 2) Country clubs, tennis courts, and such additional recreational uses as are for private recreation purposes or private club recreational purposes. Clubhouses and maintenance buildings shall be located not less than two hundred feet (200') from any adjacent lot in an adjoining residential district.
- 3) Existing one-family dwelling units used as such on the effective date of this ordinance.

C. PERMITTED SPECIFIC USES

The following specific uses shall be permitted when granted in accordance with Section 82-30:

- 1) One-family dwelling units.
- 2) Townhouses, condominiums.
- 3) Uses as listed in Section 82-28 Use Chart of this ordinance.

Single-family residential development in the MF-1 district shall comply with the standards set forth in the following districts:

SF-1	Single-Family 1
SF-2	Single-Family 2
TF	Two-Family (Duplex)
SF-Z	Single-Family – Zero Lot Line
SF-TH	Single-Family Townhome

D. HEIGHT AND AREA REGULATIONS

District Regulation	Standard	
Minimum Lot Area	3 Dwelling Units	9,000 square feet
	4 Dwelling Units	10,500 square feet
Minimum Lot Width	80 feet (3-plex); 100 feet (4-plex)	
Minimum Lot Depth	120 feet	
Minimum Unit Size	Efficiency	550 sf
	1-bedroom	650 sf
	2-bedroom	800 sf
	3-bedroom	950 sf
Maximum Lot Coverage	60%	
Maximum Height	35 feet	
Minimum Front Yard Setback	25 feet	
Minimum Side Yard Setback, Street Side ^a	15 feet	
Minimum Side Yard Setback, Interior	10 feet	
Minimum Rear Yard Setback	20 feet	
Maximum Density	Up to 16 units per gross acre	

- 1) The height of any multifamily building sited on a lot adjacent to an area zoned for single family dwellings or where single family dwellings of one story in height exist shall be limited to one story for a distance of sixty (60) feet from the single family district boundary or the lot on which the single family dwelling is located.

E. PARKING REGULATIONS

The following number of spaces shall be provided per unit: one (1) space for efficiencies, two (2) spaces for one (1) and two (2) bedroom units, plus one (1) additional space for each additional bedroom. Required parking may not be provided within the required front yard. Other off-street parking spaces regulations are set forth in Section 82-32.

F. SIGNS

Signs in this district shall comply with the requirements of the City of Princeton sign ordinance (as amended).

G. REFUSE FACILITIES

Every dwelling unit in a multifamily complex shall be located within two hundred fifty (250) feet of a refuse facility, measured along the designated pedestrian and vehicular travel way. There shall be available at all times at least six (6) cubic yards of refuse container per thirty (30) multifamily dwelling units. For complexes with less than thirty (30) units, no less than four (4) cubic yards of refuse container shall be provided. Each refuse facility shall be screened from view on three (3) sides from persons standing at ground level on the site or immediately adjoining property, by an opaque fence or wall of wood or masonry not less than six (6) feet nor more than eight (8) feet in height or by an enclosure within a building. Such structure shall have an opaque door that shall remain closed at all times. Refuse containers shall be provided and maintained in a manner to satisfy city public health and sanitary regulations. Each refuse facility shall be located so as to provide safe and convenient pickup by refuse collection agencies.

^a 25 feet if garage faces a side street.

H. FENCE AND SCREENING

See Section 82-06(G) and the City of Princeton Fence Ordinance, as currently amended.

In the event that multiple family district sides or backs upon a single-family, two-family, or townhome district, a solid masonry screening wall of not less than six (6) feet in height or more than eight (8) feet in height shall be installed by the builder at the time of construction of any multifamily complex, along the property line on any perimeter not abutting a public street or right-of-way. This fence shall be maintained throughout the existence of the multifamily complex by the owner of the complex.

I. LANDSCAPING

See Section 82-06(G) and the City of Princeton Landscape Ordinance, as currently amended.

J. PERMITTED ACCESSORY USES

- 1) Accessory uses customarily appurtenant to a permitted use, and accessory uses as permitted in Section 82-28 Use Chart.
- 2) Athletic fields and playfields, noncommercial, including stadiums and grandstands.
- 3) Temporary buildings for storage of building materials and equipment and construction purposes, when on the same or adjoining lot as the principal use, for a period not to exceed the duration of such construction.

82-19 MF 2 – MULTIFAMILY RESIDENTIAL DISTRICT – HIGH DENSITY

A. GENERAL PURPOSE AND DESCRIPTION

The Multifamily Residential District is intended to provide for medium to higher density residential development. This district functions as a buffer or transition between major streets, non-residential areas, or higher density residential areas and lower density residential areas. This district should be characterized by appropriate landscaping and open space, and should be convenient to major thoroughfares and arterial streets. Density in this district is intended not to exceed a maximum of twenty-four (24) units per gross acre.

B. PERMITTED USES

The following uses shall be permitted:

- 1) Multiple family dwellings and clustered multiple family dwellings, in which clustered multiple family dwellings have a site plan approved by the Planning and Zoning Commission for the particular project in which they are proposed.
- 2) Country clubs, tennis courts, and such additional recreational uses as are for private recreation purposes or private club recreational purposes. Clubhouses and maintenance buildings shall be located not less than two hundred feet (200') from any adjacent lot in an adjoining residence district.
- 3) Existing one-family dwelling units used as such on the effective date of this ordinance.

C. PERMITTED SPECIFIC USES

The following specific uses shall be permitted when granted in accordance with Section 82-30:

- 1) One-family dwelling units.
- 2) Townhouses, condominiums.
- 3) Uses as listed in Section 82-28 Use Chart of this ordinance.

Single-family residential development in the MF-1 district shall comply with the standards set forth in the following districts:

SF-1	Single-Family 1
SF-2	Single-Family 2
TF	Two-Family (Duplex)
SF-Z	Single-Family – Zero Lot Line
SF-TH	Single-Family Townhome

D. HEIGHT AND AREA REGULATIONS

District Regulation	Standard	
Minimum Lot Area	2 acres	
Minimum Lot Width	N/A	
Minimum Lot Depth	N/A	
Minimum Unit Size	Efficiency	550 sf
	1-bedroom	650 sf
	2-bedroom	800 sf
	3-bedroom	950 sf
Maximum Lot Coverage	50%	
Maximum Height	45 feet (3 stories max)	
Minimum Front Yard Setback	25 feet	
Minimum Side Yard Setback, Street Side	15 feet	
Minimum Side Yard Setback, Interior	20 feet	
Minimum Rear Yard Setback	20 feet	

- 1) The height of any multifamily building sited on a lot adjacent to an area zoned for single family dwellings or where single family dwellings of one story in height exist shall be limited to one story for a distance of sixty (60) feet from the single family district boundary or the lot on which the single family dwelling is located.

E. PARKING REGULATIONS

The following number of spaces shall be provided per unit: one (1) space for efficiencies, two (2) spaces for one (1) and two (2) bedroom units, plus one (1) additional space for each additional bedroom. Required parking may not be provided within the required front yard. Other off-street parking spaces regulations are set forth in Section 82-32.

F. SIGNS

Signs in this district shall comply with the requirements of the City of Princeton sign ordinance (as amended).

G. REFUSE FACILITIES

Every dwelling unit in a multifamily complex shall be located within two hundred fifty (250) feet of a refuse facility, measured along the designated pedestrian and vehicular travel way. There shall be available at all times at least six (6) cubic yards of refuse container per thirty (30) multifamily dwelling units. For complexes with less than thirty (30) units, no less than four (4) cubic yards of refuse container shall be provided. Each refuse facility shall be screened from view on three (3) sides from persons standing at ground level on the site or immediately adjoining property, by an opaque fence or wall of wood or masonry not less than six (6) feet nor more than eight (8) feet in height or by an enclosure within a building. Refuse containers shall be provided and maintained in a manner to satisfy city public health and sanitary regulations. Each refuse facility shall be located so as to provide safe and convenient pickup by refuse collection agencies.

H. FENCE AND SCREENING

See Section 82-06(G) and the City of Princeton Fence Ordinance, as currently amended.

In the event that multiple family district sides or backs upon a single-family, two-family, or townhome district, a solid masonry screening wall of not less than six (6) feet in height or more than eight (8) feet in height shall be installed by the builder at the time of construction of any multifamily complex, along the property line on any perimeter not

abutting a public street or right-of-way. This fence shall be maintained throughout the existence of the multifamily complex by the owner of the complex.

I. LANDSCAPING

See Section 82-06(G) and the City of Princeton Landscape Ordinance, as currently amended.

J. PERMITTED ACCESSORY USES

The following shall be permitted as accessory uses to the multi-family dwellings provided that none shall be a source of income to the owners or users to the multi-family dwellings:

- 1) All accessory uses shall be located at least 20 feet from any street right-of-way and shall not be located between the building and the front property line.
- 2) All accessory buildings shall follow the exact setback lines established within this Section 3.12.
- 3) The height shall be limited to 1 story.
- 4) Detached covered common parking, off-street parking and private garages in connection with any use permitted in this district provided that such parking shall not be located in a front yard or open directly onto a street.
- 5) Swimming pools and tennis courts no nearer than 75 feet to any residentially zoned district.
- 6) Laundry room for use of tenants.
- 7) Meeting, party and/or social rooms in common areas only.
- 8) Cabana, pavilion or roofed area.
- 9) Mechanical and maintenance equipment related to a principal use no nearer than 120 feet to any adjacent residentially zoned district and housed in an enclosed building.
- 10) Screened garbage and/or solid waste storage on a concrete pad, no nearer than 50 feet to any adjacent residential use district, and not within the front set-back.

ARTICLE IV NON-RESIDENTIAL ZONING DISTRICTS

82-20 NC - NEIGHBORHOOD CONVENIENCE DISTRICT

A. GENERAL PURPOSE AND DESCRIPTION

This district is to provide for a limited range of service and light retail land uses in small districts up to two (2) acres in size that are appropriately located at intersections of thoroughfares to serve the immediately adjacent residential neighborhood area.

B. PERMITTED USES

A building or premise shall be used only for the purposes/uses as listed in Section 82-28 Use Chart.

C. PERMITTED SPECIFIC USES

Specific uses shall be permitted as listed in Section 82-28 Use Chart when granted in accordance with Section 82-30.

D. HEIGHT AND AREA REGULATIONS

District Regulation	Standard
Minimum Lot Area	5,000 sf
Minimum Lot Width	100 ft
Minimum Lot Depth	100 ft
Minimum Building Size	None
Maximum Lot Coverage	60%
Maximum Height	40 feet
Minimum Front Yard Setback	25 feet
Minimum Side Yard Setback, Street Side	25 feet
Minimum Side Yard Setback (if adjacent to Residential Lot)	15 feet
Minimum Rear Yard Setback	10 feet
Minimum Rear Yard Setback (if adjacent to Residential Lot)	25 feet or 20% of the depth of the lot (whichever is lesser)

- 1) The front yard setback shall be forty-five (45) feet where parking is allowed in front of the building. Accessory buildings shall have a sixty (60) foot front yard setback.
- 2) No side yard is required between adjacent non-residentially zoned lots except that a side yard of not less than fifteen (15) feet in width shall be provided on the side of a lot adjoining a residential district even when separated by an alley. When adjacent to a residential district, even when separated by an alley, no windows shall be permitted above ten (10) feet on the building sides facing such residential district.
- 3) No rear yard is required between adjacent non-residentially zoned lots. A rear yard of not less than twenty-five (25) feet is required where the lot is adjacent to a street or alley. A rear yard of not less than twenty-five (25) feet or twenty (20) percent of the depth of the lot, whichever is lesser, shall be provided upon that portion of a lot abutting a residential district.

- 4) No building shall exceed the specified height, except cooling towers, roof gables, chimneys, vent stacks, or mechanical equipment rooms, which may project not more than twelve (12) feet beyond maximum building height.

E. PARKING REGULATIONS

Off-street parking and loading shall be provided as set forth in Section 82-32.

F. REFUSE FACILITIES

See Section 1.06.5 – “Trash Receptacles”.

G. FENCE AND SCREENING

See Section 82-06(G) and the City of Princeton Fence Ordinance, as currently amended.

In the event that nonresidential uses side or back upon a residential district, a solid masonry screening wall of eight (8) feet in height shall be erected on the property line separating these districts. The purpose of the screening wall or fence is to provide a visual and protective barrier between the properties. A minimum side yard of ten (10) feet shall be provided on the non-residential property.

Any screening wall or fence required under the provisions of this section, under a Specific Use Permit, Planned Development District, or other requirement shall be constructed of masonry, reinforced concrete, or vinyl material simulating wood or masonry. Wood fences are expressly prohibited.

H. LANDSCAPING

See Section 82-06(G) and the City of Princeton Landscape Ordinance, as currently amended.

I. PERMITTED ACCESSORY USES

Accessory uses customarily appurtenant to a permitted use, and accessory uses as permitted in the Section 82-28 Use Chart.

J. MISCELLANEOUS PROVISIONS

- 1) Signs and illumination
 - a. Signs in this district shall comply with the requirements of the City of Princeton Sign Ordinance (as amended), except that signs identifying the name of the center are permitted as free-standing signs.
 - b. The number of signs shall be limited to the number of tenants.
 - c. No free standing signs (ground or pole signs) shall be permitted, excepting one monument sign per tract.
 - d. All signs shall be flat against the wall of the building, with all parts of the sign within 18 inches of the face of the building.
 - e. All signs shall be oriented so as to face a public street.
 - f. No sign shall be illuminated so as to shine on nearby residential properties
 - g. Any illumination shall be nonflashing and shall not contain a rotating, oscillating or revolving beam or beacon of light.
 - h. Monument signs are allowed with the neighborhood convenience district name only.
- 2) Prior to any subdivision of an NC District, a conceptual site plan, which shall include all the land that exists in single ownership at the time of initial zoning as a NC district, or at the time this

provision became effective, whichever is later, shall be submitted for approval, with consideration being given to this statement of intended development. Thenceforth, any development or subdivision of the property shall be consistent with an approved conceptual site plan, as originally approved or as may be subsequently amended and approved.

82-21 C-1 – COMMERCIAL DISTRICT - OFFICE, LIGHT RETAIL AND NEIGHBORHOOD SERVICES

A. GENERAL PURPOSE AND DESCRIPTION

The Commercial District - 1 is intended for office facilities, neighborhood shopping facilities and retail and commercial facilities of a service character. The C-1 District is established to accommodate the daily and frequent needs of the community. The following regulations shall be applicable to all uses in the district:

- 1) The business shall be conducted wholly within an enclosed building;
- 2) Required yards shall not be used for display, sale or storage of merchandise or for the storage of vehicles, equipment, containers or waste material;
- 3) All merchandise shall be sold at retail on the premises; and
- 4) Such use shall not be objectionable because of odor, excessive light, smoke, dust, noise, vibration or similar nuisance.

B. PERMITTED USES

A building or premise shall be used only for the following purposes:

- 1) Discount, variety, or department store of not greater than twenty thousand (20,000) square feet floor space.
- 2) Food store with floor space not greater than twenty thousand (20,000) square feet.
- 3) Gasoline service station (no garage or automobile repair facilities).
- 4) Other uses as listed in Section 6 "Use of Land and Buildings" of this ordinance.

A building or premise shall be used only for the purposes/uses as listed in Section 82-28 Use Chart.

C. PERMITTED SPECIFIC USES

The following specific uses shall be permitted in the C-1 District, when granted in accordance with Section 82-30:

- 1) Broadcasting facilities, radios, television or microwave tower.
- 2) Gasoline service station with associated minor automobile repair facility with floor space not greater than two thousand five hundred (2,500) square feet.
- 3) Other uses as listed in Section 82-28 Use Chart of this ordinance.

D. HEIGHT AND AREA REGULATIONS

District Regulation	Standard
Minimum Lot Area	8,000 sf
Minimum Lot Width	100 ft
Minimum Lot Depth	100 ft
Minimum Building Size	None
Maximum Lot Coverage	50%
Maximum Height	40 feet
Minimum Front Yard Setback	25 feet
Minimum Side Yard Setback, Street Side	25 feet
Minimum Side Yard Setback (if adjacent to Residential Lot)	15 feet
Minimum Rear Yard Setback	None
Minimum Rear Yard Setback (if adjacent to Residential Lot)	Same as adjacent residential district

- 1) No side yard is required between adjacent non-residentially zoned lots except that a side yard of not less than fifteen (15) feet in width shall be provided on the side of a lot adjoining a residential district even when separated by an alley. When adjacent to a residential district, even when separated by an alley, no windows shall be permitted above ten (10) feet on the building sides facing such residential district.
- 2) No rear yard is required between adjacent non-residentially zoned lots.
- 3) No building shall exceed the specified height, except cooling towers, roof gables, chimneys, vent stacks, or mechanical equipment rooms, which may project not more than twelve (12) feet beyond maximum building height.

E. PARKING REGULATIONS

Off-street parking and loading shall be provided as set forth in Section 82-32.

F. REFUSE FACILITIES

See Section 1.06.5 – “Trash Receptacles”.

G. FENCE AND SCREENING

See Section 82-06(G) and the City of Princeton Fence Ordinance, as currently amended.

In the event that nonresidential uses side or back upon a residential district, a solid masonry screening wall of eight (8) feet in height shall be erected on the property line separating these districts. The purpose of the screening wall or fence is to provide a visual and protective barrier between the properties. A minimum side yard of ten (10) feet shall be provided on the non-residential property.

Any screening wall or fence required under the provisions of this section, under a Specific Use Permit, Planned Development District, or other requirement shall be constructed of masonry, reinforced concrete, or vinyl material simulating wood or masonry. Wood fences are expressly prohibited.

H. LANDSCAPING

See Section 82-06(G) and the City of Princeton Landscape Ordinance, as currently amended.

I. PERMITTED ACCESSORY USES

Accessory uses customarily appurtenant to a permitted use, and accessory uses as permitted in the Section 82-28 Use Chart.

82-22 C-2 – GENERAL COMMERCIAL DISTRICT

A. GENERAL PURPOSE AND DESCRIPTION

The General Commercial District is intended to provide a zoning category similar to the C-1 District, except that additional uses are permitted which are not generally carried on completely within a building or structure and an expanded range of service and repair uses are permitted.

B. PERMITTED USES

A building or premise shall be used only for the purposes/uses as listed in Section 82-28 Use Chart.

C. PERMITTED SPECIFIC USES

The following specific uses shall be permitted in the C-1 District, when granted in accordance with Section 82-30:

- 1) Other uses as listed in Section 82-28 Use Chart of this ordinance.

D. HEIGHT AND AREA REGULATIONS

District Regulation	Standard
Minimum Lot Area	10,000 sf
Minimum Lot Width	100 ft
Minimum Lot Depth	100 ft
Minimum Building Size	None
Maximum Lot Coverage	50%
Maximum Height	35 feet
Minimum Front Yard Setback	25 feet
Minimum Side Yard Setback, Street Side	25 feet
Minimum Side Yard Setback (if adjacent to Residential Lot)	15 feet
Minimum Rear Yard Setback	None
Minimum Rear Yard Setback (if adjacent to Residential Lot)	Same as adjacent residential district

- 1) No side yard is required between adjacent non-residentially zoned lots except that a side yard of not less than fifteen (15) feet in width shall be provided on the side of a lot adjoining a residential district even when separated by an alley. When adjacent to a residential district, even when separated by an alley, no windows shall be permitted above ten (10) feet on the building sides facing such residential district.
- 2) No rear yard is required between adjacent non-residentially zoned lots.
- 3) No building shall exceed the specified height, except cooling towers, roof gables, chimneys, vent stacks, or mechanical equipment rooms, which may project not more than twelve (12) feet beyond maximum building height.

E. PARKING REGULATIONS

Off-street parking and loading shall be provided as set forth in Section 82-32.

F. REFUSE FACILITIES

See Section 1.06.5 – “Trash Receptacles”.

G. FENCE AND SCREENING

See Section 82-06(G) and the City of Princeton Fence Ordinance, as currently amended.

In the event that nonresidential uses side or back upon a residential district, a solid masonry screening wall of eight (8) feet in height shall be erected on the property line separating these districts. The purpose of the screening wall or fence is to provide a visual and protective barrier between the properties. A minimum side yard of ten (10) feet shall be provided on the non-residential property.

Any screening wall or fence required under the provisions of this section, under a Specific Use Permit, Planned Development District, or other requirement shall be constructed of masonry, reinforced concrete, or vinyl material simulating wood or masonry. Wood fences are expressly prohibited.

H. LANDSCAPING

See Section 82-06(G) and the City of Princeton Landscape Ordinance, as currently amended.

I. PERMITTED ACCESSORY USES

Accessory uses customarily appurtenant to a permitted use, and accessory uses as permitted in the Section 82-28 Use Chart.

82-23 M-1 – MANUFACTURING/INDUSTRIAL DISTRICT - LIGHT

A. GENERAL PURPOSE AND DESCRIPTION

The Light Manufacturing/Industrial District is established to accommodate those uses which are a non-nuisance type located in relative proximity to residential area, and to preserve and protect land designated on the Comprehensive Plan for industrial development and use from the intrusion of certain incompatible uses which might impede the development and use of lands for industrial purposes. Development in the M-1 District is limited primarily to certain storage, wholesale and industrial uses, such as the fabrication of materials, and specialized manufacturing and research institutions, all of a non-nuisance type. No use or types of uses specifically limited to the M-2 District may be permitted in the M-1 District.

Uses permitted in the M-1 District are subject to the following conditions:

- 1) All business, servicing or processing, except for off-street loading, display or merchandise for sale to the public, and establishments of the “drive-in” type, shall be conducted within completely enclosed areas.
- 2) All storage within one hundred (100) feet of a residential district, except for motor vehicles in operable condition, shall be within completely enclosed buildings or effectively screened with screening not less than six (6) feet nor more than eight (8) feet in height, provided no storage located within fifty (50) feet of such screening shall exceed the maximum height of screening.
- 3) Permitted uses in the M-1 District shall not disseminate dust, fumes, gas, noxious odor, smoke, glare or other atmospheric influence.
- 4) Permitted uses in the M-1 District shall produce no noise exceeding in intensity, at the boundary of the property, the average of intensity of noise of street traffic.
- 5) Permitted uses in the M-1 District shall not create fire hazards on surrounding property.

B. PERMITTED USES

A building or premise shall be used only for the purposes/uses as listed in Section 82-28 Use Chart.

C. PERMITTED SPECIFIC USES

The following specific uses shall be permitted in the M-1 District when granted in accordance with Section 82-30:

- 1) Accessory uses, including but not limited to temporary buildings for construction purposes for a period not to exceed the duration of such construction.
- 2) Factory outlet retail or wholesale store for the sales and servicing of goods or materials on the same premises as the manufacturing company to which they are related, including sales and service in a separate building or buildings.
- 3) Railroad freight terminals, railroad switching and classification yards, repair shops and roundhouses.
- 4) Other uses as listed in Section 82-28 Use Chart of this ordinance.

D. HEIGHT AND AREA REGULATIONS

District Regulation	Standard
Minimum Lot Area	None
Minimum Lot Width	None
Minimum Lot Depth	None
Minimum Building Size	None
Maximum Lot Coverage	80%
Maximum Height	50 feet
Minimum Front Yard Setback	25 feet
Minimum Side Yard Setback, Street Side	25 feet
Minimum Side Yard Setback (if adjacent to Residential Lot)	15 feet
Minimum Rear Yard Setback	None
Minimum Rear Yard Setback (if adjacent to Residential Lot)	Same as adjacent residential district

- 1) A twenty-five (25) foot front yard is required except that a front yard of not less than fifty (50) feet shall be provided upon that portion of a lot abutting or across a street or alley from property in a residential or commercial district.
- 2) No side yard is required between adjacent non-residentially zoned lots except that a side yard of not less than fifteen (15) feet in width shall be provided on the side of a lot adjoining a residential district even when separated by an alley. When adjacent to a residential district, even when separated by an alley, no windows shall be permitted above ten (10) feet on the building sides facing such residential district.
- 3) No rear yard is required except that a rear yard of not less than fifty (50) feet in depth shall be provided upon that portion of a lot abutting or across a rear street or alley from a residential district, except that such rear yard requirement shall be twenty-five (25) feet in depth where the property in the residential district backs up to the rear street. In addition, a masonry wall having a minimum height of six (6) feet above the average grade of the residential property shall be constructed on the non-residential property adjacent to the common side property line.
- 4) A building may be erected to a height of eighty (80) feet if set back from all required yard lines a distance of one (1) foot for each two (2) feet of additional height above forty-five (45) feet. This requirement is in addition to all other relevant setback requirements.

E. PARKING REGULATIONS

Off-street parking and loading shall be provided as set forth in Section 82-32.

F. REFUSE FACILITIES

See Section 1.06.5 – “Trash Receptacles”.

G. FENCE AND SCREENING

See Section 82-06(G) and the City of Princeton Fence Ordinance, as currently amended.

In the event that nonresidential uses side or back upon a residential district, a solid masonry screening wall of eight (8) feet in height shall be erected on the property line separating these districts. The purpose of the screening wall or fence is to provide a visual and protective barrier between the properties. A minimum side yard of ten (10) feet shall be provided on the non-residential property.

Any screening wall or fence required under the provisions of this section, under a Specific Use Permit, Planned Development District, or other requirement shall be constructed of masonry, reinforced concrete, or vinyl material simulating wood or masonry. Wood fences are expressly prohibited.

H. LANDSCAPING

See Section 82-06(G) and the City of Princeton Landscape Ordinance, as currently amended.

I. PERMITTED ACCESSORY USES

Accessory uses customarily appurtenant to a permitted use, and accessory uses as permitted in the Section 82-28 Use Chart.

82-24 M-2 – MANUFACTURING/INDUSTRIAL DISTRICT - HEAVY

A. GENERAL PURPOSE AND DESCRIPTION

The Heavy Manufacturing/Industrial District is established to accommodate most industrial uses and protect such areas from the intrusion of certain incompatible uses which might impede the development and use of lands for industrial purposes.

Uses permitted in the M-2 District are subject to the following conditions:

- 1) All business, servicing or processing, except for off-street parking, off-street loading, display of merchandise for sale to the public and establishments of the “drive-in” type shall be conducted within completely enclosed buildings unless otherwise indicated.
- 2) All storage within one hundred (100) feet of a residential district, except for motor vehicles in operable condition, shall be within completely enclosed buildings or effectively, screened with screening not less than six (6) feet nor more than eight (8) feet in height, provided no storage located within fifty (50) feet of such screening shall exceed the maximum height of such screening.
- 3) All uses permitted in the M-2 District must meet the following performance standards and any appropriate city ordinances:
 - a. Smoke: No operation shall be conducted unless it conforms to the standards established by any applicable state and federal health rules and regulations pertaining to emission of particulate matter;
 - b. Particulate Matter: No operation shall be conducted unless it conforms to the standards established by any applicable state and federal health rules and regulations pertaining to emission of particulate matter;
 - c. Dust, Odor, Gas, Fumes, Glare or Vibration: No emission of these matters shall result in a concentration at or beyond the property line which is detrimental to the public health, safety or general welfare or which causes injury or damage to property; said emissions shall in all cases conform to the standards established by applicable state and federal health rules and regulations pertaining to said emissions;
 - d. Radiation Hazards and Electrical Disturbances: No operation shall be conducted unless it conforms to the standards established by applicable state and federal health rules and regulations pertaining to radiation control;
 - e. Noise: No operation shall be conducted in a manner so that any noise produced is objectionable due to intermittence, beat frequency or shrillness. Sound levels of noise at the property line shall not exceed 75 db (A) permitted for a maximum of fifteen (15) minutes in any one (1) hour; said operation shall in all cases conform to the standards established by applicable state and federal health rules and regulations and to other city ordinances pertaining to noise; and
 - f. Water Pollution: No water shall be emitted by manufacturing or other processing. In a case in which potential hazards exist, it shall be necessary to install safeguards acceptable to the appropriate State and national health and environmental protection agencies prior to issuance of a certificate of occupancy. The applicant shall have the burden of establishing that said safeguards are acceptable to said agency or agencies.

B. PERMITTED USES

A building or premise shall be used only for the purposes/uses as listed in Section 82-28 Use Chart.

C. PERMITTED SPECIFIC USES

The following specific uses shall be permitted in the M-2 District when granted in accordance with Section 82-30:

- 1) Other uses as listed in Section 82-28 Use Chart of this ordinance.
- 2) Other manufacturing and industrial uses which do not meet the general definition for manufacturing processes may be permitted by the City Council after recommendation from the Planning and Zoning Commission following a public hearing and review of the particular operational characteristics of each such use, and any other pertinent data affecting the community's general welfare. Approval of uses under this section shall be made in accordance with Section 8.04.2.

D. HEIGHT AND AREA REGULATIONS

District Regulation	Standard
Minimum Lot Area	None
Minimum Lot Width	None
Minimum Lot Depth	None
Minimum Building Size	None
Maximum Lot Coverage	None
Maximum Height	50 feet
Minimum Front Yard Setback	25 feet
Minimum Side Yard Setback, Street Side	25 feet
Minimum Side Yard Setback (if adjacent to Residential Lot)	15 feet
Minimum Rear Yard Setback	None
Minimum Rear Yard Setback (if adjacent to Residential Lot)	Same as adjacent residential district

- 1) A twenty-five (25) foot front yard is required except that a front yard of not less than fifty (50) feet shall be provided upon that portion of a lot abutting or across a street or alley from property in a residential or commercial district.
- 2) No side yard is required between adjacent non-residentially zoned lots except that a side yard of not less than fifteen (15) feet in width shall be provided on the side of a lot adjoining a residential district even when separated by an alley. When adjacent to a residential district, even when separated by an alley, no windows shall be permitted above ten (10) feet on the building sides facing such residential district.
- 3) No rear yard is required except that a rear yard of not less than fifty (50) feet in depth shall be provided upon that portion of a lot abutting or across a rear street or alley from a residential district, except that such rear yard requirement shall be twenty-five (25) feet in depth where the property in the residential district backs up to the rear street. In addition, a masonry wall having a minimum height of six (6) feet above the average grade of the residential property shall be constructed on the non-residential property adjacent to the common side property line.
- 4) A building may be erected to a height of eighty (80) feet if set back from all required yard lines a distance of one (1) foot for each two (2) feet of additional height above forty-five (45) feet. This requirement is in addition to all other relevant setback requirements.

E. PARKING REGULATIONS

Off-street parking and loading shall be provided as set forth in Section 82-32.

F. REFUSE FACILITIES

See Section 1.06.5 – “Trash Receptacles”.

G. FENCE AND SCREENING

See Section 82-06(G) and the City of Princeton Fence Ordinance, as currently amended.

In the event that nonresidential uses side or back upon a residential district, a solid masonry screening wall of eight (8) feet in height shall be erected on the property line separating these districts. The purpose of the screening wall or fence is to provide a visual and protective barrier between the properties. A minimum side yard of ten (10) feet shall be provided on the non-residential property.

Any screening wall or fence required under the provisions of this section, under a Specific Use Permit, Planned Development District, or other requirement shall be constructed of masonry, reinforced concrete, or vinyl material simulating wood or masonry. Wood fences are expressly prohibited.

H. LANDSCAPING

See Section 82-06(G) and the City of Princeton Landscape Ordinance, as currently amended.

I. PERMITTED ACCESSORY USES

Accessory uses customarily appurtenant to a permitted use, and accessory uses as permitted in the Section 82-28 Use Chart.

ARTICLE V SPECIAL ZONING DISTRICTS

82-25 PD – PLANNED DEVELOPMENT DISTRICT

A. GENERAL PURPOSE AND DESCRIPTION

The Planned Development District “PD” prefix is intended to provide for combining and mixing of uses allowed in various districts with appropriate regulations and to permit flexibility in the use and design of land and buildings in situations where modification of specific provisions of this ordinance is not contrary to its intent and purpose or significantly inconsistent with the planning on which it is based and will not be harmful to the community. A PD District may be used to permit new and innovative concepts in land utilization. While great flexibility is given to provide special restrictions which will allow development not otherwise permitted, procedures are established herein to insure against misuse of the increased flexibility.

1) Residential Planned Developments

Residential Planned Developments are intended to provide one or more of the following characteristics and amenities:

- a. A range of housing types and densities.
- b. For larger developments located on appropriate thoroughfares, other compatible land uses (such as retail) incorporated into the project in a unified, integrated manner.
- c. Intensity, density and character compatible with surrounding land uses and consistent with the City’s established Comprehensive Plan goals.
- d. Usable public open space, and maximized use of lakes and vistas.
- e. Enhanced entryways.
- f. Basic architectural variety.
- g. Enhanced streetscaping, curvilinear street pattern, and preservation of valuable natural amenities.

2) Non-Residential Planned Developments

Non-Residential Planned Developments are intended to provide one or more of the following characteristics and amenities:

- a. Commercial or industrial uses grouped into clusters to allow for appreciable open space or joint use (such as parking and storage).
- b. Single-purpose commercial or industrial development with innovative land utilization.
- c. A combination of residential and non-residential uses.

B. PERMITTED USES

Any use specified in the ordinance granting a Planned Development District shall be permitted in that district. The size, location, appearance and method of operation may be specified to the extent necessary to insure compliance with the purpose of this ordinance.

C. DEVELOPMENT STANDARDS

- 1) A PD District requires a minimum of two (2) contiguous acres. Acreage may be less than (2) acres when satisfying the goals of the Comprehensive Plan and Future Land Use Plan.
- 2) Development standards for each separate PD District shall be set forth in the ordinance granting the PD District and may include but shall not be limited to uses, density, lot area, lot width, lot depth, yard depths and widths, building height, building elevations, coverage, floor area ratio,

parking, access, screening, landscaping, accessory buildings, signs, lighting, management associations and other requirements as the Planning and Zoning Commission and the City Council may deem appropriate.

- 3) In the PD District, the particular district(s) to which uses are specified in the PD are most similar shall be stated in the granting ordinance. All PD applications shall list all requested variances from the standard requirements set forth throughout this ordinance (applications without this list will be considered incomplete).
- 4) The ordinance granting a PD District shall include a statement as to the purpose and intent of the PD granted therein. A specific list is required of variances in each district or districts and a general statement citing the reason for the PD request.
- 5) The Planned Development District shall conform to all other sections of the ordinance unless specifically exempted in the granting ordinance.

D. CONCEPTUAL AND DEVELOPMENT PLAN

In establishing a Planned Development District, the Planning and Zoning Commission and City Council shall approve and file as part of the amending ordinance appropriate plans and standard for each Planned Development District. During the review and public hearing process, the Planning and Zoning Commission and the City Council shall require a conceptual plan and a development plan (or detail site plan).

E. CONCEPTUAL PLAN

This plan shall be submitted by the applicant. The plan shall show the applicant's intent for the use of the land within the proposed Planned Development District in a graphic manner and shall be supported by written documentation of proposals and standards for development.

- 1) A conceptual plan for residential land use shall show general use, thoroughfares, and preliminary lot arrangements. For residential development which does not propose platted lots, the conceptual plan shall set forth the size, type and location of buildings and building sites, access, density, building height, fire lanes, screening, parking areas, landscaped areas and other pertinent development data.
- 2) A conceptual plan for uses other than residential uses shall set forth the land use proposals in a manner to adequately illustrate the type and nature of the proposed development. Data which may be submitted by the applicant, or required by the Planning and Zoning Commission and/or the City Council, may include but is not limited to the types of use(s), topography and boundary of the PD area, physical features of the site, existing streets, alleys and easements, location of future public facilities, building heights and locations, parking ratios and other information to adequately describe the proposed development and to provide data for approval which is to be used in drafting the final development plan.
- 3) Changes of detail which do not alter the basic relationship of the proposed development to adjacent property and which do not alter the uses permitted or increase the density, building height or coverage of the site and which do not decrease the off-street parking ratio, reduce the yards provided at the boundary of the site or significantly alter the landscape plans as indicated on the approved conceptual plan may be authorized by the City Manager or his designated representative. If an agreement cannot be reached regarding whether or not a detail site plan conforms to the original concept plan, the Planning and Zoning Commission shall review conformity and make recommendation to the City Council for approval or denial.

F. DEVELOPMENT PLAN OR DETAILED SITE PLAN

This plan shall sets forth the final plans for development of the Planned Development District and shall conform to the data presented and approved on the conceptual plan. Approval of the development plan shall be the basis for issuance of a building permit. The development plan may be approved for the total area of the PD or for any section by the City Council. A public hearing on approval of the development plan shall be required at the Council level, unless such a hearing is waived pursuant to Section 20.4.3.1 at the time of conceptual plan approval in the original amending ordinance. The development plan shall include:

- 1) A site inventory analysis including a scale drawing showing existing vegetation, natural water courses, creeks or bodies of water and an analysis of planned changes in such natural features as a result of the development. This should include a delineation of any flood prone areas.
- 2) A scale drawing showing any proposed public or private streets and alleys, building sites or lots and areas reserved as parks, parkways, playgrounds, utility easements, school sites, street widening and street changes, the points of ingress and egress from existing streets, general location and description of existing and proposed utility services, including size of water and sewer mains, the location and width for all curb cuts and the land area of all abutting sites and the zoning classification thereof on an accurate survey of the tract with the topographical contour interval of not more than five (5) feet.
- 3) A site plan for proposed building complexes showing the location of separate buildings and between buildings and property lines, street lines and alley lines. Also to be included on the site plan is a plan showing the arrangement and provision of off-street parking.
- 4) A landscape plan showing screening walls, ornamental planting, wooded areas and trees to be planted.
- 5) An architectural plan showing elevations and signage style to be used throughout the development in all districts except single family and two family may be required by the Planning and Zoning Commission or the City Council if deemed appropriate. Any or all of the required information may be incorporated on a single drawing if such drawing is clear and can be evaluated by the Development Services Director or the City Manager's designee.

G. PROCEDURE FOR ESTABLISHMENT

The Procedure for establishing a Planned Development District shall follow the procedure for zoning amendments as set forth in Section 82-33. This procedure is expanded as follows for approval of conceptual and development plans.

- 1) Separate public hearings shall be held by City Council for the approval of the conceptual plan and the development plan or any section of the development plan, unless such requirements are waived by the City Council upon a determination that a single public hearing is adequate when:
 - a. The applicant submits adequate data with the request for the Planned Development District to fulfill the requirements for both plans; or
 - b. Information on the concept plan is sufficient to determine the appropriate use of the land and the detail site plan will not deviate substantially from it; and
 - c. The requirement is waived at the time the amending ordinance is approved. If the requirement is waived, the conditions shall be specifically stated in the amending ordinance.
- 2) The ordinance establishing the Planned Development District shall not be approved until the conceptual plan is approved.

- 3) The development plan may be approved in sections. When the plan is approved in sections, separate approvals by the City Council shall be required for the initial and subsequent sections will be required.
- 4) An initial development plan shall be submitted for approval within six (6) months from the approval of the conceptual plan or some portion of the conceptual plan. If the development plan is not submitted within six (6) months, the conceptual plan is subject to reapproval by the City Council. If the entire project is not completed within two (2) years, the City Council may review the original conceptual plan to ensure its continued validity.
- 5) Regardless of whether the public hearing is waived for the development plan, approval by the City Council is still required.

H. WRITTEN REPORT MAY BE REQUIRED

When a PD is being considered, a written report may be requested of the applicant discussing the impact on planning, engineering, water utilities, electric, sanitation, building inspection, tax, police, fire and traffic. Written comments from the applicable public school district and from private utilities may be submitted to the Planning and Zoning Commission and City Council for review.

I. PLANNED DEVELOPMENTS TO BE RECORDED

All Planned Development Districts approved in accordance with the provisions of this ordinance in its original form, or by subsequent amendment thereto, shall be referenced on the Zoning District Map, and a list of such Planned Development Districts, together with the category of uses permitted therein, shall be maintained in an appendix of this ordinance.

ARTICLE VI USE OF LAND AND BUILDINGS

82-26 USE CHART DESCRIPTION

No land shall hereafter be used and no building or structure shall hereafter be occupied, used, erected, altered, removed, placed, demolished or converted which is arranged or designed to be used for other than those uses specified for the district in which it is located as set forth by the following Schedule of Uses.

A. LEGEND FOR USE CHART

X	Use is permitted in district indicated
S	Use is permitted in district upon approval of a Specific Use Permit
#	Conditional Use, (See Sec.)
	Prohibited Use

Description/definitions of uses are listed in Section 82-28 "Descriptions/Definitions".

Additional regulations relating to use of land and buildings in individual zoning districts are listed in Sections 3 through 5 and Section 7 of this ordinance.

Specific Conditions Indicated in the Use Chart are listed in Section 82-29 "Special Uses and Conditions"

82-27 ZONING USE CHART

The use of land or buildings shall be in accordance with those listed in the following chart. No land or building shall hereafter be used or erected, altered or converted other than those uses specified in the zoning district in which it is located.

Zoning District Legend		Residential											Non Residential							
X	Permitted Use	AG - Agricultural	SF-E – Single Family Estate	SF-SE - Single Family Small Estate	SF-1 – Single Family up to 4 per acre	SF-2 – Single Family 4 – 6 per acre	TF – Two Family residential (Duplex)	SF-Z – Single Family, zero lot line	SF-TH – Single family Town Home	MF-1 – Multi Family medium density	MF-2 – Multi Family Higher density	MH-S - Manufactured Home Subdivision	MH-P – Manufacture Home Park	NC - Neighborhood Convenience	C-1 – Commercial District, Light Retail	C-2 – Commercial District, General	M-1 - Manufacturing District, Light	M-2 – Manufacturing District ,Heavy		
S	Special Use Permit																			
#	Conditional Use, (See Sec.)																			
	Prohibited Use																			
Type of Use (*)= Special Conditions Apply																				
Residential Uses (see Definitions Sec. 82-29(A))																				
Bed and Breakfast Inn						S													S	
Boarding and Rooming House											S									
Caretaker’s/Guard’s Residence	S	S													S	S	S	S		
Dwelling – Multifamily (*)										X	X									
Dwelling – Single Family Detached	X	X	X	X	X	X	X													
Dwelling – Townhouse or Row House										X	X	X								
Dwelling – Two Family (Duplex)							X			S	S									
Dwelling – Zero Lot Line (Patio Home) (*)							X	X	X											
Garage Apartment	S	S	S																	
Garage Conversion (*)		S	S																	
Guest House	X	X	X	S	S	S														
Manufactured Housing, HUD Code																				
Manufactured Home Park																				
Manufactured Home Subdivision																				
Modular Home (Industrialized Housing)				X	X															
Senior Housing		S	S	S	S	S	S	S	S	S	S	S								
Temporary Accessory Housing Shelter (*)	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S

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	Prohibited Use																								
Non-Residential Uses																									
Educational, Institutional, Special Uses (see Definitions Sec. 82-29(B))																									
Adult Day Care Center														S	S										
Amenity Center		X	X	X	X	X	X	X	X	X	X	X													
Animal Exhibition	S																								
Assembly Hall		X	X	X	X	X	X	X	X	X	X	X		X	X	X	X								
Assisted Living Facility									S	S				X	X										
Cemetery or Mausoleum	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S								
Child Care: Foster Family Home (Independent)		S	S	S	S	S	S	S	S	S	S	S	S	S	S										
Child Care: Foster Group Home (Independent)		S	S	S	S	S	S	S	S	S			S	S	S										
Child Care: Licensed Child Care Ctr. (*)													X	X	X										
Child Care: Licensed Child Care Home		S	S	S	S	S	S	S			S	S													
Child Care: Listed Family Home		S	S	S	S	S	S	S			S	S													
Child Care: Registered Child Care Home		S	S	S	S	S	S	S			S	S													
Civic Center															X	X	X								
College or University													S	S	S	S	S								
Community Center, Public/Private		S	S	S	S	S	S	S	S	S	S	S		S	X	X									
Equestrian Center	X																								
Family Home	S	S	S	S	S	S			S	S				S											
Farm, Ranch, Stable, Garden or Orchard	X	S												S											
Farmer’s Market	X													S	S	S	X								
Feedlot, Livestock																									

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Non-Residential Uses																									
Fire Station/Public Safety Building	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X							
Fraternal Organization, Lodge, Civic Club															X	X									
Greenhouse, Non-Commercial	X	X	X	X	X	X									X	X	X	X							
Greenhouse or Plant Nursery, Commercial, Major	X														S	S	S	X							
Greenhouse or Plant Nursery, Commercial, Minor	X														X	X	X	X							
Homebuilder Marketing Center		X	X	X	X	X	X	X	X	X	S	S													
Hospital														S	X	X	S	S							
Household Care Facility		S	S	S	S	S	S	S																	
Independent Living Facility									X	X						S									
Kennel (Indoor Pens)/Commercial Pet Sitting	S															S	S	S							
Kennel (Outdoor Pens)	X																S	S							
Library		S	S	S	S	S	S	S	S	S				S	X	X	X								
Livestock, Feedlot	X																								
Long Term Care Facility															X	X	S	S							
Model Home		X	X	X	X	X	X	X	X	X	X	X													
Mortuary/Funeral Parlor															X	X									
Museum or Art Gallery	X													S	X	X	X								
Nursing/Convalescent Home									S	S				S	S	S	S	S							
Personal Care Home (Custodial Care)	S	S	S	S	S	S	S	S	S	S	S	S													
Prison, Jail, Place of Incarceration	S															S	S	S							

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Non-Residential Uses																										
Rehabilitation Care Institution																		S	S	S						
Rehabilitation In-Home Care						S			S	S				S	X	S										
Religious Facility/Place of Worship	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X							
School, Private		S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S									
School, Public or Parochial		S	S	S	S	S	S	S	S	S	S	S	S	S	S											
School, Trade or Commercial	S												S	S	S	X	X									
Stable, Commercial (also see “Equestrian Center”)	X																	S								
Winery	X												S	S	S	S	S	X								
Recreational & Entertainment Uses (see Definitions Sec. 82-29(C))																										
Athletic Stadium or Field, Private	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S							
Athletic Stadium or Field, Public	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X							
Commercial Amusement, Indoor														X	X	X	X									
Commercial Amusement, Outdoor														S	S	S	S									
Dance Hall																S	S	S								
Fairground, Exhibition Area, or Rodeo Arena	X													S	S	X	X									
Golf Course and/or Country Club	X	S	S								S	S		S	S	S	S									
Golf Driving Range	X															S	S	S								
Gun or Archery Range (Indoor)	X															S	X	X								
Park, Playground, or Recreation Center (Public)	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X							
Race Track																		X	X							

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Non-Residential Uses																										
Recreational Vehicle Park or Campground	X																X	X								
Zoo	S													S	S	S	S	S								
Transportation, Utility and Communication Uses (see Definitions Sec. 82-29(D))																										
Airport, Heliport, or Landing Field	S															S	S	S								
Antenna, Amateur Radio	X													S	S	S	S	S								
Antenna, Commercial	S													S	S	S	S	S								
Antenna, Stealth	S													S	S	S	S	S								
Communications Operations, Amateur	S													S	S	S	S	S								
Communications Operations, Commercial	S													S	S	S	S	S								
Electric Power Generating Plant	S													S	S	S	X	X								
Helistop	S													S	S	S	X	X								
Landfill	S																	S								
Liquefied Petroleum Gas Storage/Sale (No Bulk Plants)	S															S	S	S								
Microwave Reflector/Antenna	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S								
Private Utility (Other Than Listed)	S																X	X								
Radio, Television or Microwave Communications-Amateur (*)	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S								
Radio, Television or Microwave Communications-Commercial (*)	S													S	S	S	S	S								
Service Yard of Governmental Agency	X														X	X	X	X								
Sewage Treatment Plant	S														S	X	X	X								

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Non-Residential Uses																			
Shops, Office and/or Storage Area of Public or Private Utility	S														X	X	X	X	
Solid Waste Transfer Station																	X	X	
Telephone Exchange														S	X	X	X	X	
Transit Station or Turnaround													X	X	X	X	X	X	
Transportation and Utility Structures/Facilities		S	S	S	S	S					S	S	S	X	X	X	X	X	
Utility Distribution/Transmission Lines	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	
Water Treatment Plant	X															X	X	X	
Wind Energy Conversion Systems, Farm or Utility	X																	X	
Wind Energy Conversion Systems, Small (Wind Turbines)	X	X	X	S	S	S	S	S	S	S	S	S	S	S	S	S	S	X	
Automobile and Related Services (see Definitions Sec. 82-29(E))																			
Automobile Leasing															S	S	X	X	
Automobile Parts Sales (Inside)														S	X	X	X	X	
Automobile Parts Sales (Outside)																	S	S	
Automobile Paid Parking Lot or Parking Garage													X	X	X	X	X	X	
Automobile Parking Lot or Parking Garage															X	X	X	X	
Automobile Repair, Major																S	X	X	
Automobile Repair, Minor/Service Station																X	X	X	
Automobile and Trailer Sales, New														S	S	X	X		
Automobile and Trailer Sales, Used														S	S	X	X		

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Non-Residential Uses																									
Commercial, Retail and Service Type Uses (see Definitions Sec. 82-29(F))																									
Air Conditioning & Refrigeration Contractor														S	S	X	X								
Antique Shop													S	X	X										
Arcade													S	X	X	X	S								
Artisan’s Workshop/Handcraft Shop														X	X	X	X								
Arts, Crafts Store (Inside Sales, Limited Outside Sales)													X	X	X	X									
Bakery and Confectionery, Retail Sales													X	X	X	X	X								
Bakery and Confectionery, Commercial																X	X								
Bank, Savings and Loan, Credit Union													X	X	X	S	S								
Barber Shop/Beauty Salon													X	X	X										
Building Materials and Hardware Sales, Major															X	X	X								
Building Materials and Hardware Sales, Minor													S	X	X	X	X								
Business Service													X	X	X	X	X								
Cabinet and Upholstery Shop														S	S	X	X								
Clinic, Medical or Dental													S	X	X										
Convenience store with Gas Pumps													S	S	S	S	S								
Convenience Store without Gas Pumps													X	X	X										
Custom Personal Service Shop													X	X	X										
Data Center														X	X	X	X								

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Type of Use (*)= Special Conditions Apply																										
Non-Residential Uses																										
Discount, Variety or Department Store														S	X	X	S	S								
Drive-In Service Facility														S	X	X										
Engine/Motor Repair																X	X	X								
Equipment and Machinery Sales and Rental - Major																S	X	X								
Equipment and Machinery Sales and Rental - Minor																X	X	X								
Exterior Sales																S	X	X								
Feed, Farm Equipment, Sales and Service (Inside Sales/Storage)														X	X	X	X	X								
Feed and Farm Supply Store (Outside Sales/Storage)														S	X	X	X	X								
Flea Market, Inside		S														S	X	X								
Flea Market, Outside																	S	S								
Florist													X	X	X	S										
Food Store, Grocery Store													X	X	X	X	X	X								
Furniture, Home Furnishings, and Equipment Stores														X	X	X	X	X								
Garden Center (Retail Sales)														S	X	X	S									
Gymnastics/Dance Studio													X	X	X	X	X	X								
Handcrafted Art Work Studio													S	X	X	X	X	X								
Hardware Sales													S	X	X	S										
Health/Fitness Center													X	X	X	X	X	S								
Hotel/Motel														S	X											

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Non-Residential Uses																			
Hotel, Residence/Extended Stay (*)																			S
Household Appliance Service and Repair																			S
Ice Machine – Self Service, Drive-up																			S
Indoor Gun Range																			S
Kiosk														X	X	X			
Laboratory, Medical or Dental																			S
Laboratory, Scientific or Research																			X
Laundromat/Laundry and Cleaning Self-Service																			X
Laundry and Cleaning, Commercial																			X
Locksmith/Security System Company																			X
Mail Services																			X
Massage Therapy, Licensed																			X
Medical Office																			X
Medical Supplies, Sales and Service																			X
Metal Dealer, Secondhand																			S
Metal Dealer, Crafted Precious																			S
Mortuary/Funeral Parlor																			X
Motorcycle Sales, Service																			X
Office Center																			S
Office, Prof. or General Administrative																			X
Office - Showroom/Warehouse																			X
Package Sales																			X

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Non-Residential Uses																									
Pawn Shop														S	X	S	S								
Personal Service Shop													S	S	S	S	S								
Pet Shop														S	S										
Pharmacy													X	X	X	X	X								
Plumbing, Heating, Refrigeration or Air Conditioning Business (Includes Service)															S	X	X								
Portable Building Sales																S	S								
Print Shop-Major															S	X	X								
Print Shop-Minor															X	X	S								
Private Club (*)													X	X	X										
Racquetball Facilities															X	X									
Restaurant/Cafeteria													X	X	X	X	S								
Restaurant/Drive-In														X	X	S									
Retail, Superstore															X										
Retail, Stores and Shops													X	X	X	S									
Retail, Service Store or Shop													S	X	X	X	X								
Retail/Service (Incidental)													S	X	X	X	X								
Retail, Miscellaneous Stores														X	X	S									
Second Hand Store, Furniture/Clothing														S	S	X									
Sexually Oriented Uses																S	S								
Shopping Center														S	X	S									
Small Engine Repair Shop															X	X	X								

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Non-Residential Uses																									
Studio for Photographer, Musician, and/or Artist														S	S	X	X								
Studio for Radio and/or Television															X	X	X								
Studio Residence		S	S	S	S	S	S	S	S	S	S	S													
Tanning Salon													X	X	X	X									
Tattooing and Permanent (or Intradermal) Cosmetics Shop														S	X	X	X								
Taxidermist																S	S								
Theater (Outdoor):																X	X								
Theater (Indoor)															X	X	X								
Theater – Regional															X	X	X								
Tire Dealer (no open storage):															X	X	X								
Tire Dealer (with open storage):																X	X								
Tool Rental Shop															X	X	X								
Trailer, Manufactured Housing or Mobile Home Display and Sales											X	X				X	X								
Trailer Rental															S	X	X								
Washateria									S	S	S	S	S	S	S	X									
Veterinary Clinic and/or Kennel, Indoor	S												S	X	X	X	X								
Veterinary Clinic and/or Kennel, Outdoor	S															X	X								

Zoning District Legend		Residential											Non Residential												
<table border="1"> <tr><td>X</td><td>Permitted Use</td></tr> <tr><td>S</td><td>Special Use Permit</td></tr> <tr><td>#</td><td>Conditional Use, (See Sec.)</td></tr> <tr><td></td><td>Prohibited Use</td></tr> </table> <p>Type of Use (*)= Special Conditions Apply</p>	X	Permitted Use	S	Special Use Permit	#	Conditional Use, (See Sec.)		Prohibited Use	AG - Agricultural	SF-E – Single Family Estate	SF-SE - Single Family Small Estate	SF-1 – Single Family up to 4 per acre	SF-2 – Single Family 4 – 6 per acre	TF – Two Family residential (Duplex)	SF-Z – Single Family ,zero lot line	SF-TH – Single family Town Home	MF-1 – Multi Family medium density	MF-2 – Multi Family Higher density	MH-S - Manufactured Home Subdivision	MH-P – Manufacture Home Park	NC - Neighborhood Convenience	C-1 – Commercial District, Light Retail	C-2 – Commercial District, General	M-1 - Manufacturing District, Light	M-2 – Manufacturing District ,Heavy
	X	Permitted Use																							
	S	Special Use Permit																							
	#	Conditional Use, (See Sec.)																							
	Prohibited Use																								
Non-Residential Uses																									
Manufacturing, Storage and Warehouse Uses (see Definitions Sec. 82-29(G))																									
Asphalt or Concrete Batching Plant, (Temporary)	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X							
Construction Yard (Temporary) (*)	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X							
Field Office (*)		S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S							
General Commercial Plant																	X	X							
General Manufacturing																	X	X							
Manufacturing, Industrial (Heavy)- see list																	S	X							
Manufacturing, Industrial (Light)- see list																	X	X							
Junk, Wrecking or Salvage Yard																	S	S							
Metal Fabrication; Machine Shop																S	S	X							
Mini-Warehouse/Public Storage																S	X	X							
Miscellaneous Hazardous Ind. Use																S	S	S							
Office/Warehouse/Distribution Ctr.																S	S	S							
Oil Well/Gas Well and Mineral Extraction	S															S	S	S							
Recycling Center																S	S	S							
Recycling Collection Point																S	S	S							
Recycling Plant																	S	S							
Research and Development Center																S	X	X							
Service Contractor (No Storage Yard):																X	X	X							
Service Contractor (With Storage Yard):																S	X	X							
Shops, Office, and Storage Area-Public/Private Utility																S	X	X							

Zoning District Legend		Residential											Non Residential												
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#	Conditional Use, (See Sec.)																								
	Prohibited Use																								
Non-Residential Uses																									
Small Engine Repair Shop																X	X	X							
Storage/Repair/Restoration of Furniture and Appliances (Inside)														S	S	S	X	X							
Storage/Repair/Restoration of Furniture and Appliances (Outside)																S	X	X							
Storage/Wholesale Warehouse, Light																S	S	X							
Storage/Wholesale Warehouse, Heavy																	S	X							
Truck or Motor Freight Terminal																	S	X							
Warehouse/Distribution Center																	X	X							
Accessory Uses (see Definitions Sec. 82-29(H))																									
Accessory Building or Use	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X							
Billboard, advertising																									
Carport	X	X	X	X	X	X	X	X	X	X	X	X													
Construction Yard (Temporary)(*)	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X							
Day Care (Accessory)		S	S	S	S	S	S	S	S	S	S	S	S	S	S										
Field Sales Office (Temporary)(*)	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X							
Greenhouse, Non-Commercial	X	X	X	X	X	X								X	X	X	X								
Home Occupation	X	X	X	X	X	X	X	X	X	X	X	X													
Solar Panels (*)	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X							

82-28 DESCRIPTIONS/DEFINITIONS OF USES

A. RESIDENTIAL USES

BED AND BREAKFAST INN

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

BOARDING OR ROOMING HOUSE

A residence, excluding hotels, where living quarters are shared by three or more persons not living together as a single household and where personal care services or assistance with medications (as defined by the Texas Health and Safety Code) are not provided. This definition also includes a building other than a motel or hotel where, for compensation and by prearrangement for definite periods, meals and/or lodging are provided for three or more persons, but not to exceed eight persons.

CARETAKER'S/GUARD'S RESIDENCE

A residence located on a premises with a main nonresidential use and occupied only by a caretaker or guard employed on the premises.

DUPLEX

See "Dwelling - Two Family"

DWELLING – MULTIFAMILY

Any building or portion thereof which is designed, built, rented, leased or let to be occupied as three (3) or more dwelling units or apartments or which is occupied as a home or place of residence by three (3) or more families living in independent dwelling units.

DWELLING - SINGLE FAMILY, ATTACHED

A dwelling that is part of a structure containing three (3) or more dwellings, each designed and constructed for occupancy by one family, with each dwelling unit attached by a common wall to another with a minimum length of attachment of twenty (20) feet, in which each dwelling is located on a separate platted lot. [Also see "Dwelling – Townhouse or Row House" and "Dwelling – Zero Lot Line"]

DWELLING - SINGLE FAMILY, DETACHED

A detached building designed exclusively for occupancy by one (1) family, excluding manufactured housing and modular homes.

DWELLING - TOWNHOUSE OR ROW HOUSE

One of a series of not less than three (3) nor more than ten (10) attached one (1) family dwellings under common roof with common exterior wall and separated from one another by single partition walls without openings from basement to roof. No townhouse dwelling unit is to be constructed above another townhouse dwelling unit.

DWELLING - TWO FAMILY

A building designed for occupancy by two (2) individuals or families living independently of each other within separate units that have a common wall and are under one (1) roof. These units will potentially be owned by separate individuals and shall be separated by designation on the plat.

DWELLING - ZERO LOT LINE/GARDEN (PATIO) HOME

A residence allowed to have little or no side yard on one side, where the wall on that side has no doors, windows or other openings and which otherwise qualifies for a one-hour fire rating as defined in the building code, or as amended. These are typically constructed on a lot which is designed in such a manner that the side yard and adjacent use easement make maximum use of

available land area to preserve an open, yet private, use of the side yard, and permits construction of a detached single family dwelling with one side of such dwelling placed on the side property line.

DORMITORY

See “College or University”

A building in which housing is provided for individual students under the general supervision or regulation of an accredited college or university and as distinguished from an apartment, hotel, motel or rooming house. A dormitory may provide apartment units for guests, faculty or supervisory personnel on a ratio not to exceed one (1) such apartment unit for each fifty (50) students for which the building is designated. Individual rooms or suites of rooms may have cooking facilities. The dormitory may include facilities such as a commissary and/or snack bar, lounge and study area, dining halls and accessory kitchen, recreation facilities and laundry, provided that these facilities are for the benefit and use of the occupants and their guests and not open to the general public.

GARAGE APARTMENT

A dwelling unit erected in conjunction with a garage when the main structure is an owner-occupied detached dwelling unit.

GARAGE CONVERSION

The elimination of a garage space by enclosing the garage with a stationary building wall shall be prohibited unless another garage of the same size (i.e., that has the same number of enclosed parking spaces) is built, simultaneously with the garage enclosure, elsewhere on the same lot within the proper setbacks, not exceeding the maximum lot coverage, including any other city regulations.

GUARD’S/CARETAKER’S RESIDENCE

See “Caretaker’s/Guard’s Residence”

GUEST HOUSE

Living quarters within a detached accessory building located on the same premises with the main building, for use by temporary guests of the occupants of the premises, and not rented or otherwise used as a separate dwelling.

MANUFACTURED HOUSING, HUD CODE

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 (1) or more sections, which, in the traveling mode, is eight (8) body feet or more in width or forty (40) body feet or more in length, or, when erected on site, is three hundred twenty (320) or more square feet, and which is built on a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems. All references in this ordinance to manufactured housing or manufactured home(s) shall be references to HUD Code Manufactured Housing, unless otherwise specified.

MANUFACTURED HOME PARK

Any tract of land under single ownership of not less than two (2) acres and not more than ten (10) acres approved for occupancy by manufactured housing and accessory structures related thereto and designed and operated in accordance with standards herein set forth or as set forth in any other ordinance of the City of Princeton relating to the location, use, construction, operation or maintenance of manufactured housing.

MANUFACTURED HOME SUBDIVISION

A tract of land of not less than ten (10) acres which has been final platted of record in its entirety in accordance with the subdivision regulations of the city for occupancy primarily by HUD-Code manufactured housing and industrialized housing.

MOBILE HOME

A structure constructed before June 15, 1976, transportable in one or more sections which, in the traveling mode, is eight (8) body feet or more in width or forty (40) body feet or more in length, or, when erected on site, is three hundred twenty (320) or

more square feet, and which is built on a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning and electrical systems.

MODULAR HOME (OR INDUSTRIALIZED HOUSING)

Per Section 1202 of the Texas Occupations Code or as may be amended:

- 1) Modular or Industrialized housing is a residential structure that is:
 - a. Designed for the occupancy of one or more families,
 - b. Constructed in one or more modules or constructed using one or more modular components built at a location other than the permanent site, and
 - c. Designed to be used as a permanent residential structure when the module or the modular component is transported to the permanent site and erected or installed on a permanent foundation system.
- 2) Modular or Industrialized housing includes the structure's plumbing, heating, air conditioning, and electrical systems.
- 3) Modular or Industrialized housing does not include:
 - a. A residential structure that exceeds three stories or 49 feet in height as measured from the finished grade elevation at the building entrance to the peak of the roof,
 - b. Housing constructed of a sectional or panelized system that does not use a modular component, or
 - c. A ready-built home constructed in a manner in which the entire living area is contained in a single unit or section at a temporary location for the purpose of selling and moving the home to another location.

MULTIFAMILY BUILDING

Same as "Dwelling – Multifamily"

MULTIFAMILY DWELLING

Same as "Dwelling – Multifamily"

PATIO HOME

A single-family dwelling on a separate lot with open space setbacks only on three sides commonly developed in a cluster configuration. Also see "Dwelling - Zero Lot Line/Garden (Patio) Home"

SENIOR HOUSING

A development providing dwelling units specifically designed for the needs of ambulatory retired persons. Generally these are age restricted developments which may be in any housing form, including detached and attached dwelling units, apartments, and residences, offering private and semiprivate rooms and designed to provide meals and nursing care.

The following subsidiary uses shall be permitted to provide on-site goods and services for residents and their guests, but are not intended for use by the general public.

- 1) cafeteria and/or dining room
- 2) library
- 3) game room
- 4) swimming pool and/or Jacuzzi
- 5) exercise room
- 6) arts and crafts facilities
- 7) greenhouse
- 8) housekeeping service
- 9) transportation service
- 10) snack bar with a maximum of 350 square feet per 100 dwelling units
- 11) beauty/barber shop with a minimum of 250 square feet per 100 dwelling units or a maximum of 450 square feet per 100 dwelling units

- 12) convenience retail shop with a maximum of 350 square feet per 100 dwelling units to provide for sale of food items, non-prescription drugs, small household items and gifts.

ROOMING HOUSE

See “Boarding or Rooming House”, Sec. 82-28(A).

TEMPORARY ACCESSORY HOUSING SHELTER

A not-for-profit housing shelter operated as an accessory use to a religious facility only, providing temporary free lodging for indigent individuals or families with no regular home or residential address. A temporary accessory housing shelter shall house a maximum of 14 individuals at one time and shall operate a maximum of (30) days per calendar year. The definition shall not include household care facility and household care institutions.

B. EDUCATIONAL, INSTITUTIONAL AND SPECIAL USES

ADULT DAY CARE CENTER

A facility that provides services under an Adult Day Care Program on a daily or regular basis, but not overnight, to four or more elderly or handicapped persons who are not related by blood, marriage, or adoption to the owner of the facility. Adult day care centers must be licensed by the Texas Department of Human Services.

AMENITY CENTER

A recreational facility, including, but not limited to, clubhouse, swimming pool, play area, operated for the exclusive use of private residents or neighborhood groups and their guests, and not the general public. Also see “Assembly Hall”, “Civic Center”, and “Community Center”, Sec. 82-28(B).

ANIMAL EXHIBITION

A collection of animals for display to the public. An animal exhibition shall not include the sale, breeding, or butchering of animals.

ASSEMBLY HALL

A building or portion of a building in which facilities are provided for civic, educational, political, religious, or social purposes. Also may be a building, facility, room, or portion thereof, which is rented, leased or otherwise made available to any person or group for a private event function that is not open to the general public, whether or not a fee is charged. Also see “Amenity Center”, “Civic Center”, and “Community Center”, Sec. 82-28(B).

ASSISTED LIVING FACILITY

A building or buildings, other than a single-family dwelling, designed and staffed to provide housing for residents who require some type of support for daily living, such as assistance for bathing, dressing, medication, meal preparation, or other functions. In addition to housing, this type of facility may also provide convenience services, such as meals, housekeeping, transportation, and community facilities, such as central dining rooms and activity rooms. An assisted living facility may include an adult day care as an accessory use.

CEMETERY OR MAUSOLEUM

Property used for the interring of the dead.

CHILD-CARE: FOSTER FAMILY HOME (INDEPENDENT)

Per the definition of the Department of Family and Protective Services (DFPS) or as amended by the DFPS, a single independent home that is the primary residence of the foster parents and licensed to provide care for six or fewer children up to the age of 18 years.

CHILD-CARE: FOSTER GROUP HOME (INDEPENDENT)

Per the definition of the Department of Family and Protective Services (DFPS) or as amended by the DFPS, a single independent home that is the primary residence of the foster parents and licensed to provide care for seven to 12 children up to the age of 18 years.

CHILD-CARE: LICENSED CHILD-CARE CENTER

Per the definition of the Department of Family and Protective Services (DFPS) or as amended by the DFPS, an operation providing care for seven or more children younger than 14 years old for less than 24 hours per day at a location other than the permit holder's home.

CHILD-CARE: LICENSED CHILD-CARE HOME

Per the definition of the Department of Family and Protective Services (DFPS) or as amended by the DFPS, the primary caregiver provides care in the caregiver's own residence for children from birth through 13 years. The total number of children in care varies with the ages of the children, but the total number of children in care at any given time, including the children related to the caregiver, must not exceed 12.

CHILD-CARE: LISTED FAMILY HOME

Per the definition of the Department of Family and Protective Services (DFPS) or as amended by the DFPS, a caregiver at least 18 years old who provides care in her own home for compensation, for three or fewer children unrelated to the caregiver, ages birth through 13 years. Regular care is provided, which is care provided for at least four hours a day, three or more days a week, and more than nine consecutive weeks. The total number of children in care, including children related to the caregiver, may not exceed twelve (12).

CHILD CARE: REGISTERED CHILD-CARE HOME

Per the definition of the Department of Family and Protective Services (DFPS) or as amended by the DFPS, a caregiver who provides regular care in her own home for not more than six children from birth through 13 years. Child day care can be provided for six additional school-aged children before and after the customary school day. The total number of children in care at any given time, including the children related to the caregiver, must not exceed 12.

CIVIC CENTER

A building or complex of buildings that houses municipal offices and services and which may include cultural, recreational, athletic, convention and/or entertainment facilities owned and/or operated by a governmental agency. Also see "Amenity Center", "Assembly Hall", and "Community Center".

COLLEGE OR UNIVERSITY

An institution established for educational purposes offering courses of study beyond the secondary educational level, but excluding trade and commercial schools. Dormitories for students and employees only are permitted in conjunction with these uses. (Also see definition for "Dormitory")

COMMERCIAL/TRADE SCHOOLS

See "School, Trade or Commercial"

COMMERCIAL PET SITTING/KENNEL (INDOOR PENS)

See "Kennel (Indoor Pens)/Commercial Pet Sitting"

COMMUNITY CENTER

A building or buildings dedicated to cultural, social, entertainment, athletic and/or recreational activities, serving the city or 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. Also see "Amenity Center", "Assembly Hall", and "Civic Center".

CONTINUING CARE FACILITY

A place or development defined in the Texas Continuing Care Facility Disclosure and Rehabilitation Act providing housing/accommodations and services along the continuum of an elderly person's needs, including independent living, assisted living and/or long-term care facilities. (Also see Nursing/Convalescent Home, Household Care Facility, Independent Living Facility, and Personal Care Home).

EQUESTRIAN CENTER

A structure or facility housing horses which are boarded or rented to the public or conducting riding lessons, but not including a sale barn, auction or similar trading activity. A minimum of ten acres is required for this use.

FAMILY HOME

A community-based residential home operated by either the State of Texas, a non-profit corporation, a community center organized pursuant to State statute, or an entity which is certified by the State as a provider for a program for the mentally retarded. Family homes provide care for persons who have mental and/or physical impairments that substantially limit one or more major life activities. To qualify as a family home, a home must meet the following requirements:

- 1) Not more than six (6) disabled persons and two (2) supervisory personnel may reside in a family home at the same time.
- 2) The home must provide food and shelter, personal guidance, care, rehabilitation services or supervision.
- 3) All applicable licensing requirements must be met.

FARM, RANCH, STABLE, GARDEN OR ORCHARD

An area of five (5) acres or more which is used for growing of usual farm products including the cultivation of vegetables, fruits, and grain and/or raising of usual farm poultry and farm animals also including horses, cattle, and sheep and the necessary accessory uses for raising, treating and storing products raised on the premises, but not including the commercial feeding of offal or garbage to swine or other animals and not including any type of agricultural or husbandry specifically prohibited by ordinance of law. Farm, ranch or orchard use shall not cause a hazard to health by reason of unsanitary conditions and shall not be offensive by reason of odors, dust, fumes, noise or vibrations or be otherwise detrimental to the public welfare. (Also see Stable, Commercial and Stable, Private)

FARMER'S MARKET

A farmers' market is an establishment or area used by farmers and other individual vendors primarily for retail sale of food products that meet all applicable federal, state, and local laws regulating the preparation and sale of such products. This definition does not include the sale of any type of meat, fish, poultry, eggs, refrigerated dairy products, or home canned or packaged items.

FEEDLOT, LIVESTOCK

A lot or area in which usual livestock is fed and cared for by staffed personnel on a regular basis. This area may include related feeding equipment and structures for the storage of feed and related equipment and management personnel.

FIRE STATION/PUBLIC SAFETY BUILDING

A building housing fire apparatus and usually firefighters, or a building housing a law enforcement agency of a unit of local government.

FRATERNAL ORGANIZATION, LODGE OR CIVIL CLUB

An organized group having a restricted membership and specific purpose related to the welfare of the members, such as Elks, Masons, Knights of Columbus or a labor union.

GREENHOUSE, NON-COMMERCIAL

A building, often artificially heated and/or cooled, used as a location for cultivating plants which are used by the grower and not sold as a commercial activity.

GREENHOUSE OR PLANT NURSERY, COMMERCIAL – MAJOR

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

GREENHOUSE OR PLANT NURSERY, COMMERCIAL – MINOR

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

HOMEBUILDER MARKETING CENTER

A building or structure of either permanent or temporary construction used in connection with a development or construction project for display purposes or for housing temporary supervisory or administrative functions related to development, construction or the sale of real estate properties within the active development and/or other identified subdivision(s) or construction project.

HOSPITAL

An institution providing primary health services and medical or surgical care to persons, primarily inpatients, suffering from illness, disease, injury, deformity, and other abnormal physical or mental conditions and including, as an integral part of the institution, related facilities such as laboratories, outpatient facilities, or training facilities as licensed by the State of Texas.

HOUSEHOLD CARE FACILITY

A dwelling unit that provides residence and care to not more than nine (9) persons, regardless of legal relationship, who are elderly, disabled, orphaned, abandoned, abused or neglected children; victims of domestic violence, or rendered temporarily homeless due to fire, natural disaster or financial adversity, living together with no more than two caregivers as a single household. Where applicable, a household care facility shall have appropriate licensing and/or registration by the State of Texas. This definition is subject to Personal Care Facility Licensing Act (Texas Health and Safety Code, Section 247.001 et seq.) and Community Homes for Disabled Persons Location Act (Texas Human Resources Code, Section 123.001 et seq.) as they presently exist or may be amended in the future. (Also see “Continuing Care Facility”, “Long Term Care Facility”, and “Personal Care Home”).

HOUSEHOLD CARE INSTITUTION – SEE NURSING/CONVALESCENT HOME

A facility that provides residence and care to more than eight persons, regardless of legal relationship, who are elderly; disabled; orphaned, abandoned, or neglected children; victims of domestic violence; convalescing from illness; or rendered temporarily homeless due to fire, natural disaster, or financial setback. Where applicable, a household care institution shall have appropriate licensing and/or registration by the State of Texas.

INDEPENDENT LIVING FACILITY

A development providing dwelling units specifically designed for the needs of elderly persons. In addition to housing, this type of facility may provide convenience services, such as meals, housekeeping and transportation, and community facilities, such as central dining rooms and activity rooms.

KENNEL (INDOOR PENS)/COMMERCIAL PET SITTING

An establishment with indoor pens in which more than six (6) dogs, cats or other domestic animals are housed or accepted for boarding, breeding, training, selling, grooming and/or bathing for which remuneration is received. Animal transportation service may be provided.

KENNEL (OUTDOOR PENS)

An establishment with outdoor pens in which more than six dogs or domesticated animals more than one year old are housed, groomed, bred, boarded, trained, or sold for commercial purposes.

LIBRARY

Any institution for the loan or display of books, tapes, objects of art or science which is sponsored by a public or responsible quasi-public agency and which institution is open and available to the general public.

LONG TERM CARE FACILITY

A development providing in-patient health care, personal care, or rehabilitative services over a long period of time to persons chronically ill, aged, or disabled due to injury or disease.

MAUSOLEUM

Property used for the interring of the dead where bodies are interred above ground in stacked vaults. (See “Cemetery or Mausoleum”,)

MODEL HOME

A single-family or duplex residential structure temporarily used for the display, sales, and/or oversight of the construction of new residences within the subdivision or development in which the residential structure is located.

MORTUARY/FUNERAL PARLOR

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

MUSEUM OR ART GALLERY

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

NURSERY, MAJOR

See “Greenhouse or Plant Nursery, Commercial – Major”.

NURSERY, MINOR

See “Greenhouse or Plant Nursery, Commercial - Minor”.

NURSING/CONVALESCENT HOME

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

PERSONAL CARE HOME (CUSTODIAL CARE)

An owner-occupied, home-operated, non-licensed facility for the elderly providing custodial care to not more than three (3) individuals not related to the provider of such care. Custodial care is that of care which assists elderly persons who are incapable because of physical or mental limitations of performing routine daily activities and which do not require the continuing attention of trained medical or paramedical personnel.

PRISON, JAIL, PLACE OF INCARCERATION

Building, Area, Structure in which houses inmates removed from society for crimes and or criminal activity.

REHABILITATION CARE INSTITUTION

Subject to being licensed to operate by the Texas Department of Aging and Disability Services (DADS), facility which provides residence and care to ten (10) or more persons, regardless of legal relationship, who have been convicted of prohibited criminal conduct and received conditional release, probation, or parole with supervision, and living together with supervisory personnel.

REHABILITATION IN-HOME CARE

Subject to being licensed to operate by the Texas Department of Aging and Disability Services (DADS), a dwelling unit which provides residence and care to not more than nine (9) persons regardless of legal relationship who have been convicted of prohibited criminal conduct and received conditional release, probation, or parole with supervision, and living together with supervisory personnel as a single housekeeping unit.

RELIGIOUS FACILITY/PLACE OF WORSHIP

A building used primarily for religious assembly and worship and those accessory activities which are customarily associated therewith, and the place of residence for religious personnel on the premises.

SCHOOL, PRIVATE

A school under the sponsorship of a private agency or corporation other than a public or religious agency, having a curriculum general equivalent to public elementary or secondary school.

SCHOOL, PUBLIC OR PAROCHIAL

A school under the sponsorship of a public or religious agency providing elementary or secondary curriculum but not including private trade or commercial schools.

SCHOOL, TRADE OR COMMERCIAL

Establishments, other than public or parochial schools, private primary and secondary schools or colleges, offering training or instruction on a trade, art or occupation.

STABLE, COMMERCIAL

A structure or facility housing horses which are boarded or rented to the public or conducting riding lessons, but not including a sale barn, auction or similar trading activity. A minimum of ten acres is required for this use.

STABLE, PRIVATE

An accessory building set back from adjacent property lines a minimum distance of one hundred (100) feet and used for quartering horses, not to exceed one (1) horse per one and one half (1.5) acre area of a farm or lot.

WINERY

A wine-making facility that: (1) ferments juices from grapes and/or other fruit, (2) blends wines, (3) manufactures, bottles, labels, and packages wine, and/or performs any other activity authorized by Chapter 16, Winery Permit, of the Texas Alcoholic Beverage Code, as amended.

C. RECREATIONAL AND ENTERTAINMENT USES

ARCHERY RANGE

See "Gun and Archery Range (Indoor)."

ATHLETIC STADIUM OR FIELD, PRIVATE

A private field(s) and structure used for sporting events with associated spectator seating, either permanent or temporary.

ATHLETIC STADIUM OR FIELD, PUBLIC

A field(s) and structure owned and operated by the City and/or other public entity used for sporting events with associated spectator seating, either permanent or temporary.

CAMPGROUND

See "Recreational Vehicle Park or Campground".

COMMERCIAL AMUSEMENT, INDOOR

An enterprise providing for indoor recreational activities, services, amusements, and instruction for an admission fee. Uses may include, but are not limited to, bowling alleys, ice or roller skating rinks, bingo parlors, amusement arcades, and/or practice areas.

COMMERCIAL AMUSEMENT, OUTDOOR

An enterprise providing for outdoor recreational activities, services, amusements, and instruction for an admission fee, including, but not limited to, batting cages, miniature golf, go-kart tracks, and carnivals.

DANCE HALL

An establishment open to the general public for entertainment, in particular, dancing.

FAIRGROUND, EXHIBITION AREA, OR RODEO ARENA

An area where outdoor fairs, rodeos, circuses or exhibitions are held.

GOLF COURSE AND/OR COUNTRY CLUB

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

GOLF DRIVING RANGE

An area primarily used for the practice of golf.

GUN OR ARCHERY RANGE (INDOOR)

Any indoor facility open to the public and occupying all or a portion of a building where firearms and/or archery are discharged for testing or recreation purposes.

PARK, PLAYGROUND OR RECREATION CENTER (PUBLIC)

A recreation facility or park designed and equipped for the conduct of sports, leisure time activities, and other customary and usual recreational activities, owned and operated by a public agency and available to the general public.

PARK, PLAYGROUND OR RECREATION CENTER (PRIVATE)

See "Commercial Amusement, Indoor" and "Commercial Amusement, Outdoor".

RACE TRACK

A facility used for the racing of motor-driven vehicles and/or animals.

RECREATIONAL VEHICLE PARK OR CAMPGROUND

Any area that is designed for occupancy by transients using tents, mobile trailers, or recreational vehicles for temporary sleeping purposes.

RODEO ARENA AND GROUNDS

An area or structure that is designed to hold an event in which people come and assemble to watch skilled individuals compete at riding horses and bulls, catching animals with ropes, etc. See "Fairground, Exhibition Area, or Rodeo Arena".

ZOO

A park or an institution in which living animals are kept and usually exhibited to the public.

D. TRANSPORTATION, UTILITY AND COMMUNICATIONS USESAIRPORT, HELIPORT, OR LANDING FIELD

A place where aircraft and/or helicopters can land and take off, usually equipped with hangars, facilities for refueling and repair and various accommodations for passengers and/or freight.

AMATEUR RADIO ANTENNA

Any antenna which is used for the purpose of transmitting and receiving radio signals in conjunction with an amateur radio station licensed by the Federal Communications Commission.

ANTENNA, COMMERCIAL

Any antenna system that provides, directly or indirectly for a fee, telecommunications services to the public or to such classes of users as to be effectively available directly to the public, regardless of the facilities used.

ANTENNA, STEALTH

A commercial antenna that is designed to be non-obtrusive, or virtually transparent or invisible to the surrounding neighborhood. Stealth Antennas include but are not limited to:

- 1) Antennas within a building's attic space,
- 2) Antennas on the roof of a minimum three-story building and not visible from the property line of the lot on which the antenna is located,
- 3) Antennas on a public utility structure, such as a water tower or high transmission line support tower, and painted to match the structure,
- 4) Antennas located within a structure such as a flagpole, church steeple, subdivision monument, clock tower, or similar architectural feature, and
- 5) Antennas located on an athletic field light pole

COMMUNICATIONS OPERATIONS, AMATEUR

The transmission, retransmission and/or reception of radio, television, electromagnetic or microwave signals for private or personal use and not for the purpose of operating a business and/or financial gain.

COMMUNICATIONS OPERATIONS, COMMERCIAL

The transmission, retransmission and/or reception of radio, television, electromagnetic or microwave signals primarily for the purpose of operating a business and/or financial gain.

ELECTRICAL POWER GENERATING PLANT

A power station (also referred to as a generating station, power plant, powerhouse or generating plant) is an industrial place for the generation of electric power

HELISTOP

An accessory use where helicopters can land and take off but excluding refueling, maintenance, repairs, and storage of helicopters.

LANDFILL

An area containing a system of trash and garbage disposal in which the waste is buried between layers of earth to build up low-lying land — called also sanitary landfill.

LIQUEFIED PETROLEUM GAS STORAGE/SALE (NO BULK PLANTS)

An LPG storage facility, the primary purpose of which is the distribution of LPG which has: ... Those standards developed by the National Fire Protection Association for the storage and handling of liquefied petroleum gases.

MICROWAVE REFLECTOR/ANTENNA

An apparatus constructed of solid, mesh, or perforated materials of any configuration that is used to receive and/or transmit microwave signals from a terrestrial or orbital located transmitter or transmitter relay. This definition is meant to include, but is not limited to, what are commonly referred to as satellite receive only earth stations (T.V.R.O.S.) or satellite dishes.

PRIVATE UTILITY (OTHER THAN LISTED)

A non-public utility requiring special facilities in residential areas or on public property such as heating, cooling, or communications not customarily provided by the municipality or public utilities.

RADIO, TELEVISION OR MICROWAVE COMMUNICATIONS OPERATIONS, AMATEUR

The transmission, retransmission and/or reception of radio, television, electromagnetic or microwave signals for private or personal use and not for the purpose of operating a business and/or financial gain.

RADIO, TELEVISION OR MICROWAVE COMMUNICATIONS OPERATIONS, COMMERCIAL

The transmission, retransmission and/or reception of radio, television, electromagnetic or microwave signals primarily for the purpose of operating a business and/or financial gain.

SERVICE YARD, GOVERNMENT AGENCY

Area including buildings related to the operation of the government's maintenance and construction equipment. May include a maintenance garage for the servicing and repair of the related equipment. The use may contain limited amounts of fuel storage for the government vehicles and equipment.

SEWAGE TREATMENT PLANT

A facility that operates and carries out a process to which sewage is subjected to remove or alter its objectionable constituents by reduction in the organic and bacterial content, rendering it less offensive and dangerous.

SHOPS, OFFICE AND/ OR STORAGE OF PUBLIC OR PRIVATE UTILITY

Area including buildings related to the operation of the maintenance and construction equipment. May include a maintenance garage for the servicing and repair of the related equipment. The use may contain limited amounts of fuel storage for the vehicles and equipment. (Also see Service Yard, Government Agency)

SOLID WASTE TRANSFER STATION

A facility and/or premises at which solid waste is temporarily deposited prior to ultimate removal to a permanent solid waste storage site.

TELEPHONE EXCHANGE

A central office in which telephone lines are connected to permit communication.

TRANSMISSION LINES

See "Utility Distribution/Transmission Lines"

TRANSIT STATION OR TURN AROUND

Any premises, including train or bus stations, for the loading and unloading of passengers and the temporary parking of transit vehicles between routes or during stopovers and excluding overnight parking and storage of transit vehicles.

TRANSPORTATION AND UTILITY STRUCTURES/FACILITIES

Permanent facilities and structures operated by companies engaged in providing transportation and utility services including, but not limited to, railroad track rights-of-way, sewage pumping stations, telephone exchanges, water reservoirs, and water pumping stations.

UTILITY DISTRIBUTION/TRANSMISSION LINES

Facilities, including subsidiary stations, which serve to distribute and transmit electrical power, gas and water including, but not limited to, electrical transmission lines, gas transmission lines, and metering stations.

WATER TREATMENT PLANT

A facility owned and/or operated by a private entity that is used to alter the physical, chemical, or biological quality of water.

WIND ENERGY CONVERSION SYSTEMS, FARM OR UTILITY

The principal use of the land is the commercial production of energy through one or multiple wind energy conversion systems (WECS).

WIND ENERGY CONVERSION SYSTEMS, SMALL

A small wind energy conversion systems (WECS) shall be defined as any device such as a wind charger, windmill, or wind turbine, which converts wind energy to a form of usable energy and is an incidental use to the primary use of a property.

E. AUTOMOBILE AND RELATED SERVICE USES

AUTOMOBILE LEASING

Storage and leasing of automobiles, motorcycles and light load vehicles.

AUTO PAINT AND BODY SHOP

See "Automobile Repair, Major"

AUTOMOBILE PARTS SALES (INSIDE)

The use of any building or other premise for the display and sale of new or used parts for automobiles, panel trucks or vans, trailers or recreational vehicles.

AUTOMOBILE PARTS SALES (OUTSIDE)

The use of any land area for the display and sale of new or used parts for automobiles, panel truck or vans, trailers or recreational vehicles.

AUTOMOBILE PAID PARKING LOT OR PARKING GARAGE

An area or structure where a fee is charged for parking automobiles and which serves as the primary use on the lot. This use does not include the storage of gasoline.

AUTOMOBILE PARKING LOT OR PARKING GARAGE

An area or structure for parking light load vehicles and which serves as the primary use on the lot. This use does not include the storage of gasoline.

AUTOMOBILE REPAIR, MAJOR

General repair or reconditioning of engines and air-conditioning systems for motor vehicles, wrecker service, collision services including body, frame or fender straightening or repair, customizing, overall painting or paint shop, vehicle steam cleaning, those uses listed under "Automobile Repair, Minor" and other similar uses.

AUTOMOBILE REPAIR, MINOR/SERVICE STATION

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

AUTOMOBILE AND TRAILER SALES, NEW

Building(s) and associated open area other than a street or required automobile parking space used for the display or sale of primarily new automobiles and light load vehicles, to be displayed and sold on premises, and where no repair work is done except minor reconditioning of the automobiles to be displayed and sold on the premises. No dismantling of automobiles for sale or keeping of used automobile and trailer parts or junk on the premises is permitted. The sale and/or leasing of used automobiles or light load vehicles are permitted as a minor part of the business.

AUTOMOBILE AND TRAILER SALES, USED

Building(s) and associated open area other than a street or required automobile parking space used for the display and sale of used automobiles, light trucks or trailers in operating condition and where no repair work is done except the minor adjustments of the vehicles to be displayed or sold on the premises. A used car sale area shall not be used for the storage of wrecked automobiles or the dismantling of automobiles or the storage of automobile parts or junk on the premises.

AUTOMOBILE STORAGE

The storage on a lot or tract of operable automobiles for the purpose of holding such vehicles for sale, distribution or storage.

AUTOMOBILE WRECKING YARD OR JUNK YARD

Any building, structure or open area used for the dismantling or wrecking of any type of used vehicles or the storage, sale or dumping of dismantled or wrecked vehicles or their parts and accessories, including any farm vehicles or farm machinery or parts thereof, stored in the open and not being restored to operating condition, including the commercial salvaging, storage and scraping of any other goods, articles or merchandise. This includes any lot upon which two or more motor vehicles of any kind which are incapable of being operated due to condition or lack of license have been placed for the purpose of obtaining parts for recycling or resale.

BUS TERMINAL

Any premises for the transient housing or parking of motor-driven buses and the loading and unloading of passengers.

CAR WASH

A facility for the washing or cleaning of vehicles. A car wash may be:

- 1) a single unit type which has a single bay or a group of single bays with each bay to accommodate one vehicle only where a person uses a high pressure hose to wash the vehicle by hand; or
- 2) an automated single unit type which has a single bay to accommodate one vehicle at a time; or
- 3) a tunnel unit type which allows washing of multiple vehicles in a tandem arrangement while moving through the structure.

PARKING GARAGE

A structure designed specifically for the enclosed parking of motorized vehicles.

PARKING LOT

An off-street, ground-level area, surfaced and improved, for the temporary storage of motor vehicles.

PARKING LOT-RECREATION VEHICLES

An area or structure designed for the short- or long-term parking of recreation vehicles for sale, distribution, or storage purposes.

PARKING LOT OR PARKING GARAGE-TRUCKS

Area for parking heavy load vehicles.

RECREATIONAL VEHICLE SALES AND SERVICE, NEW/USED

Sales and/or leasing of new and/or used recreational vehicles or boats, including, as an accessory use, repair work of recreational vehicles and boats.

TIRE DEALER (NO OUTSIDE STORAGE)

Facility that sells automobile and truck tires to the general public. The tire storage is completely contained within the building.

TIRE RETREADING AND RECAPPING

A facility primarily set up to recondition (a worn automobile or truck tire) by cementing on a strip of prepared rubber and vulcanizing by subjecting to heat and pressure in a mold.

TRUCK/BUS LEASING

A building or area providing for the rental of new or used panel trucks, vans, trailers, recreational vehicles or motor-driven buses in operable condition and where no repair work is done.

TRUCK/BUS REPAIR

An establishment providing major and minor automobile repair services to heavy load vehicles.

TRUCK OR MOTOR FREIGHT TERMINAL

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

TRUCK SALES, HEAVY TRUCKS

The display, storage, sale, leasing, or rental of new or used panel trucks, vans, trailers, recreational vehicles, or buses in operable condition.

F. RETAIL AND SERVICE TYPE USESAIR CONDITIONING AND REFRIGERATION CONTRACTOR

A place from which a person performs design, installation, construction, maintenance, service, repair, alteration or modification of a product or of equipment in environmental air conditioning, commercial refrigeration or process cooling or heating systems, under terms and conditions described in the Texas Air Conditioning and Refrigeration Contractor License Law, Vernon's Ann. Civ. St., art. 8861.

ALCOHOLIC BEVERAGE SALES

Any establishment that derives seventy-five (75) percent or more of its gross revenue on a quarterly basis from the sale or service of alcoholic beverages, as defined in the Texas Alcoholic Beverage Code, as amended, for on-premise consumption. (See Texas Alcoholic Beverage Code, TABC) also see local option election.

AMUSEMENT, COMMERCIAL (INDOOR)

An establishment providing for activities, services and instruction for the entertainment, exercise and improvement of fitness and health of customers, clients or members but not including hospitals, clinics, massage parlors or arcades. Uses would typically include bowling alleys, ice or roller skating rinks, racquetball and handball courts, indoor tennis courts, weight lifting and nautilus facilities, exercise areas, swimming pools and spas, martial arts classrooms and/or practice areas, gymnasiums and indoor running or jogging tracks.

ANTIQUÉ SHOP

A retail establishment engaged in the selling of works of art, furniture or other artifacts of an earlier period, with all sale and storage occurring inside a building.

ARCADE

An establishment with six or more player-operated skill or amusement machines, or a combination of six or more such machines and/or connected control panels that provide access to the machines.

ARTISAN'S WORKSHOP/HANDCRAFT SHOP

An establishment, not exceeding 3,000 square feet of floor area, for the preparation, display, and sale of individually-crafted artwork, jewelry, furniture, sculpture, pottery, leather craft, hand-woven articles, and related items.

ARTS AND CRAFTS STORE (LIMITED OUTSIDE SALES)

See "Retail, Stores and Shops"

BAKERY AND CONFECTIONARY, RETAIL SALES

A place for preparing, cooking, baking and selling of products on the premises.

BAKERY AND CONFECTIONARY, COMMERCIAL

A place for preparing, cooking or baking of products primarily intended for off-premise distribution.

BANK, SAVINGS AND LOAN, CREDIT UNION

An establishment for the custody, loan, exchange or issue of money, the extension of credit and/or facilitating the transmission of funds.

BARBER SHOP/BEAUTY SALON

Any commercial establishment where cosmetology is offered or practiced on a regular basis for compensation, including hair care, nail care, and skin care.

BUILDING MATERIALS AND HARDWARE SALES, MAJOR

An establishment for the sale of materials customarily used in the construction of buildings and other structures, including outside storage or display of materials or merchandise.

BUILDING MATERIALS AND HARDWARE SALES, MINOR

An establishment for the sale of materials customarily used in the construction of buildings and other structures, without any outside storage or display of materials or merchandise.

BUSINESS SERVICE

Establishments primarily engaged in providing services not elsewhere classified to business enterprises on a fee contract basis including but not limited to advertising agencies, computer programming and software services, and office equipment sales, rental, leasing or repair.

CABINET/UPHOLSTERING SHOP

An establishment used for the production, display and sale of furniture and soft coverings for furniture.

CLINIC, MEDICAL OR DENTAL

A facility or station designed and used for the examination and treatment of persons seeking medical care as outpatients who do not remain on the premises overnight.

CONVENIENCE STORE WITH GAS PUMPS

A retail establishment of 5,000 square feet or less of floor area that sells food and other consumable and non-consumable products for off-premise use or consumption. This definition shall also include the dispensing or sales of motor vehicle fuels, lubricants, and accessories, but shall not include automobile repair or the sale of replacement parts.

CONVENIENCE STORE WITHOUT GAS PUMPS

A retail establishment that sells food and other consumable and non-consumable products for off-premise use or consumption.

CUSTOM PERSONAL SERVICE SHOP

Includes such uses as tailor, shoe repair, barber/beauty shop, health studio or travel consultant.

DATA CENTER

A facility whose primary service is data processing and is used to house computer systems and associated components, such as telecommunications and storage systems, including but not limited to web hosting organizations and internet service organizations. A server farm, telecom hotel, carrier hotel, telehouse co-location center, or any other term applicable to facilities which are used for these specified purposes shall be deemed to be a data center. (This definition shall only apply to data center as a primary use.)

DISCOUNT, VARIETY OR DEPARTMENT STORE

A retail store offering a wide variety of merchandise in departments and exceeding 7,000 square feet of floor area.

DRIVE-IN SERVICE FACILITY

Facilities designed so that patrons customarily park on the premises and obtain services or goods brought out of the building to them by an employee of the business, without leaving their cars.

DRY CLEANING AND LAUNDRY, DROP-OFF OR SELF-SERVICE

A facility for the cleaning of garments, principally for individuals. This use may be either:

- 1) a facility where patrons do their own cleaning; or
- 2) a facility where the cleaning is done by employees of the establishment.

ENGINE/MOTOR REPAIR

The adjustment, reconditioning, or restoration to working order of engines and motors.

EQUIPMENT AND MACHINERY SALES AND RENTAL, MAJOR

A building or open area used for the display, sale, rental, or storage of heavy equipment and machinery. Heavy machinery includes but is not limited to tractors, farm machinery, bulldozers, street graders, and paving devices.

EQUIPMENT AND MACHINERY SALES AND RENTAL, MINOR

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

EXTERIOR SALES

The sale or display of merchandise within a designed area outside of a building, including greenhouses designed with a fabric, membrane, glass, or plastic roof structure and used exclusively for the sale or storage of plants.

FEED AND FARM SUPPLY STORE (INSIDE SALES/STORAGE)

An establishment for the selling of food stuffs for animals including implements and goods related to agricultural processes but not including farm machinery.

FEED AND FARM SUPPLY STORE (OUTSIDE SALES/STORAGE)

An establishment for the selling of food stuffs for animals including implements and goods related to agricultural processes but not including farm machinery.

FLEA MARKET, INSIDE

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

FLEA MARKET, OUTSIDE

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

FLORIST

An establishment displaying plants, flowers, floral supplies and similar items.

FOOD STORE, GROCERY STORE

An establishment that displays and sells consumable goods that are not to be eaten on the premises.

FURNITURE, HOME FURNISHINGS, AND EQUIPMENT STORES

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

GARDEN CENTER (RETAIL SALES)

Location including land and buildings at which plants, trees, shrubs, horticultural supplies and similar items are displayed for sale to the general public. All such displays shall be located behind the front yard line established in the district in which the garden center is located.

GENERAL MERCHANDISE STORE

Retail stores which sell a number of lines of merchandise including, but not limited to, dry goods apparel and accessories, furniture and home furnishings, small wares, hardware and food. The stores included in this group are known as department stores, variety stores, general stores and other similar stores.

GYMNASTICS/DANCE STUDIO

A building or portion of a building used as a place of work for a gymnast or dancer or for instructional classes in gymnastics or dance.

HARDWARE SALES

The indoor sale of new building materials and supplies with related sales for hardware, carpet, plants, electrical and plumbing supplies all of which are oriented to the retail customer, rather than contractor or wholesale customer.

HANDCRAFTED ART WORK STUDIO

A facility for individuals to create art objects such as needlework, hand weaving, leather goods, jewelry, ceramics, sculptures, or other works of art. This use does not include a factory for the production of art products.

HEALTH/FITNESS CENTER

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

HOTEL/MOTEL

A building or group of buildings designed for and occupied as a temporary dwelling place, providing four (4) or more room units for compensation, and where an office and register is maintained separately and apart from any of the rooms or units provided for the customers where the operation is managed by a person or persons in charge at all hours. Such uses may include restaurants, club rooms, banquet halls, ballrooms and meeting rooms as accessory uses.

RESIDENCE HOTEL (EXTENDED STAY HOTEL)

A multi-dwelling, extended stay lodging facility consisting of efficiency units or suites with a complete kitchen suitable for long-term occupancy. Customary hotel services such as linen, maid service, telephone and upkeep of furniture shall be provided. Meeting room, clubhouse and recreational facilities intended for the use of residents and their guests are permitted. Residence Hotel room units are designed to be suitable for long term occupancy with financial consideration being calculated on a nightly, weekly, and/or monthly basis. Typical Residence Hotel attributes include, but are not limited to, kitchen facilities, two-story design, and external doorways into room units. This definition shall not include other dwelling units as defined in this ordinance.

HOUSEHOLD APPLIANCE SERVICE AND REPAIR

The maintenance and rehabilitation of appliances customarily used in the home including, but not limited to, washing and drying machines, refrigerators, dishwashers, trash compactors, ovens and ranges, kitchen appliances, vacuum cleaners and hair dryers.

ICE MACHINE, SELF SERVICE – DRIVE UP

See "Accessory Uses"

INDOOR GUN RANGE

Any indoor facility open to the public and occupying all or a portion of a building where firearms are discharged for testing or recreation purposes.

KIOSK

A small, free-standing, one-story structure having a maximum floor area of 350 square feet and used for commercial purposes or the posting of temporary information and/or posters, notices, and announcements. If a kiosk is to be occupied, it shall have a minimum floor area of 25 square feet.

LABORATORY, MEDICAL OR DENTAL

A facility intended for the examination of clinical specimens for the purpose of providing information such as diagnosis, prognosis, prevention, or treatment of disease to improve the health of a patient.

LABORATORY, SCIENTIFIC OR RESEARCH

Facilities for research including laboratories, experimental equipment and operations involving compounding or testing of materials or equipment.

LAUNDRY CLEANING, COMMERCIAL

An industrial facility where fabrics are cleaned with substantially non-aqueous organic solvents on a commercial or wholesale basis.

LOCKSMITH/SECURITY SYSTEM COMPANY

Establishments primarily engaged in providing, installing, repairing, and/or monitoring locks and electronic security systems.

MAIL SERVICES

A commercial business which conducts the sale of stationery products, provides packaging and mail services (both U.S. Postal and private service), and provides mailboxes for lease.

MASSAGE THERAPY, LICENSED

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

MEDICAL OFFICE

An establishment dispensing health services, including medical, surgical, dental, and other services.

MEDICAL SUPPLIES, SALES AND SERVICE

An establishment conducting the sale, servicing or repair of medical devices and equipment to the general public.

METAL DEALER, SECONDHAND

A place of business in which a person purchases, gathers, collects, solicits or procures scrap metal or where scrap metal is gathered together or kept for shipment, sale or transfer under terms and conditions found in Vernon's Ann. Civ. St., art. 9009 (Also see Junk or Salvage Yard).

METAL DEALER, CRAFTED PRECIOUS

A place of business in which a person engages in the business of purchasing and selling crafted precious metals, including jewelry, silverware, art objects or any other thing or object made in whole or in part from gold, silver, platinum, palladium, iridium, rhodium, osmium, ruthenium or heir alloys, including coins and commemorative medallions, under terms and conditions found in Vernon's Ann. Civ. St., art. 990a.

MOBILE FOOD VENDOR

Any person or persons who operates or sells food from a stationary cart, or trailer mounted on chassis, but without an engine for period of fifteen (15) calendar days or greater per year. Mobile food vendors who operate for fourteen (14) calendar days or less shall be considered temporary food establishments. Such establishments shall meet the health standards and requirements of the City as adopted or as amended.

MORTUARY/FUNERAL PARLOR

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

MOTORCYCLE SALES, SERVICE

The display, sale, and servicing, including repair work, of motorcycles.

OFFICE CENTER

A building or complex of buildings used primarily for conducting the affairs of a business, profession, service, industry or government or like activity that may include ancillary services for office workers such as a restaurant, coffee shop, newspaper or candy stand.

OFFICE, PROFESSIONAL OR GENERAL ADMINISTRATIVE

A room or group of rooms used for the provision of executive management or administrative services. Typical uses include administrative offices and services including real estate, insurance, property management, investment, personnel, travel, secretarial services, telephone answering and business offices of public utilities, organizations and association but excluding medical offices.

OFFICE - SHOWROOM/WAREHOUSE

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

PACKAGE SALES

An establishment principally for the retail sale of alcoholic beverages, as defined in the Texas Alcoholic Beverage Code, as amended, to the general public for off-premise consumption and rendering services that are incidental to the sale of such goods.

PAWN SHOP

An establishment where money is loaned on the security of personal property pledged in the keeping of the owner (pawnbroker).

PERSONAL SERVICE SHOP

An establishment primarily engaged in providing services generally involved in the care of the person or his apparel including but not limited to barber and beauty shops, dry cleaning and laundry pick-up stations and weight loss salons/health clubs.

PET SHOP

A retail establishment offering small animals, fish or birds for sale as pets and where all such creatures are housed within the building.

PHARMACY

A retail store that primarily sells prescription drugs, which may also sell non-prescription drugs and medical supplies, other health care products, and a limited variety of convenience items.

PLUMBING, HEATING, REFRIGERATION OR AIR CONDITIONING BUSINESS, INCLUDING SERVICE

An establishment primarily engaged in the sales, service or installation of equipment pertaining to plumbing, heating, refrigeration or air conditioning Contractors. (Also see Air Conditioning and Refrigeration Contractor). Also includes the operation

of a business which involves only retail sales and off-premises service, installation and repair of units and fixtures. The premises shall not include a workshop for repair or fabrication of parts, fixtures or units. Sheet metal work of any type shall not be permitted. Storage shall be permitted for units and supplies incidental to retail sales, off-premises service and repair only. No outside storage shall be permitted.

PORTABLE BUILDING SALES

An establishment which displays and sells structures which are capable of being carried and transported to another location, not including mobile homes or manufactured housing.

PRINT SHOP-MAJOR

An establishment whose primary service is long-run printing including, but not limited to, book, magazine, and newspaper publishing.

PRINT SHOP-MINOR

An establishment whose primary service is short-run printing to produce newsletters, flyers, resumes, maps, construction documents and plans, and similar items.

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 the Texas Alcoholic Beverage Code, as the same may be hereafter amended, and as it pertains to the operation of Private Clubs.

RACQUETBALL FACILITIES

Courts housed in an acoustically-treated building and designed for one (1) to four (4) persons to play racquetball, plus subsidiary uses to include office, pro shops, locker rooms, sauna, exercise rooms, waiting area, child nursery and related uses up to a maximum of forty percent (40%) of the total floor area.

RESTAURANT/CAFETERIA

An establishment where food and drink are prepared and consumed primarily on the premises. Drive-up windows are permitted.

RESTAURANT-DRIVE-IN

An eating establishment where primarily food or drink is served to customers in motor vehicles or where facilities are provided on the premises which encourage the serving and consumption of food in automobiles on or near the restaurant premises.

RETAIL, SUPERSTORE

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

RETAIL, STORES AND SHOPS

An establishment engaged in the selling of goods and merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods. Typical general merchandise includes clothing and other apparel, equipment for hobbies and sports, including bicycles, gifts, flowers and household plants, dry goods, toys, furniture, antiques, books and stationary, pets, drugs, auto parts and accessories, and similar consumer goods.

RETAIL, SERVICE STORE OR SHOP

An establishment engaged in the selling and/or servicing of goods where a minimum of eighty percent (80%) of the floor area is devoted to service, repair or fabrication of such goods. The service area must not be accessible to the general public. Automotive uses and rental stores specifically excluded.

RETAIL/SERVICE (INCIDENTAL)

Retail or service use(s) that is clearly incidental and supportive to the primary use(s). Said retail or service use(s) shall be operated for the benefit or convenience of the employees, visitors, or customers of the primary use(s). Such uses shall have no separate outside entrance and no signage visible from the outside.

OR

Any use different from the primary use but which complements and/or supplements the primary use. Said use shall be operated for the benefit or convenience of the employees, visitors, or customers of the primary use. Incidental shall mean an area that constitutes not more than fifteen (15) percent of the main use.

RETAIL, MISCELLANEOUS STORES

Establishments engaged in the retail sale of specialized lines of merchandise not elsewhere classified including, but not limited to, drug, liquor, apparel and accessories, handcraft, and pastries.

SECOND HAND STORE, FURNITURE OR CLOTHING

An establishment offering for sale used merchandise, with the storage and display of such items wholly contained inside a building or structure.

SEXUALLY ORIENTED USES

Sexually oriented establishments and businesses as defined in City Ordinance Nos. 87-05-03, 91-02-05, 97-10-18, and 97-10-19 as they exist or may be amended. Sexually oriented uses include, but are not limited to, adult bookstore, adult video store, adult theater, adult cabaret, sexual encounter center, and nude modeling center.

SHOPPING CENTER

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

SMALL ENGINE REPAIR SHOP

A shop for repair of lawnmowers, chainsaws, lawn equipment, and other machines with only one-cylinder engines.

STUDIO FOR PHOTOGRAPHER, MUSICIAN, AND/OR ARTIST

A building or portion of a building as a place of work by a photographer, musician, and/or artist.

STUDIO FOR RADIO AND/OR TELEVISION

A building or portion of a building used as a place for radio and/or television broadcasting.

STUDIO RESIDENCE

A residence which includes up to 50% of its total floor area as a work area for a photographer, artist, musician, architect, or similar occupation. The primary occupant of the work area must also be a photographer, artist, musician, architect, or similar occupation. The primary occupant of the work area must also be a permanent resident of the dwelling unit. All activities associated with the studio shall take place in the primary structure, as opposed to an accessory building or yard. (All stipulations applying to "home occupations," with exception of the 50% floor area limitation, shall apply to studio residences.)

TANNING SALON

A facility specializing in cosmetic tanning.

TATTOOING AND PERMANENT (OR INTRADERMAL) COSMETICS SHOP

An establishment Governed under the Texas Department of Licensing and Regulation, whose services include tattooing and/or body piercing. Tattooing shall mean the placing of designs, letters, figures, symbols, or other marks upon or under the skin of any person, using ink or other substances that result in the permanent coloration of the skin by means of the use of needles or other

instruments designed to contact or puncture the skin. Body piercing shall mean the creation of an opening in an individual's body to insert jewelry or another decoration.

TAXIDERMIST

An establishment whose principal business is the practice of preparing, stuffing, and mounting the skins of dead animals for exhibition in a lifelike state.

THEATER (OUTDOOR)

An open lot devoted to the showing of motion pictures or theatrical productions on a paid admission basis to patrons seated in automobiles.

THEATER (INDOOR)

A building or part of a building devoted to the showing of motion pictures or for dramatic, musical, or live performances with a maximum of ten screens or stages and a combined seating capacity of 2,500 or less.

THEATER – REGIONAL

A building or portion of a building used primarily for showing motion pictures or for dramatic, musical, or live performances having more than ten screens or stages or a combined seating capacity greater than 2,500.

TIRE DEALER (NO OPEN STORAGE)

A retail establishment engaged in the selling and/or installing of tires for vehicles but without open storage.

TIRE DEALER (WITH OPEN STORAGE)

A retail establishment engaged in the selling and/or installing of tires for vehicles but with open storage.

TOOL RENTAL SHOP

A building or a portion of a building used for the display and rental of tools and instruments.

TRAILER, MANUFACTURED HOUSING OR MOBILE HOME DISPLAY AND SALES

The offering for sale, storage or display of trailers, manufactured housing or mobile homes on a parcel of land but excluding the use of such facilities as dwellings either on a temporary or permanent basis.

TRAILER RENTAL

The display and offering for rent of trailers designed to be towed by light load vehicles.

WASHATERIA

A building or place where clothes and linens are washed and thoroughly dried by the use of not exceeding three (3) employees and four (4) automatic single family machines and where the operation of washing and/or drying and/or mangle machines is done exclusively by the customer on a self-service basis, and where fuel and power for the heating of water and drying shall be smokeless and odorless (See "Dry Cleaning And Laundry, Drop-Off Or Self-Service").

VETERINARY CLINIC AND/OR KENNEL, INDOOR

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

VETERINARY CLINIC AND/OR KENNEL, OUTDOOR

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

G. MANUFACTURING, INDUSTRIAL AND WAREHOUSING USES

ASPHALT OR CONCRETE BATCHING PLANT (TEMPORARY)

A temporary facility for mixing cement or asphalt.

CONSTRUCTION YARD (TEMPORARY)

A storage yard or assembly yard for building materials and equipment directly related to a construction project and subject to removal at completion of construction. Also see section 82-29(B).

FIELD OFFICE

A building or structure, of either permanent or temporary construction, used in connection with a development or construction project for display purposes or for housing temporary supervisory or administrative functions related to development, construction, or the sale of real estate properties within the active development or construction project. Also see section 82-29(B).

GENERAL COMMERCIAL PLANT

An establishment other than a personal service shop for the treatment and/or processing of products as a service on a for-profit basis including, but not limited to, newspaper printing, laundry plant or cleaning and dyeing plant.

GENERAL MANUFACTURING

Manufacturing of finished products and component products or parts from the transformation, treatment or processing of materials or substances, including basic industrial processing.

MANUFACTURING, INDUSTRIAL-HEAVY INTENSITY

Basic industrial processing which transforms materials, particularly raw materials, into a new substance, compound, or product. Uses include but are not limited to the following:

- | | |
|---|---|
| Acetylene Gas Manufacture or Storage | Electrical Appliances/Supplies/ Machinery Assembly or Manufacture |
| Acid Manufacture | Explosives or Fireworks Manufacture or Storage |
| Advertising Displays Manufacture | Fat Rendering |
| Alcohol Manufacture | Fertilizer Manufacture |
| Ammonia, Bleach or Chlorine Manufacture | Fiberglass Manufacture |
| Arsenal | Fish Smoking & Curing |
| Blast Furnace | Food Products Processing |
| Boat Building | Forge Plant |
| Boiler Works | Foundry (Iron, Steel, Brass or Copper) |
| Bottling Works | Furniture and Upholstery Manufacture |
| Brick, Tile, Pottery or Terra Cotta Manufacture, Other Than Handcraft | Garbage, Offal or Dead Animal Reduction |
| Brooms or Brushes, Manufacture | Gas Manufacture |
| Cameras or Other Photographic Equipment Manufacture | Glass Products Manufacture |
| Carpet Manufacture | Glue or Gelatin Manufacture |
| Celluloid Manufacture or Treatment | Grain Elevator |
| Cement, Lime, Gypsum or Plaster of Paris Manufacture | Hatchery |
| Ceramics, Stone, Glass, Marble or Porcelain Products Manufacture | Insect Poison Manufacture |
| Chemical Manufacture | Junk or Salvage Yard |
| Coal, Coke, or Wood Yard | Jute, Hemp, Sisal or Oakum Products Manufacture |
| Concrete or Asphalt Batching Plant (Permanent) | Livestock Feed Yards |
| Cotton Gin | Mattress Manufacture or Renovation |
| Cotton Seed Oil Manufacture | Metal Fabrication; Machine Shop |
| Creosote Treatment | Meat Processing/Locker Plant/Frozen Food Products |
| Dairy Products Processing or Manufacture | Mill (Grain, Flour, Food Products) |
| Disinfectant Manufacture | Mines and Quarries |
| Distillation of Bones, Coal or Wood | Miscellaneous Hazardous Industrial Use |
| | Oil Well/Gas Well and Mineral Extraction |

Oilcloth or Linoleum Manufacture
 Oil Field Service Shop
 Ore Reduction
 Paint Oil, Shellac, Turpentine or Varnish Manufacture
 Paint Shop
 Paper Products Manufacture
 Petroleum Products, Bulk Quantities
 Plastic Products Manufacture
 Recycling Facility
 Recycling Plant
 Salvage or Reclamation of Products

Sand, Gravel, Stone, or Petroleum Extraction
 Scrap Metal Sales and Storage
 Sporting and Athletic Equipment Manufacture
 Steel Fabrication
 Tire Recapping, Vulcanizing
 Tools or Hardware Manufacture
 Toys and Novelty Products Manufacture
 Truck Terminal
 Window Shade, Awnings, Venetian Blind Manufacture
 Laundry Plant
 Yeast Manufacture

MANUFACTURING, INDUSTRIAL-LIGHT INTENSITY

Indoor assembly and manufacturing of finished products or parts from previously prepared materials and parts. Fabrication may be used in limited form to shape or define the final product but shall not comprise the primary activity of such operations. Uses include but are not limited to the following:

Apparel and Other Products Assembled From Finished
 Textiles
 Bag Cleaning
 Boat Repair
 Bookbinding, Except Hand Binding
 Candle Manufacture
 Carpet Cleaning
 Cleaning & Dyeing; Dry Cleaning Plant
 Cosmetic Manufacture
 Drugs or Pharmaceutical Products Manufacture
 Electronic Products Assembly
 Emery Cloth or Sandpaper Manufacture

Fur Good Manufacture (Not Including Tanning or Dyeing)
 Household Appliance Assembly & Manufacture from
 Prefabricated Parts
 Ice Production, Dry or Natural
 Musical Instrument Manufacture
 Orthopedic or Medical Appliance Manufacture
 Recycling Collection Point
 Research and Development Center
 Small Engine Repair Shop
 Storage/Repair/Restoration of Furniture and Appliances
 (Inside)

JUNK OR SALVAGE YARD

A lot upon which waste or scrap materials are bought, sold, exchanged, stored, packed, disassembled or handles, including, but not limited to, scrap iron and other metals, paper, rags, rubber tires and bottles. A "junk yard" includes an automobile wrecking yard and automobile parts yard. A "junk yard" does not include such uses conducted entirely within an enclosed building (Also see Metal Dealer, Secondhand).

METAL FABRICATION; MACHINE SHOP

A workshop where metal fabrication tools, including, but not limited to, lathes, presses, and mills, are used for making, finishing, or repairing machines or machine parts.

MINI-WAREHOUSE/PUBLIC STORAGE

A facility used for storage of goods and/or materials with separate access to individual storage units of 500 square feet or less by persons renting the individual units. The conduct of sales, business, or any activity other than storage shall be prohibited within any individual storage unit.

MISCELLANEOUS HAZARDOUS INDUSTRIAL USE

Any industrial use not specifically defined in this section that is a hazard or nuisance to adjacent property or the community at large, due to the possible emission of excessive smoke, noise, gas, fumes, dust, odor, or vibration, or the danger of fire, explosion, or radiation.

OFFICE/WAREHOUSE/DISTRIBUTION CENTER

A building primarily devoted to storage, warehousing, and distribution of goods, merchandise, supplies, and equipment. Accessory uses may include retail and wholesale sales areas, sales offices, and display areas for products sold and distributed from the storage and warehousing areas.

OIL WELL/GAS WELL AND MINERAL EXTRACTION

Area used for development and production and all operational activities associated with oil and gas for any well drilled, to be drilled, or used for the intended or actual production of oil or natural gas, or a well classified as an oil or gas well under the laws of the State of Texas. Mineral extraction is the process of extracting sand, gravel, stone, or other minerals/natural resources from the earth.

RECYCLING FACILITY

A facility in which recoverable resources, such as newspapers, glassware, and metal cans are collected, stored, flattened, crushed, or bundled, essentially by hand within a completely enclosed building.

RECYCLING COLLECTION POINT

An incidental use that serves as a neighborhood drop-off point for temporary storage of recoverable resources. No processing of such items is allowed. This facility would generally be located in a shopping center parking lot or in other public/quasi-public areas such as in churches and schools.

RECYCLING PLANT

A facility that is not a junkyard and in which recoverable resources, such as newspapers, magazines, books, and other paper products; glass; metal cans; and other products, are recycled, reprocessed, and treated to return such products to a condition in which they may again be used for production.

RESEARCH AND DEVELOPMENT CENTER

An indoor facility that includes laboratories and experimental equipment for medical testing, prototype design and development, and product testing. Any facility that is determined by Health, Fire, or Building officials to be a hazard or nuisance to adjacent property or the community at large, due to the possible emission of excessive smoke, noise, gas, fumes, dust, odor, or vibration, or the danger of fire, explosion, or radiation is not to be included in this category.

SERVICE CONTRACTOR (NO STORAGE YARD)

Establishments whose primary activity is the provision of services for the construction, maintenance, cleaning, or repair of buildings and properties on a fee or contract basis. Service contractors may include, but are not limited to, plumbing, heating and air conditioning, construction, and landscape maintenance services with no outside storage of equipment, goods, and materials.

SERVICE CONTRACTOR (WITH STORAGE YARD)

A service contractor (as defined above) with an open storage area for goods, materials, and equipment, including trailers designed to be towed, associated with the conduct of the business.

SHOPS, OFFICE, AND STORAGE AREA-PUBLIC/PRIVATE UTILITY

The pole yard, maintenance yard, or administrative office of public or private utilities.

SMALL ENGINE REPAIR SHOP

See Sec. 82-28(F).

STORAGE/REPAIR/RESTORATION OF FURNITURE AND APPLIANCES (INSIDE)

An establishment that repairs common household appliances and furniture items such as refrigerators, stoves, microwave ovens, televisions, stereos, radios, lamps, tables, chairs, desks, and sofas, and which may provide indoor storage space for items being repaired.

STORAGE/REPAIR/RESTORATION OF FURNITURE AND APPLIANCES (OUTSIDE)

An establishment that repairs common household appliances and furniture items such as refrigerators, stoves, microwave ovens, televisions, stereos, radios, lamps, tables, chairs, desks, and sofas, and which may provide for outdoor storage space for items being repaired.

STORAGE/WHOLESALE WAREHOUSE, LIGHT

A building used primarily for the storage of goods and materials, containing less than 5,000 square feet of floor space.

STORAGE/WHOLESALE WAREHOUSE, HEAVY

A building used primarily for the storage of goods and materials, containing more than 5,000 square feet of floor space.

TRUCK TERMINAL

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

WAREHOUSE/DISTRIBUTION CENTER

A building used primarily for the storage and distribution of goods, merchandise, supplies, and equipment including wholesalers which display, sell, and distribute merchandise to business representatives for resale but excluding "Truck Terminal."

H. ACCESSORY USES

ACCESSORY BUILDING OR USE

An accessory building or use is one which (a) is subordinate to and serves a principal building or principal use; and (b) is subordinate in area, extent or purpose to the principal building or principal use served; and (c) contributes to the comfort, convenience and necessity of occupants of the principal building or principal use served; and (d) is located on the same building lot as the principal use served, or in the same building structure, provided such use is allowed in principal use zoning district.

CARPORT

A structure open on a minimum of three (3) sides designed or used to shelter vehicles, not to exceed twenty-four (24) feet on its longest dimension.

CONSTRUCTION YARD (TEMPORARY) – SEE SEC. 82-28(G).

A storage yard or assembly yard for building materials and equipment directly related to a construction project and subject to removal at completion of construction and subject to same restrictions as Field Office (Also see Section 82.29(B)).

CUSTOMARY HOME OCCUPATION

An occupation, profession, domestic craft or economic enterprise which is customarily conducted in a "residential dwelling" as hereinafter defined, subject to compliance with each of the following conditions:

- 1) "Residential dwelling" shall mean a detached building designed, used and occupied exclusively by members of one (1) family as a residence.
- 2) No person other than members of a family who reside in the residential dwelling shall be engaged in such occupation, profession, domestic craft or economic enterprise.
- 3) Such use shall be and remain incidental and subordinate to the principal use of the residential dwelling as a family residence and the area utilized for such occupation, profession, domestic craft or economic enterprise shall never exceed twenty-five percent (25%) of the total of the floor area of the residential dwelling.
- 4) Not more than one (1) non-illuminated sign advertising the home occupation shall be allowed; said sign shall not be more than one (1) square foot area and shall be mounted on the building in which the home occupation is being conducted.
- 5) The residential dwelling shall maintain its residential character and shall not be altered or remodeled in order to create any type of exterior commercial appeal.

- 6) No exterior storage of material, equipment and/or supplies used in conjunction with such occupation, profession, domestic craft or enterprise shall be placed, permitted or allowed on the premises occupied by the residential dwelling.
- 7) No offensive noise, vibration, smoke, dust, odors, heat or glare generated by or associated with the home occupation shall extend beyond the property line of the lot or tract on which the home occupation is being conducted.
- 8) The occupation, profession, domestic craft or enterprise shall be conducted wholly within the residential dwelling and no accessory building shall be used in conjunction therewith.
- 9) No stock, goods, wares or merchandise shall be sold or kept for sale on the premises.
- 10) The only equipment to be used in such occupation, profession, domestic craft or enterprise shall be that which is ordinarily used in a private home in a like amount and kind.
- 11) A home occupation shall not generate such additional traffic as to create a traffic hazard or disturbance to nearby residents.

DAY CARE CENTER (ACCESSORY)

An accessory use providing care for children of employees, customers, or patrons of the principal use. The center shall be completely contained within the primary use and shall not constitute more than 15% of the area of the principal use.

FIELD OR SALES OFFICE (TEMPORARY)

See Sec. 82-28(G) and Sec. 82-29(B)

SOLAR PANELS

Panels constructed of specific components that when exposed to radiation from the sun are used to heat water or, when mounted with solar cells will to produce electricity. These panels are usually mounted to roof structures or other structures that will place them in a direct line with the sun.

82-29 SPECIAL USES AND CONDITIONS FOR APPROVAL

A. CHILD CARE CENTERS

- 1) No portion of a childcare center site may be located within three hundred (300) feet of gasoline pumps or underground gasoline storage tanks or any other storage area for explosive or highly combustible materials, measured by straight line from gasoline pumps or storage tanks to closest point of tract or lot containing a child care center.
- 2) Childcare centers shall be located adjacent to a street having a pavement width of twenty-seven (27) feet or greater.
- 3) Site plan approval by the Planning and Zoning Commission shall be required for all childcare center sites.
- 4) Childcare centers located within any single family or two family residential district shall be required to plat in multiples of the minimum lot width of the district classification requirements. The lot depth shall meet the minimum district requirements and must be platted in a configuration which can be converted into standard lots for residential development.
- 5) All childcare centers shall comply with the following standards:
- 6) All vehicular entrances and exits shall be clearly visible from the street.
- 7) All passenger loading and unloading areas shall be located so as to avoid safety hazards from vehicular traffic and adequate walkways shall be provided.

- 8) Outdoor play areas shall be provided at a rate of 65 square feet per child based on maximum design capacity of the center. This requirement may be waived by the Planning and Zoning Commission of the childcare is provided for less than four (4) hours per day for an individual person.
- 9) In residential districts, a maximum of one-half of the required outdoor play space may be provided off-site. When off-premises outdoor play area is utilized, it must be located within one hundred (100) feet of the childcare facility premises and safely accessible without crossing, at-grade, any major or secondary thoroughfare.
- 10) No Childcare Center shall be part of a one family or two family dwelling.

B. CONSTRUCTION YARDS, FIELD OFFICES AND OTHER TEMPORARY BUILDINGS

Temporary permits for construction yards and field offices and special use permits or variances regulating temporary buildings shall be issued for a period of time not to exceed eighteen (18) months. Extensions may be granted by the City Council. Upon due notice and hearing before the City Council, any such permit may be revoked if the City Council finds the use of the building or structure is contrary to the intent of this ordinance or results in increased noise, traffic or other conditions considered to be a nuisance or hazard.

C. RADIO, TELEVISION AND MICROWAVE TOWERS

- 1) No radio, television, cellular or microwave tower shall be located within a distance equal to at least the height of such tower from any residential structure or from any area zoned residential, or shown as residential on the current Comprehensive Plan. Such distance shall be measured as the shortest possible distance in a straight line from the closest point of the tower to the closest point of such area or residence.
- 2) No commercial, radio, television, cellular or microwave reflector antenna support structure shall be closer to any residential district boundary line or any area shown as residential on the current Comprehensive Plan than a distance equal to the sum of the required yard specified for the zoning district in which such building or structure is located, plus 25 feet, plus twice the height of the portion of the structure above two (2) stories. Such distance shall be measured as the shortest possible distance in a straight line from the structure to the closest point of such area or residence.
- 3) The location of radio, television, cellular or microwave reflectors, antennas or support structures and associated foundations and any support wires shall be prohibited within any required front or side yard.
- 4) All commercial communication operations of radio, television, cellular, microwave reflectors, antennas or structures shall be prohibited in residential districts.
- 5) All commercial signs, flags, lights and attachments other than those required for communications operations, structural stability or as required for flight visibility by the Federal Aviation Administration (FAA) and Federal Communications Commission (FCC) shall be prohibited.

D. RESIDENCE HOTELS

Residential hotels shall be designed to allow for their potential conversion to multifamily residences and as such shall comply with all minimum standards set forth in Section 82-19. Residence hotels constructed in the MF district shall comply with the MF district requirements. Open space shall be provided in sufficient quantity and locations to allow for required additional parking should the residence hotel convert to multifamily residences.

E. GARDEN (PATIO) HOMES – SF-Z

- 1) Location on Lot: Garden (patio) home developments shall be developed as zero lot line homes. One side yard shall be reduced to zero feet, while the other side yard shall be increased to a

minimum of ten feet. A minimum three-foot wide maintenance easement shall be placed on the adjacent lot to enable the property owner to maintain his house. Side yards and maintenance easements shall be placed on the subdivision plat. A minimum separation between patio homes of ten (10) feet shall be provided. The combined area of all structures shall not exceed fifty-five percent (55%) of the lot area.

- 2) Front Yard Setback: The minimum front yard shall be fifteen (20) feet, and in no case shall a garage or carport fronting onto a street be less than twenty (20) feet from the property line adjacent to the street. The front yard setback may be staggered, varied or reduced to a minimum setback of fifteen (15) feet to allow for the encroachment of covered front porches, living area, and J-swing garages, with the approval of a site plan or a subdivision plat. Front entry garages shall not be permitted to encroach into the front setback. A minimum lot depth of ninety (90) feet, as measured from front lot line to the rear lot line, shall be maintained.
- 3) Rear Yard Setback: The minimum rear yard shall be five (5) feet for a single story structure and fifteen (15) feet for any two-story structure. If access is from an alley, the minimum setback will be twenty (20) feet for garages or carports.
- 4) Side Yard Setback: The minimum side yard shall be zero (0) feet except that there shall be at least ten (10) feet of separation between structures. When garden (patio) homes are constructed with a zero (0) side yard, five (5) feet on the lot adjacent to the zero (0) setback shall be dedicated as an access easement for the zero (0) setback garden (patio) home. There shall be a minimum of twenty (20) feet from any property line adjacent to a street.
- 5) Lot Frontage: The minimum frontage of any garden (patio) home shall be forty (40) feet on all streets.
- 6) Lot Area: The minimum lot area for any development lot for garden (patio) homes shall be four thousand five hundred (4,500) feet.
- 7) Maximum Length of Structures: No zero lot line structure shall have an overall length exceeding two hundred and fifty (250) feet.
- 8) Maximum Height of Structures: No structure shall exceed two (2) stories or thirty-five (35) feet in height.
- 9) Parking: Two (2) off-street spaces per dwelling unit plus one-half (1/2) space per dwelling unit for visitor parking within six hundred (600) feet of each dwelling unit. The visitor parking requirements may be eliminated or reduced at the time of site plan or subdivision plat approval with a finding that there is adequate on-street parking for visitors.
- 10) Common Area Maintenance: To insure the long-term maintenance of common land and facilities in patio home developments, the following shall be required:
 - a. Plats and site plans shall be approved subject to the submission of a legal instrument, setting forth a plan or manner of permanent area and maintenance of open spaces, recreational areas and other community owned facilities. No such instrument shall be acceptable until approved by the City Attorney as to legal form and effect. A Homeowners Association (HOA) is the most widely accepted technique for managing commonly owned property. Such association shall provide proof of incorporation prior to issuance of a construction permit.
 - b. The HOA or other similar management entity shall be organized as a non-profit corporation with automatic membership in the management entity when property is purchased. This shall be specified in the covenants which run with the land and which bind all subsequent owners. Covenants for maintenance assessments shall also run with the land. Included in the maintenance covenants shall be procedures for changing them at stated intervals. Deeds shall also reference the rights and responsibilities of property owners to the management entity.

The management entity shall also be responsible for liability insurance, local taxes and the maintenance of all commonly held facilities through the use of a pro-rate formula for all property owners.

- 11) Usable Open Space Requirements: Each parcel of land developed under patio home standards shall provide usable open space totaling fifteen percent (15%) of the area of a patio home development. Such open space shall have a maximum slope of ten percent (10%) and shall be exclusive of street and alley rights-of-way and/or easements, private yards and patios. The fifteen percent (15%) shall be computed on the percentage of total platted area in a patio home subdivision, excluding right-of-way for major and secondary thoroughfares (as described in the current Comprehensive Plan). At the time of site plan and/or subdivision plat approval, the City Council may give full or partial credit for open areas that exceed the maximum slope or which are otherwise unusable if it is determined that such areas are environmentally or aesthetically significant and that their existence enhances the development.
- 12) Additional Landscaping: In addition to any required landscaping for common areas, the front yard and parkway areas shall be landscaped and permanently maintained.

F. MULTIFAMILY RESIDENCE

- 1) Courts: Where an apartment building is erected so as to create inner courts, the faces of all opposite walls in such courts shall be a minimum distance of thirty (30) feet apart and no balcony or canopy shall extend into such court area for a distance greater than five (5) feet.
- 2) Usable Open Space: Each lot or parcel of land which is used for multiple-family residences shall provide on the same lot or parcel of land usable open space (as defined in Section 8.05.2), in accordance with the table below:
 - a. Number of Bedrooms or Sleeping Rooms: 1 or Less = 600 Sq. Ft.
 - b. Each Additional Bedroom: Over 1 = 300 Sq. Ft.

In those instances where a parcel of land has been zoned for multifamily use with a Specific Use Permit or Planned Development classification and the permitted densities do not conform exactly with those permitted in the MF District, usable open space shall be provided in accordance with that required for the multifamily zoning district which most closely approximates the density permitted under the SUP or PD.

In meeting this requirement, a credit of three (3) square feet may be applied for each square foot utilized for swimming pools and adjacent decks, patios or lounge areas within ten (10) feet of a pool, developed and equipped children's play areas, and usable portions of recreational buildings. Tennis courts are specifically excluded from this increased credit allowance. At the time of site plan approval, the Planning and Zoning Commission and/or City Council may allow a credit not to exceed ten percent (10%) of the total required usable open space for adjacent and immediately accessible public parks. The combined credit for areas calculated at a three-to-one basis for public parks shall not exceed fifty percent (50%) of the total usable open space for an individual lot or parcel of land.

At the time of site plan approval, the City Council may give full or partial credit for open areas that exceed the maximum slope, if it is determined that such areas are environmentally significant and that their preservation would enhance development.

G. SERVICE STATIONS/CONVENIENCE STORE WITH GAS PUMPS

- 1) Gasoline service station pump islands may not be located nearer than eighteen (18) feet to the front property line. An unenclosed canopy for a gasoline filling station may extend beyond the front building line but shall not be closer than ten (10) feet to the property line.

- 2) Roofs of convenience store building and pump canopy shall be pitched.
- 3) Canopy columns shall be fully encased with masonry that is complimentary to that used on the main building.
- 4) The canopy band face shall be a color consistent with the main structure or an accent color and may not be backlit or used as signage.

H. SWIMMING POOLS – IN GROUND OR ABOVE GROUND

It is the purpose of the following provisions to recognize an outdoor swimming pool as a potentially attractive nuisance and to promote the safety and enjoyment of property rights by establishing rules and regulations governing the location and improvement of swimming pools whether privately, publicly or commercially owned or operated.

- 1) No swimming pool shall be constructed or used until a swimming pool building permit has been issued therefore. No building permit shall be issued unless the proposed sanitary facilities and water supply comply with applicable local and State health department's regulations.
- 2) A swimming pool may be constructed and operated when:
 - a. the pool is not located in any required front or side yard abutting a street;
 - b. a wall or fence, not less than six (6) feet in height, with self-enclosing and self-latching gates at all entrances, completely encloses either the pool area or the surrounding yard area;
 - c. all lighting of the pool is shielded or directed to face away from adjoining residence. If the lights are not individually shielded they shall be so placed, or the enclosing wall or fence shall be so designed, that direct rays from the lights shall not be visible from adjacent properties;
 - d. no broadcasting system is used for the purpose of advertising the operation of the pool or for the attraction of persons to the premises. This shall not prevent a public address system necessary or useful to the supervision of the pool and the safety of swimmers; and
 - e. the swimming pool is no closer than three (3) feet from any property line.

I. PRIVATE CLUBS

Alcoholic Beverage Establishments shall be subject to compliance with the Texas Alcoholic Beverage Code, as amended and any applicable local elections.

- 1) Specific use permit required

In order to protect the general health, well-being and welfare of the citizens of Princeton, the city council declares it to be the policy of the city that private clubs for the consumption of alcoholic beverages shall not be permitted within the city without such establishment having first secured a specific use permit approved by the city council under the terms and regulations of this ordinance. The permit shall take the form of a letter from the city council to the applicant, receipt of which is necessary before operation of a private club.

- 2) Penalty for operation without permit

It shall be unlawful for any person to operate a private club for the sale or dispensing of alcoholic beverages without first having secured a specific use permit from the city council. Operation of a private club without first securing a specific use permit shall be deemed a misdemeanor and any person convicted thereof shall be fined any sum not exceeding \$200.00, and each and every day that such violation continues shall be considered a separate offense; provided, however, that such penal provision shall not preclude a suit to enjoin such violation.

- 3) Location

- a. Service and consumption of alcoholic beverages in a planned development (PD) may be allowed subject to inclusion in and approval of the PD regulations by the city council. Such PD regulations shall control to the exclusion of this ordinance other than compliance with the provisions of the Texas Alcoholic Beverage Code.
- b. Establishments seeking to qualify under this section, except those in a PD, must be located in an area zoned NC, C-1 or C-2 and such premises shall not be located within 300 feet of the property line of any church, public or parochial school, hospital, extended care facility or public park, except that this prohibition will not apply to property located within 300 feet of a public park if the city council affirmatively finds that the issuance of the specific use permit will not be detrimental or injurious to the public health, safety, or general welfare or otherwise be injurious to the inhabitants.

The 300-foot distance shall be measured from the front door of the premises to the nearest property line of a public park. The measurement of the distance between the private club and the church, hospital, or extended care facility shall be along the property lines of the street fronts and from front door to front door, and in direct line across intersections. The measurement of the distance between the private club and the public or parochial school shall be from the nearest property line of the public or parochial school to the nearest doorway by which the public may enter the private club, along street lines and in direct line across intersections, or as amended by the Texas Alcoholic Beverage Commission.

- c. Establishments for the on-premises sale or consumption of alcoholic beverages shall be located within an area containing two acres or more in size and zoned NC, C-1 or C-2. Said area need not be under single ownership, and areas separated by a minor or secondary street are to be considered contiguous for determination of the acreage requirement. Where areas are separated by an arterial thoroughfare, existing or proposed, they shall be considered separate areas for determining acreage requirements as set forth in this section.
- 4) Operational regulations
- a. Such establishments shall comply with all of the provisions of the Texas Alcoholic Beverage Code and receive a private club permit from the state within six months from the date of issuance of specific use permit by the city, each such limitation in time being subject to extension by the city council.
 - b. The City Council may revoke a specific use permit upon the finding that any of the operational requirements imposed at the time of granting the permit are not met or thereafter cease to exist. Said specific use permit shall be subject to review based on recommendation from the police department that the public safety has been or is being jeopardized. The City Manager, Fire Marshal and the Chief of Police are specifically authorized to receive, accept, and investigate complaints from any source.
 - c. A private club with a bar or lounge area shall be designed so that patrons can enter only from an area within the primary use, for example the dining or reception area of a restaurant, hotel or motel. Emergency exits directly to the outside are permitted.
 - d. No signs advertising the sale of alcoholic beverages shall be permitted other than those authorized under the Texas Alcoholic Beverage Code and the city sign ordinance.

J. LIVESTOCK AND OTHER ANIMAL-RELATED USES

Any uses pertaining to the use of livestock or other animals shall be subject to compliance with Chapter 10 Animal Control in the Princeton Code of Ordinances, as amended.

82-30 SPECIFIC USE PERMIT

A. GENERAL PROVISION

A specific use permit refers to uses that the zoning ordinance permits, or may not be specifically listed in the Definitions or the Use Chart but that are screened and specially approved for situational suitability in accordance with procedures and standards set forth in this section. As permitted under the provision of this ordinance, a property owner may petition the City for a specific use of property, as authorized by the zoning district in which the property is located. Such petition shall be considered by the Planning and Zoning Commission. After proper notice and a public hearing, the Planning and Zoning Commission shall make a recommendation to the City Council regarding any application for a Specific Use Permit. The Planning and Zoning Commission may require information, operating data and expert evaluation concerning the location, function and characteristics of any building or use proposed.

An application for a Specific Use Permit (SUP) shall be accompanied by a site plan drawn to scale and showing the general arrangements of the project, together with essential requirements such as off-street parking facilities, size, height, construction materials and locations of buildings, the used to be permitted, location and construction of signs; means of ingress and egress to public streets, visual screening such as walls, landscaping and fences, and the relationship of the intended use to all existing properties and land uses in all directions to minimum distance of two (200) feet.

After proper notice and a public hearing, the City Council may grant a permit for a specific use of property as authorized by the zoning district in which the property is situated. The City Council may require information, operating data and expert evaluation concerning the location, function and characteristics of any building or use proposed.

B. SPECIFIC USE PERMIT REGULATIONS

In recommending to the City Council that a specific use permit for the premises under consideration be granted, the Planning and Zoning Commission shall determine that such use or uses are harmonious and adaptable to building structures and uses of adjacent property and other property in the vicinity of the premises under consideration, and shall make recommendations as to requirements for the paving of streets, alleys and sidewalks, means of access to public streets, provisions for drainage, adequate off-street parking, protective screening and open space, heights of structures and compatibility of buildings.

The City Council shall authorize issuance of a Specific Use Permit only after determining that the proposed use or uses are harmonious and adaptable to building structures and uses of adjacent property and other property in the vicinity of the premises under consideration.

The City Council shall authorize issuance of a Specific Use Permit only after determining that adequate provisions have been made for the paving of streets, alleys and sidewalks, means of access to public streets, provisions for drainage, adequate off-street parking, protective screening and open space, heights of structures and compatibility of buildings.

No Specific Use Permit shall be granted unless the applicant, owner and grantee of the Specific Use Permit shall be willing to accept and agree to be bound by and comply with the written requirements of the permit, as attached to the site plan drawing (or drawings) and approved by the City Council. No public hearing is necessary for site plan approval.

Whenever regulations or restrictions imposed by this ordinance are either more or less restrictive than regulations imposed by any governmental authority through legislation, rule or regulation, the regulations, rules or restrictions which are more restrictive or impose higher standards or requirements shall govern. Regardless of any other provision of this ordinance, no land shall be used and no structure erected or maintained in violation of any State or Federal pollution control or environmental protection law or regulation.

ARTICLE VII SITE DEVELOPMENT REQUIREMENTS

82-31 OFF-STREET PARKING AND LOADING REQUIREMENTS

A. PURPOSE

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

B. SPECIAL OFF-STREET PARKING PROVISIONS - RESIDENTIAL DISTRICTS

- 1) Required off-street parking shall be provided on the same site as the use it serves.
- 2) No parking shall be allowed except on paved concrete surface.
- 3) No new parking structure, including garages, carports or similar structures, shall be located within the required front yard of a lot or tract. However, new structures shall be allowed to replace substandard structures. Replacement structures shall not exceed the original structure square footage.
- 4) Driveways shall be designed and constructed in accordance with City standards.
- 5) Exemption: If any of the driveway spacing or design requirements cannot be met, the Planning & Zoning Commission may grant an exemption upon further review.

C. SIZE OF SPACE

- 1) Each standard off-street surface parking space shall measure not less than nine (9) feet by twenty (20) feet, exclusive of access drives and aisles and shall be of usable shape and condition, and shall be appropriately sized. Where it is possible for a vehicle to overhang the front of a parking space above a paved, stoned, mulched or grassed area other than a sidewalk, street, right-of-way or adjacent property, the length of the standard space may be reduced to eighteen (18) feet.
- 2) Each small car off-street parking space shall measure not less than eight and one-half (8.5) feet by sixteen (16) feet, exclusive of access drives and aisles and shall be of usable shape and condition. Where it is possible for a vehicle to overhang the front of a parking space above a paved, stoned, mulched or grassed area other than a sidewalk, street right-of-way or adjacent property, the length of the small car space may be reduced to fifteen (15) feet. All small car parking spaces shall be grouped and located in specific areas so as not to be scattered throughout a parking lot.
- 3) A maximum of fifty percent (50%) of the required parking for a general office or light manufacturing plant may be permitted as small car spaces upon approval of a site plan but only when both of the following conditions are met:
 - a. Signage will identify the small car spaces; and
 - b. The entire grounds and building served by the small car spaces are occupied and controlled by one tenant who shall be responsible for policing the use of the small car spaces.
- 4) Each parking space (on-street or off-street) designed for parallel parking shall have a minimum dimension of eight (8) feet by twenty-two (22) feet.
- 5) Each standard parking space located in a parking garage shall measure not less than nine (9) feet by eighteen (18) feet, exclusive of access drives or aisles.

D. PARKING AREA STANDARDS

- 1) To prevent nuisance situations, all parking area lighting shall be designed and operated so as not to reflect or shine on adjacent properties. For safety and fire-fighting purposes, free access through to adjacent parking areas shall be provided where practical.
- 2) Except for single family and duplex uses, parking spaces shall be permanently and clearly identified by stripes, buttons, tiles, curbs, barriers or other approved methods. Nonpermanent type marking, such as paint, shall be regularly maintained to ensure continuous clear identification of the space.
- 3) Parking areas shall be maintained and repaired with like material when the parking surface begins to form potholes and other obvious surface deteriorations. New parking lots and driveways shall be constructed of Portland Cement Concrete with reinforcement meeting the City of Princeton Design Standards.

E. OFF-STREET PARKING INCIDENTAL TO MAIN USE

Off-street parking shall be provided in accordance with the requirements specified by this ordinance and located on the lot or tract occupied by the main use or in accordance with Section 82-32(l) and located within the same zoning district as the main use.

F. SCHEDULE OF SPECIFIC PARKING REQUIREMENTS BASED ON USE

Off-street parking shall be provided in sufficient quantities to provide the following ration of vehicle spaces for the uses specified in the districts designated. (Where a calculation results in requiring a fractional space, one additional space shall be required.)

- 1) **Bank, savings and loan or similar financial establishment:**
One (1) space for each two hundred (200) square feet of total floor area.
- 2) **Business or professional office, studio, medical or dental clinic:**
Three (3) parking spaces plus one (1) additional parking space for each two hundred (200) square feet of floor area over five hundred (500) feet.
- 3) **Church or other place of worship:**
One (1) parking space for each (4) seats in the main auditorium.
- 4) **Clinic of doctor's or dentist's office:**
One (1) space for each two hundred (200) square feet of total floor area.
- 5) **Community center, library, museum or art gallery:**
Ten (10) parking spaces plus one (1) additional space for each three hundred (300) square feet of floor area in excess of two thousand (2,000) square feet. If an auditorium is included as part of the building, its floor area shall be deducted from the total and additional parking provided as the basis of one (1) space for each four (4) seats that it contains.
- 6) **College or university:**
One (1) space for each two (2) students, plus one (1) space for each classroom, laboratory or instruction area.
- 7) **Commercial amusement (indoor):**
 - a. Bowling alley - six (6) spaces for each lane;
 - b. Racquetball or handball courts – three (3) spaces for each court;
 - c. Indoor tennis courts - six (6) spaces for each court;
 - d. Gymnasium, skating rinks and martial arts schools or areas - one (1) space for each three (3) seats at maximum seating capacity, plus one (1) space for each two hundred (200) square feet;

- e. Swimming pool - one (1) space for each one hundred (100) square feet of gross water surface and deck area;
 - f. Weight lifting or exercise areas - one (1) space for each one hundred (100) square feet;
 - g. Indoor jogging or running tracks - one (1) space for each one hundred (100) linear feet;
 - h. All restaurants for subsidiary uses not listed above or in other parts of Section 82-32 (those uses such as restaurants, offices, etc., shall be calculated with the minimum specified for those individual uses) - one (1) space for each one 100 square feet of floor space.
 - i. Other - one (1) space for each three (3) persons accommodated (design capacity).
- 8) Dance hall, assembly or exhibition hall (without fixed seats):**
One (1) parking space for each one hundred (100) square feet of floor area used thereof.
- 9) Day nursery, day care, kindergarten school:**
One (1) space per eight (8) pupils/clients (design capacity).
- 10) Dwellings, single family attached or detached:**
Two (2) covered enclosed parking spaces for each dwelling unit except where otherwise specially noted.
- 11) Dwellings, multifamily:**
One (1) space for efficiencies, two (2) spaces for one (1) and two (2) bedroom units, plus one (1) additional space for each additional bedroom.
- 12) Flea market:**
One and one-half (1.5) spaces for each two hundred (200) square feet of floor area or market area.
- 13) Fraternity, sorority or dormitory:**
One (1) parking space for each two (2) beds.
- 14) Furniture or appliance store, hardware store, wholesale establishment, machinery or equipment sales and service, clothing or shoe repair or service:**
Two (2) parking spaces plus one (1) additional parking space for each five hundred (500) square feet of floor area over one thousand (1,000) square feet.
- 15) Gasoline service station:**
One (1) space for every four (4) pumping stations. Spaces provided for fueling at the pump station shall not be considered parking spaces.
- 16) Golf course:**
Five (5) spaces per hole, plus requirements for retail parking, office parking, country club parking and other uses as applicable.
- 17) Health care facility:**
One (1) space for each one hundred and fifty (150) square feet.
- 18) Hospital:**
One (1) space for each two (2) beds.
- 19) Hotel or motel:**
One (1) parking space for each sleeping room, unit or guest accommodation plus one (1) space for each three hundred (300) square feet of commercial floor area contained therein.
- 20) Lodge or fraternal organization:**
One (1) spaces per two hundred (200) square feet.
- 21) Manufacturing, processing or repairing:**
One (1) parking space for each two (2) employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not less than one (1) parking space for each one thousand (1,000) square feet of floor area, whichever is greater.
- 22) Massage establishment:**

- One (1) space for each two hundred (200) square feet of floor area.
- 23) Mini-warehouse:**
Four (4) spaces per complex plus one (1) space per five thousand (5,000) square feet of storage area.
- 24) Mortuary or funeral home:**
One (1) parking space for each fifty (50) square feet of floor space in slumber rooms, parlors or individual funeral service rooms.
- 25) Motor vehicle salesrooms and used car lots:**
One (1) parking space for each five hundred (500) square feet of sales floor for indoor uses, or one (1) parking space for each one thousand (1,000) square feet of lot area for indoor uses.
- 26) Office, general:**
One (1) space for each three hundred (300) square feet of total floor area.
- 27) Office, medical:**
One (1) space for each one hundred seventy-five (175) square feet of floor area.
- 28) Office-showroom or office - warehouse:**
One (1) space for each one thousand (1,000) square feet of floor area for storage warehousing, plus one (1) space for each one hundred (100) square feet of office, sales or display area.
- 29) Private Club:**
- a. If free standing or located in a shopping center of 150,000 square feet or less, one (1) space for each ten (10) square feet of bar, lounge and waiting areas, plus one (1) space for each one hundred (100) square feet of remaining floor area.
 - b. If located in a shopping center of greater than 150,000 square feet, one (1) space for each one hundred (100) square feet of gross floor area.
- 30) Private country club or golf course:**
One (1) parking space for each two hundred fifty (250) square feet of floor area or for every five (5) members, whichever is greater.
- 31) Recreational area or building (other than listed):**
One (1) space for each two (2) persons to be normally accommodated in the establishment.
- 32) Restaurant, cafeteria, café or similar establishment:**
One (1) parking space for every one hundred (100) square feet of floor area.
- 33) Retail store or personal service establishment, except as otherwise specified herein:**
One (1) parking space for each two hundred (200) square feet of floor area.
- 34) Sanitarium, convalescent home, home for the aged or similar institutions:**
One (1) parking space for each dwelling unit.
- 35) School, elementary and middle:**
One (1) parking space for each five (5) seats in the auditorium or main assembly room, or two and one half (2.5) spaces for each classroom.
- 36) School, secondary (grades 9 - 12):**
One (1) parking space for each four (4) seats in the main auditorium, Plus eight (8) spaces for each classroom.
- 37) Shopping Center:**
One (1) space for each two hundred (200) square feet of floor area. The total floor area used for restaurants and cafeterias (but not including private clubs) which exceed ten percent (10%) of the shopping center floor area, shall require additional parking to be provided in accordance with the requirements for restaurants.
- 38) Storage or warehousing:**

One (1) space for each two (2) employees, or one (1) space for each one thousand (1,000) square feet of total floor area, whichever is greater.

39) Theater, auditorium (except school), meeting room, sports arena, stadium, gymnasium or other places of public assembly:

One (1) parking space for each four (4) seats or bench seating spaces.

40) Vehicle repair garage:

Three (3) spaces per service bay, plus one (1) space per employee (maximum shift), plus one (1) space per tow truck or other service vehicle.

G. OFF-STREET PARKING REQUIREMENTS FOR USES NOT LISTED

For those uses that are not matched with a parking requirement in Section 82-32(F), the following standards shall apply:

General Use Category

- a. Educational & Institutional
- b. Transportation, Utility & Communications Uses
- c. Accessory & Incidental Uses
- d. Office & Professional Uses
- e. Automobile & Related Uses
- f. Retail Uses
- g. Service Uses
- h. Wholesale Uses
- i. Contract Construction Uses
- j. Commercial, Manufacturing & Industrial Uses

Parking Space Requirements

- One space per employee
- One space per employee plus one space per stored vehicle
- One space per employee
- One space per 300 square feet of gross floor area
- One space per employee plus one space per stored vehicle
- One space per 200 square feet of gross floor area
- One space per 200 square feet of gross floor area
- Same as for "Storage or Warehousing"
- One space per employee
- Same as for "Manufacturing, processing or repairing"

H. RULES FOR COMPUTING NUMBER OF PARKING SPACES

In computing the number of parking spaces required for each of the uses in Sections 82-32, the following rules shall govern:

- 1) "Floor Area" shall mean the gross floor area of the specific use.
- 2) Where fractional spaces result, the parking spaces required shall be rounded to the nearest whole number.
- 3) The parking space requirement for a use not specifically mentioned herein shall be the same as required for a use of similar nature.
- 4) In the case of mixed uses, the parking spaces required shall equal the sum of the requirements of the various uses computed separately.

I. LOCATION OF PARKING SPACES

All parking spaces required herein shall be located on the same lot with the building or use served, except as follows:

- 1) Where an increase in the number of spaces is required by a change or enlargement of use or where such spaces are provided collectively or used jointly by two (2) or more buildings or establishments, the required spaces may be located not more than three hundred (300) feet from an institutional building served and not more than three hundred (300) feet from any other non-residential building served.
- 2) Not more than fifty percent (50%) of the parking spaces required for theaters, bowling alleys, cafes or similar uses and not more than eighty percent (80%) of the parking spaces required for a church

or school auditorium or similar uses may be provided and used jointly by similar uses not normally open, used or operated during the same hours as those listed; provided however, that written agreement thereto is properly executed and filed as specified below.

- 3) In any case where the required parking spaces are not located on the same lot with the building or use served or where such spaces are collectively or jointly provided and used, a written agreement thereby assuring their retention for such purposes shall be properly drawn and executed by the parties concerned, approved as to form by the city and executed by the parties concerned and shall be filed with the application for a building permit.

J. USE OF PARKING SPACES - ALL DISTRICTS

Required off-street parking and loading spaces shall be used only for these respective purposes and shall not be used for storage or display of boats, trailers, campers, motor vehicles or other goods, materials or products for sale.

K. SPECIAL OFF-STREET PARKING REGULATIONS

In computing the parking requirements for any development, the total parking requirements shall be the sum of the specific parking space requirements for each use included in the development. Where multiple uses are proposed for a building, the parking requirements shall be calculated on the basis of the most restrictive requirements unless specific areas of different uses are delineated by floor or building segments.

- 1) Wherever a parking lot is located across the street from or adjacent to residentially zoned property, and is designed so that headlight beams will shine into residences (whether or not such residences have been built at the time the parking lot is constructed), irrigated earthen berm or a solid masonry wall or reinforced concrete fence of not less than three (3) nor more than four (4) feet in height above the finished grade of the off-street parking area shall be erected and maintained so as to provide a headlight screen for the residential district.
- 2) The off-street parking spaces designated for each apartment (multifamily) dwelling unit shall be located within one hundred (100) feet of the dwelling unit served by such spaces.
- 3) In all residential districts, no heavy load vehicle, truck trailer, truck tractor, mobile home, motor home, camper, trailer, boat, machinery, farm equipment or machinery or any other similar equipment or machinery (called collectively "equipment") shall be parked or left standing for more than one (1) day out of any consecutive seven (7) day period within the required front yard or within the side yard of a corner lot between the side building line and side property line on the side of the lot abutting a street or public right-of-way.
- 4) In no event shall equipment, including motor vehicles, trucks and vans be parked or left standing at any time on a surface other than a paved driveway or paved parking lot. The driveway shall be located either:
 - a. between the street or alley, a garage or carport;
 - b. in the side yard adjacent to the main building; or
 - c. as a circular driveway serving the main entrance of the premises.

In no event shall operable or inoperable equipment, including motor vehicles, trucks and vans be parked or left standing at any time in the front yard of a property.

The driveway approach shall be no wider than thirty (30) feet. No more than fifty percent (50%) of the front yard shall be a driveway.

- 5) Parking spaces in non-residential districts shall be provided with sufficient space for entering and exiting without backing onto a public street. Parking spaces on the perimeter of the parking lot and abutting a property line shall have a wheel stop barrier two (2) feet from the end of the parking space.
- 6) Whenever a building or use constructed or established prior to the effective date of this Ordinance is changed or enlarged in floor area, number of employees, number of dwelling units, or otherwise, an administrative review of the provision of off-street parking shall be required.

L. DESIGN STANDARDS FOR PARKING STRUCTURES

- 1) In all districts, above grade parking structures shall conform to height restrictions for zoning districts in which they are located.
- 2) The distance from parking structure entry and exit points to a corner of a street intersection shall conform to standards contained in the Subdivision Ordinance.
- 3) Ramps shall not be constructed with slopes exceeding fifteen percent (15%) and single lane entrances shall not be less than twelve (12) feet wide at the street.
- 4) A minimum of one (1) car length shall be provided between an exit control gate and the inside edge of a sidewalk to minimize conflicts between exiting cars and pedestrians.
- 5) Parking structure facades shall be left fifty percent (50%) open and interior light levels shall be maintained at ten (10) foot candles to enhance security and safety. All parking structure lighting shall be designed so as not to reflect or shine on adjacent properties.
- 6) Parking structures exceeding 1 story shall be fully sprinkled for fire protection and provided with a remote fire department connection clearly marked for the structure it is serving.

M. OFF-STREET LOADING

All retail, commercial and industrial structures 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 private service drive.

At least one-half of such loading spaces shall have a minimum dimension of ten (10) feet by forty (40) feet, and the remaining spaces shall have a minimum dimension of ten (10) feet by twenty (20) feet.

Where such loading spaces are located adjacent to a residential district, the space shall be enclosed on three (3) sides.

Loading spaces shall be provided in accordance with the following schedule:

FOR ALL RETAIL, COMMERCIAL AND INDUSTRIAL USES

Square Feet of Gross Floor Area in Structure	Minimum Required Spaces or Berths
0 to 5,000	None
5,001 to 15,000	1
15,001 to 40,000	2
40,001 to 65,000	3
65,001 to 100,000	4

Each additional 100,000	1 additional
FOR ALL HOTELS, OFFICE BUILDINGS, RESTAURANTS AND SIMILAR AND SIMILAR ESTABLISHMENTS	
Square Feet of Gross Floor Area in Structure	Minimum Required Spaces or Berths
0 to 10,000	None
10,001 to 50,000	1
50,001 to 100,000	2
100,001 to 200,000	3
Each additional 200,000	1 additional

Kindergartens, day schools and similar child training and care establishments shall provide loading and unloading space on a private drive or off-street to accommodate one (1) motor vehicle for each ten (10) students or children cared for by the establishment.

Loading docks for any establishment which customarily receives goods between the hours of 9:00 p.m. and 8:00 a.m., and is adjacent to a residential use or district, shall be designed and constructed so as to fully enclose the loading operation in order to reduce the effects of the noise of the operation on adjacent residences.

Where adjacent to residential uses or district, off-street loading areas shall be screened from view of the residential use or district.

N. STACKING REQUIREMENT FOR DRIVE-THROUGH FACILITIES

- 1) A stacking space shall be an area on a site measuring eight (8) feet by twenty (20) feet with direct forward access to a service window or station of a drive-through facility which does not constitute space for any other circular driveway, parking space or maneuvering area.
- 2) For financial institutions with drive-through facilities, each teller window or station, human or mechanical, shall be provided with a minimum of five (5) stacking spaces (from the right-of-way line).
- 3) For each service window of a drive-through restaurant, a minimum of seven (7) stacking spaces (from the right-of-way line) shall be provided.
- 4) For kiosks, a minimum of two (2) stacking spaces (from the right-of-way) for each service window shall be provided.

82-32 ACCESSORY BUILDING OR STRUCTURE REGULATIONS

A. INCIDENTAL SMALL STORAGE BUILDINGS

All zoning districts, may be allowed to have (1) temporary storage building not exceeding 120 sq. ft. and shall not exceed (15') in height. The building may be built on site and have a concrete slab or be constructed offsite and placed on a suitable foundation. Such buildings shall not have permanent power. Buildings shall be placed as to not interfere with building clean outs, electrical service, water service, and shall not be placed closer than 10' to the main structure. Only these accessory storage buildings meeting these requirements shall not be required to be permitted.

B. AREA REGULATIONS FOR ACCESSORY BUILDINGS OR STRUCTURES IN RESIDENTIAL AND MULTI-FAMILY DISTRICTS

- 1) Front Yard: Attached accessory buildings or structures, including garages and carports, shall have a front yard not less than the main building, or as specified in the particular district. Detached accessory buildings or structures shall be located in the area defined as the side yard or rear yard.
- 2) Side Yard: There shall be a side yard not less than eight (8) feet from any side lot line, alley line or easement line, except that adjacent to a side street, the side yard shall never be less than twenty (20) feet.
- 3) Rear Yard: There shall be a rear yard not less than ten (10) feet from any lot line, alley line or easement line. Carports, garages or other necessary buildings located within the rear portion of a lot, as heretofore described, shall not be located closer than fifteen (15) feet to the main building nor nearer than eight (8) feet to any side lot line.
- 4) Detached Accessory Buildings: Shall meet the maximum lot coverage requirement in Article III and shall not exceed the height of the main structure.
- 5) Code compliance Accessory Buildings or Structures shall meet the requirements of all codes adopted by the City, and have foundations designed by professional engineer. A site plan showing the location of the structure and all setbacks shall be required at the time of permitting. The exterior of the building shall be constructed of similar materials as the main structure.
- 6) Access: Accessory Buildings or Structures shall have approved sidewalks or driveways meeting the City's paving standards, and shall be constructed at the same time as the accessory building.

C. OVERSEAS CONTAINERS/SEA BOXES:

Are not permitted accessory buildings or structures.

D. EXTERIOR REGULATIONS FOR ACCESSORY BUILDINGS OR STRUCTURES IN NON-RESIDENTIAL DISTRICTS:

All exterior requirements of accessory buildings or structures in Non-Residential Districts are to match the exterior requirements of the main structures on the property.

ARTICLE VIII DEVELOPMENT REVIEW PROCEDURES

82-33 AMENDMENTS TO THE ZONING ORDINANCE

A. AUTHORITY TO AMEND ORDINANCE

1) Authority

The City Council may from time to time, after receiving a final report thereon by the Planning & Zoning Commission and after public hearings required by law, amend, supplement, or change the regulations herein provided or the boundaries of the zoning districts specified on the Zoning District Map.

2) Ordering Changes or Amendments

- a. The Planning & Zoning Commission or City Council may order the consideration of any changes or amendments to the Zoning Ordinance.
- b. Any zoning district boundary amendment (also referred to as a zoning map amendment) may be ordered for consideration by the:
 - (i) City Council;
 - (ii) Planning & Zoning Commission; or
 - (iii) The owner of the real property (or the authorized representative of an owner of real property).

3) Planning & Zoning Commission Recommendation Required

In no case shall the City Council act upon any zoning request prior to recommendation by the Planning & Zoning Commission.

4) Zoning Amendment Application Submittal

- a. Each applicant for zoning or for an amendment or change to the existing provisions of this Zoning Ordinance shall submit a zoning application to the zoning administrator on or before a scheduled submission date and shall be accompanied by payment of the appropriate fee as established by the City.
- b. All applications received on a date other than an official submittal date shall be dated received on the next official submittal date.
- c. Applications must be complete for acceptance.

5) Additional Considerations

- a. Consideration for a change in any district boundary line or special zoning regulation may be initiated only with written consent of the property owner, or by the Planning & Zoning Commission or City Council on its own motion when it finds that public benefit will be derived from consideration of such matter.
- b. In the event the ownership stated on an application and that shown on the City records are different, the applicant shall submit written proof of ownership.
- c. The advertisement of a zoning change or Specific Use Permit shall be initiated by staff upon receipt of applicant's written response to staff's recommendation. The response shall indicate whether the applicant agrees or disagrees with the staff recommendation. Where the applicant disagrees with any portion of the recommendation, the applicant shall cite the reasons for the disagreement.

6) Zoning Application Details

- a. To ensure the submission of adequate information, the zoning administrator is hereby empowered to maintain and distribute a list of specific requirements for zoning applications and update, modify such requirements as deemed necessary by the zoning administrator.
- b. Upon periodic review, the Development Services staff shall have the authority to update such requirements for zoning application details.

B. ZONING AMENDMENTS PROCESS, PUBLIC HEARING AND NOTICE

- 1) Zoning District Change (Zoning Map Amendment)
 - a. One Planning & Zoning Commission Public Hearing Required

Prior to making its report to the City Council, the Planning & Zoning Commission shall hold at least one public hearing on each application.

- b. Written Notice of the Planning & Zoning Commission Public Hearing

Before the tenth (10th) calendar day before the hearing date before the Planning & Zoning Commission, written notice of each public hearing before the Planning & Zoning Commission on a proposed change in a zoning classification shall be sent to each owner, as indicated by the most recently approved Municipal Tax Roll, of property within two hundred (200) feet of the property in which the change in classification is proposed. This notice is served by deposit in the United States Postal Service.

- c. Published Notice of the City Council Public Hearing

Notice of City Council public hearing shall be given by publication in the official newspaper of the City, stating the time and place of such public hearing, a minimum of fifteen (15) calendar days prior to the date of the public hearing.

- 2) Zoning Text Amendment
 - a. Published Notice Prior to Public Hearing

Notice of public hearings on proposed changes in the text of the Zoning Ordinance shall be accomplished by one publication not less than fifteen (15) calendar days prior to both the Planning & Zoning Commission and City Council meetings thereto in the official newspaper of the City.

- b. Exemption

Changes in the ordinance text that do not change zoning district boundaries do not require written notification to individual property owners.

C. FAILURE TO APPEAR BEFORE THE COMMISSION

The Planning & Zoning Commission may deny a zoning application if the applicant or representative fails to appear at one (1) or more hearings before the Planning & Zoning Commission.

D. PLANNING & ZONING COMMISSION CONSIDERATION AND REPORT

- 1) Planning & Zoning Commission Vote

The Planning & Zoning Commission, after the public hearing is closed, may vote to approve, approve with amendments and conditions, table, or deny in whole or in part the application.

- 2) Planning & Zoning Commission Table

The Planning & Zoning Commission may table for not more than ninety (90) calendar days from the time it is posted on the agenda until it has had opportunity to consider other proposed changes which may have a direct bearing thereon.

3) Planning & Zoning Commission Consideration

In making their determination, the Planning & Zoning Commission shall consider, among other things, the following factors:

- a. Whether the uses permitted by the proposed change will be appropriate in the immediate area concerned and their relationship to the general area and the City as a whole.
- b. Whether the proposed change is in accord with any existing or proposed plans for providing public schools, streets, water supply, sanitary sewers, and other utilities to the area, and shall note the findings.
- c. The amount of vacant land currently classified for similar development in the vicinity and elsewhere in the City, and any special circumstances that may make a substantial part of such vacant land unavailable for development.
- d. The recent rate at which land is being developed in the same zoning classification as the request, particularly in the vicinity of the proposed change.
- e. How other areas designated for similar development will be, or are unlikely to be, affected if the proposed amendment is approved, and whether such designation for other areas should be modified also.
- f. The impact on the environment regarding the floodplain, riparian areas, topography, and vegetation.
- g. Whether the request is consistent with the comprehensive plan and other master plans.
- h. Any other factors which will substantially affect the health, safety, morals, or general welfare.
- i. Findings of a Traffic Impact Analysis (TIA), if required.

4) Planning & Zoning Commission Justification for Denial

If the Planning & Zoning Commission denies the zoning request, it may offer reasons to the applicant for the denial.

E. CITY COUNCIL CONSIDERATION

- 1) Proposal Recommended for Approval by the Commission
 - a. Every proposal which is recommended favorable by the Planning & Zoning Commission shall be automatically forwarded to the City Council for setting and holding of public hearing thereon.
 - b. No change, however, shall become effective until after the adoption of an ordinance for same and its publication as required by law.
- 2) City Council Consideration and Action
 - a. City Council, after the public hearing is closed, may vote to approve, approve with amendments and conditions, table, or deny in whole or in part the application.
- 3) Three-Fourths City Council Vote Required for Protested Amendments
 - a. Documented Protest Requirements
 - (i) Documented Protest Filing

Protests against proposed amendments shall be filed at least seven (7) calendar days before the date of the public hearings.
 - b. Documented Protest Participant Requirements

(i) Interior Protester: The owners, duly signed and acknowledged, of twenty (20) percent or more of the lots or land area included within a proposed amendment boundary may participate in a documented protest for a specific case.

(ii) Exterior Protester: The owners, duly signed and acknowledged, of twenty (20) percent or more of the lots or land area within a two hundred (200) foot radius of the exterior boundary of the area included in a proposed amendment may participate in a documented protest for a specific case.

4) Documented Protest Effect

If a documented protest against a proposed amendment, supplement, or change to a zoning regulation or boundary has been filed with the zoning administrator, then such amendments shall not become effective except by the affirmative vote of three-fourths (3/4), or four (4) votes of all members of the City Council.

5) Denial by City Council

- a. The City Council may deny any request with prejudice.
- b. If a request has been denied with prejudice, the same or similar request may not be resubmitted to the City for six (6) months from the original date of denial.

6) Final Approval and Ordinance Adoption

- a. Approval of any zoning change or amendment by the City Council at the scheduled public hearing shall constitute instruction to City staff to prepare the appropriate ordinance for final formal passage at a subsequent time.
- b. If finally approved by the required number of votes, the ordinance shall be executed by the Mayor.
- c. The Ordinance shall become effective from and after its adoption and publication as required by law.

82-34 VARIANCE PROCEDURES

A. PURPOSE AND APPLICABILITY

1) Cases for which a Variance may be Granted

The Board of Adjustment may authorize, in specific cases, a variance of from the terms of a zoning ordinance for the following:

- a. Height,
- b. Yard,
- c. Lot Area,
- d. Exterior structure,
- e. Lot coverage,
- f. Off-street parking, and
- g. Loading requirements.

2) Variance Criteria

A variance may be granted only if the Board finds that:

- a. The requested variance is not contrary to the public interest; and
- b. The requested variance does not violate the intent of the Zoning Ordinance, as amended; and
- c. The requested variance allows the spirit of the Zoning Ordinance to be observed and substantial justice done; and
- d. The requested variance would not cause injury to or restrict development on any other parcel of land; and

- e. The requested variance is not needed merely to promote economic gain or to prevent economic loss; and
 - f. A literal enforcement of the Zoning Ordinance would result in an unnecessary hardship. An unnecessary hardship only exists when a variance is needed to permit development of a specific parcel of land that differs from other parcels of land by being of such a restrictive area, shape, or slope that it cannot be developed in a manner commensurate with the development upon other parcels of land with the same zoning; and
 - g. The unnecessary hardship, if any, is neither self-created nor personal to the owner of the parcel of land.
- 3) Variance Limitations
- a. Completed Action Required Before a Variance
An application or request for a variance shall not be heard or granted with regard to any parcel of property or portion thereof upon which a Preliminary Site Plan, Site Plan, Preliminary Plat or Final Plat, when required by the Zoning Ordinance or the Subdivision Ordinance for any parcel of property or portion thereof, has not been finally acted upon by both the Planning & Zoning Commission and, where required, by the City Council.
 - b. Exhausted all Other Options
The administrative procedures and requirements of the Zoning Ordinance, and any amendments thereto, with regard to both the Planning & Zoning Commission and City Council consideration and action, on Preliminary Site Plans, Site Plans, Preliminary Plats, and Final Plats, must be exhausted prior to requesting a variance.

B. VARIANCE PROCESS, PUBLIC HEARING AND NOTICE

- 1) Public Hearing Required
 - a. The Board of Adjustment shall hold a public hearing for each variance applicant and shall provide the notice and public hearing required by this ordinance.
 - b. At the public hearing, the Board of Adjustment shall consider public comments, the zoning administrator's recommendation, and other applicable information and shall approve, approve with conditions, or deny the variance application.
- 2) Written Notice of the Zoning Board of Adjustment Public Hearing
 - a. Before the tenth (10th) calendar day before the hearing date before the Zoning Board of Adjustment, written notice of each public hearing before the Zoning Board of Adjustment on a proposed variance shall be sent to each owner, as indicated by the most recently approved Municipal Tax Roll, of property within two hundred (200) feet of the property in which the change in classification is proposed. This notice is served by deposit in the United States Postal Service.
- 3) Published Notice of the Zoning Board of Adjustment Hearing
 - a. Notice of a Zoning Board of Adjustment public hearing shall be given by publication in the official newspaper of the City, stating the time and place of such public hearing, a minimum of fifteen (15) calendar days prior to the date of the public hearing.
- 4) Planning & Zoning Commission Vote
 - a. Pursuant to Texas Local Government Code 211.009.(c), the concurring vote of seventy-five (75) percent of the members of the Board of Adjustment is necessary to grant a zoning variance.

82-35 PD APPLICATION AND REVIEW

A. PLANNED DEVELOPMENT REQUIREMENTS

- 1) **Modified Development Requirements**
Development requirements for each PD District shall be set forth in the amending Ordinance granting the PD District and shall include, but may not be limited to standards listed in the following documents:
 - a. Zoning Ordinance;
 - b. Subdivision Ordinance;
 - c. Construction Design Ordinance;
 - d. Sign Ordinance; and
 - e. Other requirements as the City Council and Planning & Zoning Commission may deem appropriate.
- 2) **Reference Base Zoning District**
When referencing a base zoning district, the PD ordinance will not have to provide any of the references listed above unless they vary from the zoning district requirements.
- 3) **Different Standards List**
 - a. All applications to the City for PD zoning shall list all requested standards differing from the normal requirements set forth throughout this Ordinance and related City development requirements.
 - b. All applications without this list will be considered incomplete.
 - c. The list shall be provided in the form of a comparison table that lists all current standards and the corresponding proposed standards for the PD District.
 - d. The applicant shall provide written justification for the PD request and associated standards, including a statement of impact on public health, safety, and welfare.
- 4) **Two PD Types**
Two types of PDs can be requested, an overlay PD and a free-standing PD, described below.
 - a. **Overlay PD District:** In the overlay PD District, uses shall conform to the standards and regulations of the base zoning district.
 - (i) The particular zoning district must be stated in the granting ordinance.
 - b. **Free-Standing PD District:** In the free-standing PD District, any use may be allowed for any district that is listed in this Ordinance.
 - (i) All standards and uses shall be outlined within the granting ordinance and the PD shall be in conformance with the purpose and intent of the Comprehensive Plan.
 - (ii) A base zoning district shall be assigned and stated within the granting ordinance at the time of City Council approval of the ordinance.
 - (iii) This base zoning district will be used when any specific regulations are not listed in the granting ordinance.
- 5) **PD Application Materials Submitted**
An applicant for a PD District shall submit all materials required by this Zoning Ordinance.
 - a. The zoning administrator shall send written notice, within fourteen (14) calendar days after the date the application is filed, to any applicant that has submitted incomplete materials stating the remaining documents or other information needed to make the application complete.
 - b. The application for a PD District shall expire on the forty-fifth (45th) calendar day after the date the application was filed if the applicant fails to submit the remaining documents or other

information needed to make the application complete on or before such forty-fifth (45th) calendar day.

- c. In addition, the applicant is encouraged to conduct a neighborhood meeting with area homeowners within the vicinity of the request prior to appearing before the Planning & Zoning Commission. The applicant shall notify the zoning administrator of any scheduled neighborhood meetings at least seven (7) calendar days prior the meeting.
- 6) PD District Map (Zoning Exhibit "A")
The PD District Map shall include all lands within the PD district and adjacent properties.
 - a. The zoning administrator shall establish all dimensional requirements for PD District Maps.
 - 7) Development Schedule
A development schedule may be requested by staff, the Planning & Zoning Commission, or the City Council at any time during the PD request process.
 - 8) Conformity
The PD District standards shall conform to all other sections of this Ordinance unless specifically excluded or modified in the granting ordinance.
 - 9) Minimum Net Acreage
The minimum net acreage for a PD request shall be two (2) acres unless a specific finding is made by the City Council that the establishment of the district is required to implement the Comprehensive Plan, a strategic focus area, a special project, or any other purpose.

B. APPROPRIATE PLANS AND STANDARDS FOR PLANNED DEVELOPMENTS (ZONING EXHIBIT "B" AND "C")

In establishing a PD District in accordance with this section, the City Council shall approve and file as part of the amending ordinance appropriate plans and standards for each PD District, which shall be attached as Zoning Exhibit "B" to the PD ordinance.

- 1) Proposed Standards
Zoning Exhibit "B" shall outline the list of proposed standards for the PD.
- 2) Different Standards for Different Tracts
If different standards will be applied to different tracts within the PD, then separate regulations for each tract shall be specified.
- 3) Additional Requirements (Zoning Exhibit "C")
 - a. If the proposed PD is amending uses only, nothing additional is required unless supplemental information is necessary to clarify the request.
 - b. If the proposed PD amends any other standards, a zoning exhibit of the proposed PD will be required (which shall be attached as Zoning Exhibit "C" to the PD ordinance), unless otherwise determined by the zoning administrator.
 - c. Zoning Exhibit "C" shall facilitate understanding of the request during the review and public hearing process, and will serve as a guide for future development within the PD District.
 - d. If required, the Zoning Exhibit "C" shall reflect the overall layout of the entire development.
 - e. If the PD is nonresidential and/or mixed use in nature, the Zoning Exhibit "C" shall also include but not be limited to building dimensions and location, structure height, uses, parking specifications, floor area ratio and lot coverage, open space specifications, drainage features, landscaping and trees, floodplain/riparian details, and architectural style or elevations for illustrative purposes.

- f. The City may require further written documentation that describes and explains the Exhibit “C” layout.
- a. The Exhibit “C” shall in no way vest rights for the property that are outside the regulations of the Zoning Ordinance and other applicable City ordinances, as they currently exist or shall be amended.

C. ZONING MAP AND PD LIST

All PD Districts approved in accordance with the provisions of this Ordinance in its original form, or by subsequent amendments thereto, shall be referenced on the Zoning District Map, and a list of such Planned Development Districts, together with the category of uses permitted therein, shall be listed and maintained by the City.

D. PD PROCESS, PUBLIC HEARING AND NOTICE

The procedure for establishing a Planned Development District shall follow the procedure for zoning amendments as set forth in Section 82-33. This procedure is expanded for approval of conceptual and development plans as established in Section 82-25(G).

82-36 SPECIFIC USE PERMIT (SUP) APPLICATION AND REVIEW

A. AUTHORIZATION

The City Council, after public hearing and proper notice to all parties affected and after recommendation by the Planning and Zoning Commission, may authorize the issuance of Specific Use Permits for the uses indicated by an “S” in the Zoning Use Chart located in Section 82-28.

B. SPECIAL REQUIREMENTS

The Planning and Zoning Commission in considering and determining its recommendations to the City Council on any request for a Specific Use Permit, may require from the applicant plans, information, function and characteristics of any building or use proposed. The City Council may, in the interest of the public welfare and to assure compliance of the Ordinance, establish conditions of operation, location, arrangement and construction of any specific use for which zoning is authorized. In authorizing the location of any of the uses listed as Specific Use Permits, the City Council may impose such development standards and safeguards as the conditions and locations indicate important to the welfare and protection of adjacent property from noise, vibration, dust, dirt, smoke, fumes, gas, odor, explosion, glare, offensive view, or other undesirable or hazardous conditions.

C. APPLICATION FOR SPECIFIC USE PERMIT

Any person, firm or corporation, either as land owner or tenant, may request the use of property which requires a Specific Use Permit. A Specific Use Permit may be granted after application has been properly made and a public hearing before the Planning and Zoning Commission and the City Council has been conducted. The proposed use must comply with all regulations and restrictions as contained in the Zoning Ordinance, codes, regulations, and conditions of the City of Princeton, including, but not limited to the Building Code, the Fire Code, the Plumbing Code, and other applicable Ordinances and codes. In addition all requests for a Specific Use Permit must comply with all State and Federal laws and regulations applicable to such use. The Planning and Zoning Commission and/or City Council may enforce additional restrictions or stipulations as the facts and circumstances of each case may warrant.

D. REMOVAL FOR CAUSE

A Specific Use Permit may be removed from a parcel or tract of land when it is found that it has continued to operate in violation of the conditions as originally granted. No action will be initiated by the City without prior written notification of such violation to the user and/or owner of the property. If after written notification the use continues without being addressed by the user and/or owner, or without the user and/or owner providing the City with a plan to bring the specific use into compliance with the original conditions of the Specific Use Permit, the City may schedule a public hearing, in accordance with state law regarding public notice for zoning changes. After a public hearing regarding the removal of the Specific Use Permit, the City may remove the permit in accordance with the procedures as provided in this ordinance.

E. SUP PROCESS, PUBLIC HEARING AND NOTICE

The procedure for the issuance of a Specific Use Permit shall follow the procedure for zoning amendments as set forth in Section 82-33. This procedure is expanded for site plan requirements as established in Section 82-30.

82-37 APPEAL PROCEDURES

- 1) Whenever it is alleged that there is an error by the zoning administrator in any determination or enforcement of the requirements of the Zoning Ordinance, an appeal for interpretation of the regulations or map designations may be filed with the Development Services Department.
- 2) An application for Appeal of Administration Decision by the Zoning Board of Adjustment shall be in writing using forms provided by the City and shall be accompanied by a fee pursuant to the adopted fee schedule. The application shall include:
 - a. A statement by the applicant describing the way it is alleged the Ordinance should be interpreted or enforced, together with diagrams and charts illustrating the error and the proper application of the map or text provisions of the Ordinance; and,
 - b. A statement by the zoning administrator giving the reasons for his interpretation or enforcement of the Zoning Ordinance.
- 3) The Zoning Board of Adjustment shall hold a public hearing no later than 45 days after the date the application for action is filed. Notice of a public hearing shall be published in the City's official website 10 days prior to the public hearing.
- 4) Before action on an appeal, the Board shall consider:
 - a. The facts and statements filed in the application;
 - b. The testimony presented at the public hearing;
 - c. The staff's report on the appeal;
 - d. The Board's independent investigation of the language of the Ordinance and of related ordinances bearing thereon.
- 5) The Board shall make such interpretation as ought to be made provided the applicant has demonstrated to the satisfaction of the Board that one or more of the following conditions exist and that the decision of the Board would be in the interest of the community and would carry out the spirit and intent of the Zoning Ordinance:
 - a. That there is reasonable doubt or difference of interpretation as to the specific intent of the regulations or map;
 - b. that an appeal of use provisions would clearly permit a use which is in character with the uses enumerated for the various zones and with the objectives of the zone in question; and
 - c. that the resulting interpretation will not grant a special privilege to one property inconsistent with other properties or use similarly situated.

- d. In reaching its decision the Board shall establish firm guidelines for future administrative actions on like matters.
- 6) The Board shall render an interpretation of those provisions of the Zoning Ordinance where it is alleged that there is an error in any order, requirements, decision or determination made by an Official in the administration of such provisions. In reaching its decision, the Board shall establish firm guidelines for future administrative actions on like matters.
 - a. The facts filed with the application;
 - b. The testimony presented at the Public Hearing;
 - c. The staff's technical report on the application; and
 - d. The Board's own knowledge of the facts and conditions relative to the application.

82-38 PLATTING PROPERTIES BEING PERMANENTLY ZONED

A. ZONING REQUIRED PRIOR TO APPROVAL OF PLAT

The City Council shall not approve any plat of any subdivision within the city limits until the area covered by the proposed plat shall have been permanently zoned by the City Council.

B. ANNEXATION PRIOR TO APPROVAL OF PLAT

The City Council shall not approve any plat or subdivision within any area where a petition or ordinance for annexation or a recommendation for annexation to the city is pending before the City Council unless and until such annexation shall have been approved by resolution by the City Council.

C. CONTEMPORANEOUS ACTION ON ZONING AND ANNEXATION

In the event the City Council holds a hearing on proposed annexation, it may, at its discretion, hold a contemporaneous hearing upon the permanent zoning that is to be applied to the area or tract to be annexed. The City Council may, at its discretion, act contemporaneously on the matters of permanent zoning and annexation.

82-39 NON-CONFORMING USES AND STRUCTURES

A. USES IN EXISTENCE AT TIME OF ADOPTION OF ORDINANCE

A non-conforming status shall exist when a use or structure which does not conform to the regulations prescribed in the district in which such use or structure is located was in existence and lawfully operating prior to the adoption of the Zoning Ordinance.

B. EXPANSION OF NON-CONFORMING USE PROHIBITED

No non-conforming use or structure may be expanded or increased beyond the lot or tract upon which such non-conforming use is located as of the effective date if this ordinance expect to provide off-street loading or off-street parking space upon approval of the City Council.

C. REPAIRS/NORMAL MAINTENANCE ON NON-CONFORMING USES PERMITTED

Repairs and normal maintenance may be made to a non-conforming building provided that no structural alterations or extensions shall be made except those required by law or ordinance, unless the building is changed to a conforming use.

D. CHANGE OF NON-CONFORMING TO CONFORMING USE

Any non-conforming use may be changed to a conforming use and once such change is made, the use shall not thereafter be changed back to a non-conforming use.

E. ABANDONMENT/DISCONTINUATION OF NON-CONFORMING USE

Whenever a non-conforming use is abandoned, all non-conforming rights shall cease and the use of the premises shall thenceforth be in conformity with this ordinance. Abandonment shall involve the intent of the user or owner to discontinue a non-conforming operation and the actual act of discontinuance. Discontinuance of a business or the vacancy of a building or premises occupied by a non-conforming use for a period of ninety (90) days shall be construed as conclusive proof of intent to abandon the non-conforming use. Any non-conforming use not involving a permanent type of structure which is moved from the premises shall be considered to have been abandoned.

F. ACCIDENTAL DESTRUCTION OF NON-CONFORMING USE

If a nonconforming structure or a structure occupied by a nonconforming use is destroyed by fire, the elements, or otherwise, it may not be reconstructed or rebuilt except to conform with the provisions of the Princeton Zoning Ordinance unless the destruction amounts to less than 50% of its fair market value at the time of destruction. In the case of partial destruction of a non-conforming use not exceeding sixty percent (50%) of its reasonable value, reconstruction may be permitted after a hearing and favorable action by the Board of Adjustment, but the size and function of the non-conforming use shall not be expanded.

If the owner of a nonconforming use fails to begin reconstruction of the destroyed structure (when permitted to do so by the terms of the Nonconforming Uses Section of the of the Princeton Zoning Ordinance) within 6 months of the date of destruction or approval by the Board of Adjustment, the nonconforming structure or use is deemed to be discontinued or abandoned.

G. REPLACEMENT OF NON-CONFORMING HUD-CODE MANUFACTURED HOME

Notwithstanding any of the provisions of this section, a non-conforming HUD-Code manufactured home may be exchanged or replaced by another HUD-Code manufactured home, provided the newly located residential unit is owner-occupied.

82-40 PLANNING AND ZONING COMMISSION

A. ORGANIZATION AND APPOINTMENT

There is hereby created a Planning and Zoning Commission which shall be organized, appointed, and function as follows:

- 1) **Membership:** The Planning and Zoning Commission shall consist of five (5) members who are residents of the City of Princeton, each to be appointed by the City Council for a term of two (2) years and removable for cause by the appointing authority upon written charges and after public hearing. Appointees shall fill positions which shall be designated by place numbers (e.g., place 1, place 2, etc.). Vacancies shall be filled for the unexpired term of any member whose place becomes vacant for any cause in the same manner as the original appointment was made.
- 2) **Terms:** The terms of members filling places 1, 3, and 5 shall expire on December 1st of each odd-numbered year and the terms of members filling places 2 and 4 expired on December 1st of each even-numbered year. Commission members may be appointed to succeed themselves. Vacancies shall be filled for unexpired terms, but no members shall be appointed for a term in excess of two (2) years. Newly appointed members shall be installed at the first regular commission meeting after their appointment.
- 3) **Organization:** The commission shall meet regularly and shall designate the time and place of its meetings. The commission shall keep a record of its proceedings consistent when the provisions of this ordinance and the requirements of law. The Planning and Zoning Commission shall elect a

chairman from its own membership at its annual organizational meeting. All commission policies and rules of procedure are adopted by the City Council.

- 4) Quorum and Compensation: A quorum for the conduct of business shall consist of three members and/or alternate members of commission. The members shall serve without compensation, except for reimbursement of authorized expenses attendant to the performance of their duties.

B. DUTIES AND AUTHORITY

The Planning and Zoning Commission is hereby charged with the duty and invested with the authority to:

- 1) Formulate and recommend to the City Council for its adoption a city plan for the orderly growth and development of the city and its environs and from time to time recommend such changes in the plan as it finds will facilitate the movement of people and goods, and the health, recreation, safety, and general welfare of the citizens of the city.
- 2) Formulate a zoning plan as may be deemed best to carry out the goals of the city plan; hold public hearings and make recommendations to the City Council relating to the creation, amendment, and implementation of zoning regulations and districts as authorized under state law.
- 3) Exercise all powers of a commission as to approval or disapproval of plans, plats, or replats as authorized under state law.
- 4) Study and recommend the location, extension, and planning of public rights-of-way, parks, or other public places, and on the vacating or closing of same.
- 5) Study and make recommendations regarding the general design and location of public buildings, bridges, viaducts, street fixtures, and other structures and appurtenances.
- 6) Initiate, in the name of the city, proposals for the opening, vacating, or closing of public rights-of-way, parks, or other public places and for the change of zoning district boundaries on the area-wide basis.
- 7) Formulate and recommend to the City Council for its adoption policies and regulations consistent with the adopted city plan governing the location and/or operation of utilities, public facilities, and services owned or under the control of the city.
- 8) Submit each October, a progress report to the City Council summarizing its planning activities for the past year and a proposed work program for future planning in the coming year.

82-41 ZONING BOARD OF ADJUSTMENT

A. CREATION, MEMBERSHIP, AND PROCEDURES

- 1) Zoning Board of Adjustment Established: a Zoning Board of Adjustment is hereby reestablished in accordance with the provisions of Texas Local Government Code, § 211.008, as amended, regarding the zoning of cities and with the powers and duties as provided in said Code.
- 2) Membership: The Zoning Board of Adjustment shall consist of five (5) members, each to be appointed by the City Council for a term of two (2) years and removable for cause by the appointment authority upon written charges and after public hearing. Vacancies shall be filled for the unexpired term of any member, whose place becomes vacant for any cause, in the same manner as the original appointment was made. Three (3) members shall serve until December 1st of odd-numbered years, as heretofore appointed, and two (2) members, as even-numbered years, and thereafter, each member reappointed shall serve for a full term of two (2) years unless removed as hereinabove provided. In the absence of appointed Zoning Board of Adjustment

members, the City Council may serve as the Zoning Board of Adjustment, if permitted by City ordinance.

- 3) Hearings: The hearings of the Board shall be public. The Board shall hear the intervention of any owner of property adjacent to, in the rear of, or across the street from a lot as to which the granting of any permit is pending, and shall also hear any other parties in interest. All hearings are to be heard by at least four (4) members of the Board.
- 4) Meetings: Regular meetings of the Board shall be held at such times as the Board may determine. Special meetings of the Board shall be held at the call of the chairman or at the written request of two regular members of the Board, said request to be submitted to the Chairman.
- 5) Rules and Regulations: The Board shall keep minutes of its proceedings, showing the vote of each member upon each question or, if absent or failing to vote, indicating such vote, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the City Secretary and shall be public record. The Board shall act by resolution in which a quorum must concur. The Board shall act by resolution in which four (4) members must concur. The Board shall adopt from time to time such additional rules and regulations as it may deem necessary to carry into effect the provisions of the ordinance, and shall furnish a copy of the same to the Zoning Administrator and the Building Official, all of which rules and regulations shall operate uniformly in all cases. All of its resolutions and orders shall be in accordance therewith.

B. POWERS AND DUTIES OF BOARD

- 1) Appeals Based on Error: Whenever it is alleged that there is an error by the an administrative official of the city in any determination or enforcement of the requirements of the Zoning Ordinance, an appeal for interpretation of the regulations or map designations may be filed with the Development Services Director, City Manager, or their designated representative. The Board shall have the power to hear and decide appeals where it is alleged there is error of law in any order, requirement, decision, or determination made by an administrative official of the city of the enforcement of this ordinance.
- 2) Special Exceptions: The Board shall have the power to hear and decide special exceptions to the terms of this ordinance upon which the Board is required to pass as follows:
 - a. Permit the erection and use a building or the use of premises for railroads if such uses are in general conformity with the Master Plan and present no conflict or nuisance to adjacent properties.
 - b. Permit a public utility or public service or structure in any district, or a public utility or public service building of a ground area and of a height at variance with those provided for in the district in which such public service building is permitted to be located, when found reasonably necessary for the public health, convenience, safety, or general welfare.
 - c. Grant a permit for the extension of a use, height, or area regulation into an adjoining district where the boundary line of the district divides a lot in a single ownership on the effective date of this ordinance.
 - d. Permit the reconstruction of a non-conforming building which has been damaged by explosion, fire, act of God, or the public enemy, to the extent of more than sixty percent (60%) of its fair market value, where the Board finds some compelling reason to permit a continuance of the nonconforming use, taking into consideration the property owner's circumstances and the effect on surrounding properties.
 - e. Waive or reduce the parking and loading requirements of any of the districts, whenever the character or use of the building is such as to make unnecessary the full provision of parking or

loading facilities, or where such regulations would impose an unreasonable hardship upon the use of the lot, as contrasted with merely granting an advantage or a convenience.

- f. Determine whether an industry should be permitted within the M-1 – Light Industrial District and M2 – Heavy Industrial District because the methods by which it would be operated and because of its effect upon uses within surrounding zoning districts.
 - g. Rule on all applications on siting of manufactured homes in districts not so zoned. Approval shall only be allowed in cases of extreme hardship under guidelines established by the Board.
- 3) Limitation on Reapplications: When the Board has denied a proposal, no new applications of similar nature shall be accepted by the Board or scheduled for twelve (12) months after the date of Board denial. Applications which have been withdrawn at or before the Board meeting may be resubmitted at any time for hearing before the Board.
 - 4) Vote of Four Member Required: The concurring vote of four members of the Board is necessary to:
 - a. reverse an order, requirement, decision, or determination of an administrative official;
 - b. decide in favor of an applicant on a matter on which the Board is required to pass; or
 - c. authorize a variation from the terms of a zoning ordinance.

C. APPEALS

- 1) Procedure: Appeals may be taken to and before the Zoning Board of Adjustment by any person aggrieved, or by any officer, department, board, or bureau in the city. Such appeal shall be made by filing in the office of the City Secretary a notice of appeal and specifying the grounds thereof. The office or department from which the appeal is taken shall forthwith transmit to the Board all of the papers constituting the record from which the action appealed was taken.
- 2) Stay of Proceedings: An appeal shall stay all proceedings in furtherance of the action appealed from unless the Building Inspector shall certify to the Zoning Board of Adjustment that, by reason of facts in the certificate, a stay would cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise than by a restraining order which may be granted or by a court of equity, after notice to the office from whom the appeal was taken.
- 3) Notice of Hearing on Appeal: The Board shall fix a reasonable time for the hearing of the appeal or other matter referred to it, and shall mail notices of such hearing to the petitioner and to the owners of property lying within two hundred (200) feet of any point of the lot or portion thereof on which a variation is desired, and to all other persons deemed by the Board to be affected thereby, such owners and persons being determined according to the current tax rolls of the City. Depositing of such written notice in the mail shall be deemed sufficient compliance therewith.

D. VARIANCES

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

- 1) Permit a variance in the yard requirements of any district where there are unusual and practical difficulties or unnecessary hardships in the carrying out of the provisions due to an irregular shape of the lot or topographical or other conditions, provided such variance will not seriously affect any adjoining property or the general welfare.

- 2) Authorize, upon appeal, whenever a property owner can show that a strict application of the terms of this ordinance relating to the construction or alteration of buildings or structures will impose upon him unusual and practical difficulties or particular hardship, such variances from the strict application of the terms of this ordinance as are in harmony with its own general purpose and intent, but only when the Board is satisfied that granting of such variation will not merely serve as a convenience to the applicant, but will alleviate some demonstrable and unusual hardship or difficulty so great as to warrant a variance from the Comprehensive Plan as established by this ordinance and at the same time, the surrounding property will be properly protected.
- 3) The Board shall have the power to hear and decide appeals where it is alleged there is error of law in any order, requirements, decision, or determination made by the Building Inspector in the enforcement of this ordinance. Except as otherwise provided herein, the Board shall have, in addition, the following specific powers:
 - a. To permit the erection and use of a building or the use of premises for railroads if such uses are in general conformance with the Master Plan and present no conflict or nuisance to adjacent properties.
 - b. To permit a public utility or public service or structure in any district, or a public utility or public service building of a ground area and of a height at variance with those provided for in the district in which such public utility or public service building is permitted to be located, when found reasonably necessary for the public health, convenience, safety, or general welfare.
 - c. To grant a permit for the extension of a use, height or area regulation into an adjoining district, where the boundary line of the district divides a lot in a single ownership on the effective date of this ordinance.
 - d. To permit the reconstruction of a non-conforming building which has been damaged by explosion, fire, act of God, or the public enemy, to the extent of more than fifty percent (50%) of its fair market value, where the Board finds some compelling necessity requiring a continuance of the nonconforming use.
 - e. To waive or reduce the parking and loading requirements in any of the districts, when (i) the character or use of the building is such as to make unnecessary the full provision of parking or loading facilities; or (ii) when such regulations would impose an unreasonable hardship upon the use of the lot. The Board shall not waive or reduce such requirements merely for the purpose of granting an advantage or a convenience.
- 4) A written application for variance shall be submitted together with the required fee, accompanied by an accurate legal description, maps, site plans, drawings, and any necessary data, demonstrating:
 - a. that 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;
 - 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; and
 - e. no non-conforming use of neighboring lands, structures, or buildings in the same district and no permitted use of lands, structures, or buildings in other districts shall be considered grounds for the issuance of a variance.

E. CHANGES

The Board shall have no authority to change any provisions of this ordinance and its jurisdiction is limited to hardship and borderline cases which may arise from time to time. The Board may not change the district designation of any land either to a more or less restrictive zone.

It is the intent of this ordinance that all questions of interpretation and enforcement shall be first presented to the Board only on appeal from the decision of the Building Official and that recourse from the decisions of the Zoning Board of Adjustment shall be to the courts as provided by the laws of the State of Texas.

82-42 RULES OF CONSTRUCTION AND SPECIAL DEFINITIONS

A. GENERAL RULES OF CONSTRUCTION:

The following rules of construction shall apply to the interpretation of words used in this ordinance:

- 1) words used in the present tense include the future tense;
- 2) words used in the singular number include the plural number;
- 3) words in the plural number include the singular number;
- 4) the words "building" and "structure" are synonymous;
- 5) the words "lot", "plot", and "tract" are synonymous; and
- 6) the word "shall" is mandatory and not discretionary.

B. SPECIAL DEFINITIONS

Except to the extent a particular provision specifies otherwise, the following definitions shall apply throughout this ordinance:

Abutting Property - Property abutting upon a street shall also be understood as abutting property on the other side of the street.

Accessory Use or Building - A building or structure subordinate to and functionally related to the primary building or use. Any structure, either attached or detached from the main dwelling, the use of which is incidental to that of the main structure and located on the same lot. Accessory structures include, but are not limited to patio covers, arbors, gazebos, cabanas, outdoor kitchens and/or recreational fire enclosures, trellis, buildings, structures/sheds or the like. A permit is required for all accessory structures. Also, referred to as accessory structure.

Adjacent - Shall mean "next to" or "closest to" but shall not necessarily mean "touching".

Advertising Sign or Structure - Any cloth, card, paper, metal, glass, wooden, plastic, plaster or stone sign or other sign, device or structure of any character whatsoever, including a statuary or place for outdoor advertising purposes on the ground or any tree, wall, bush, rock, post, fence, building or structure. The term placed shall include erecting, constructing, posting, painting, printing, tacking, mailing, gluing, sticking, carving, or otherwise fastening, affixing or making visible in any manner whatsoever. The area of an advertising structure shall be determined as the area of the largest cross-section of such structure. Neither directional, warning nor other signs posted by public officials in the course of their public duties shall be construed as advertising signs for the purpose of this Ordinance.

Alcoholic Beverage Sales: This section shall not apply when the storage or serving of alcoholic beverages is strictly for the consumption of the owners of the premises and their guests at no charge. Otherwise, the storage, possession, or sale of alcoholic beverages by anyone for consumption by anyone shall be illegal unless on property zoned specifically for that purpose.

- 1) The storage, possession, or sale of any alcoholic beverage, when permitted by the laws of this state, shall be regulated and governed as provided herein and in other applicable ordinances of the city.
- 2) No person shall engage in the business of storing, selling, or possessing any alcoholic beverage in the city unless the place of business of such person is located in the use district of the city in which the storing, selling, or possessing of such alcoholic beverage is permitted.

- 3) Any use or business which sells alcoholic beverages shall be no closer than three hundred (300) feet to church or public hospital, or to a day care or child care facility, as defined in Texas Alcoholic Beverage Code. Human Res. Code section. 42.002 or successor statute, measured along property lines along public streets from front door to front door and in a direct line across intersections.
- 4) It shall be unlawful for any person who is engaged in the business of selling alcoholic beverages to sell alcoholic beverages within three hundred (300) feet of any public or private school. The measurement of the distance between the place of business and the public or private school shall be:
 - a. in a direct line from the property line of the public or private school to the property line of the place of business, and in a direct line across intersections; or
 - b. if the permit or license holder is located on or above the fifth story of a multi-story building, in a direct line from the property line of the public or private school to the property line of the place of business, in a direct line across intersections, and vertically up the building at the property line to the base of the floor on which the permit or license holder is located.
- 5) For any permit or license covering a premise where minors are prohibited from entering the premises under Section 109.53 of the Texas Alcoholic Beverage Code, the measure of the distance between the premises and a public or private school shall be along the property lines of the street fronts and from front door to front door, and in a direct line across intersections.
- 6) The distance standards in Section 82-30(l) do not apply to a day care or child care facility if the use or business selling alcoholic beverages and day care or child care facility are on different stories of a multi-story building, or are located in separate buildings and the use or business or the day care or child care facility is located on the second story or higher of a multi-story building.

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

Amateur Radio Antenna - Any antenna which is used for the purpose of transmitting and receiving radio signals in conjunction with an amateur radio station licensed by the Federal Communications Commission.

Antenna/Microwave Reflector - An apparatus constructed of solid, mesh, or perforated materials of any configuration that is used to receive and/or transmit microwave signals from a terrestrial or orbitally located transmitter or transmitter relay. This definition is meant to include but is not limited to what are commonly referred to as satellites which receive only earth stations.

Antenna - Any exterior transmitting or receiving device mounted on or within a support structure, building, or structure and used in communications that radiate or capture electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunications signals, television signals, or other communications signals.

Antenna - Radio or Television - Any exterior transmitting or receiving device mounted on or within a support structure, building, or structure and used in communications that radiate or capture electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunications signals, television signals, or other communications signals.

Antenna Support Structure - The transmitting or receiving system, its supporting structures and any appurtenances mounted thereon, including a free-standing structure built specifically to support or act as an antenna or a structure mounted on some other manmade object such as a building or bridge.

Apartment - A room or suite of rooms in a multifamily dwelling or apartment house designed or occupied as a place of residence by a single family, individual, or group of individuals.

Apartment House - Any building or portion thereof, which is designed, built, rented, leased, or let to be occupied as a home or place of residence by three (3) or more families living in independent dwelling units.

Area of the Lot or Building Site - The area shall be the net area of the lot or site and shall not include portions of streets and alleys.

Automobile - A four-wheeled, self-propelled vehicle designed for passenger transportation and commonly propelled by an internal combustion engine.

Basement - A building story which is partly underground. A basement shall be counted as a story in computing building height if at least one half of its height is above the average level of the adjoining ground prior to berming, using measurements taken at each corner of the building which meets the ground.

Block - An area enclosed by streets and occupied by or intended for buildings; where this word is used a term of measurement, it shall mean the distance along a side of a street between the nearest two (2) streets which intersect said street on said side.

Board of Adjustment - The Zoning Board of Adjustment of City of Princeton.

Buildable Area - The allowable area available to construct a building or structure after complying with the City's applicable set back and maximum lot coverage requirements.

Buildable Width - The width of the building site left to be built upon after the required side yards are provided.

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, Detached - A building surrounded by yard or open space on the same building lot.

Building Ends - Those sides of a building having the least dimension as compared to the front or rear of a building. As used in the building pace regulations for multiple-family dwelling, the term "building end" shall mean the narrowest side of a building regardless of whether it front upon a street, faces the rear of the lot or adjoins the side lot line or another building.

Building, Front of - The side of a building most nearly parallel with and adjacent to the front of the lot on which it is situated.

Building Inspector or Certified Code Enforcement Official - The Building Official or person charged with the enforcement of the zoning, building codes, and other ordinances of the city.

Building Line - A line parallel or approximately parallel to the front lot line at a specific distance therefore, marking the minimum distance from the front lot line that a building may be erected.

Building Lot - A single tract of land located within a single block which (at time of filing for a building permit) is designed by its owner or developer as a tract to be used, developed, or built upon as a unit under single ownership or control. It shall front upon a street or approved place. Therefore, a "building lot" may not be coincided with a lot of record. A "building lot" may be subsequently subdivided into two (2) or more "building lots", and a number of "building lots" may be cumulated into one "building lot", subject to the provisions of this ordinance.

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

Building Official - The Building Inspector or his/her designee.

Canopy - Any structure of a permanent fixed nature attached to or independent of the main structure, built and designed for the purpose of shielding from the elements, persons, or chattels or a roof-like structure of a permanent nature which is supported by or projects from the wall of a structure.

Car Wash: Facility or structure used to wash motorcycles, automobiles and light load vehicles.

Cellar - A building story with more than one-half (1/2) 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 and Compliance - An official certificate issued by the city through the enforcing official indicating conformance with or approved conditional waiver from the zoning regulations and authorizing legal use of the premises for which it is issued; may be referred to as the Occupancy Permit.

Contiguous - Shall mean "touching" or "in contact".

Court - An open, unoccupied space, bounded on more than two (2) 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 (1) side open to a street, alley, yard, or other permanent space.

Coverage - The percent of a lot or tract covered by the roof or first floor of a building.

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

Depth of Rear Yard - The mean horizontal distance between the rear line of a building other than an accessory building and the rear lot line except as modified in the text of any section in this ordinance.

Disabled Individual – A person who has a physical or mental impairment that substantially limits one or more major life activities, a person who is regarded as having that type of impairment, or a person who has a record of that type of impairment. The term "disabled" includes persons recovering from addiction, but such term does not include current, illegal use of, or addiction to a controlled substance (as defined in Section 102 of the Controlled Substances Act (21 U.S.C. 802).

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

Duplex - A building designed for occupancy by two families living independently of each other within separate units which have a common wall and are under one roof.

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

Electrical Substation - A subsidiary station in which electric current is transformed.

Family - An individual or group of two or more persons related by blood, marriage, adoption, or guardianship including foster children, exchange students, and servants together with not more than two (2) additional persons not related by blood, marriage, or adoption to the previously identified individual or group, living together as a single housekeeping unit in a dwelling unit or a Family Home for the Disabled as defined by the Community Homes for Disabled Persons Location Act, Article 1011n of V.A.C.S., as it presently exists or may be amended in the future, but not including household care or rehabilitation care facilities.

OR

One or more persons related by blood, marriage, or adoption, or a group not to exceed four (4) persons not all related by blood or marriage, adoption or guardianship, occupying a dwelling unit and living as a single housekeeping unit.

Flag Lot – A squarish parcel of land that is accessible only by a very long narrow strip leading from a main road or street.

Flood Plain - An area of land subject to inundation by a 1% chance flood, as shown on the flood plain map of the City of Princeton. The term "flood plain" is interchangeable with the term "flood hazard area".

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

Floor Area Ratio - The ratio floor area of a main building or buildings on a lot divided by the lot area.

Front Yard - See "Yard, Front".

Garage - A structure designed specifically for the enclosed parking of motorized vehicles.

Garage Sale - The sale of items normally accumulated by a household subject to compliance with each of the following conditions:

- 1) No more than two (2) garage sales shall be allowed for the same location within one (1) year from January 1st to December 31st. The duration of the garage sale shall not exceed 96 hours from dawn to dusk Thursday through Sunday.
- 2) Retail merchandise is not to be sold for the benefit of a commercial retail establishment.
- 3) Two (2) signs may be placed on the garage sale property.
- 4) Four (4) signs may be placed on private property with the permission of the property owner.
- 5) Signs are not allowed on public right of way.
- 6) Signs are not allowed in any sight visibility triangle.
- 7) Signs are not allowed on utility poles.
- 8) Signs are not allowed on official signs or trees.
- 9) Signs are to be removed before 8:00 am the next day after the garage sale.

Gross Floor Area - The gross floor area of a building shall be measured by taking outside dimensions of the building at each floor level.

Heavy Load Vehicle (HLV) - A self-propelled vehicle having a Manufacturer's Recommended Gross Vehicle Weight (GVW) of greater than 11,000 pounds, such as large recreational vehicles, tractor-trailers, buses, vans, and other similar vehicles. The term "truck" shall be construed to mean "heavy load vehicle" unless specifically stated otherwise.

Height - The vertical distance of a building measured from the average established grade as measured at the corners of the building prior to berming, to (1) the highest point of the roof's surface if a flat surface, (2) to the deck line of mansard roofs, or (3) to the highest point of the ridge for hip and gable roofs and, in any event, including chimneys, cooling towers, elevator bulkheads, penthouses, tanks, water towers, radio towers, antennas, ornamental cupolas, domes or spires, and parapet walls.

Home Occupations - Any activity carried out for gain by a resident which results in the manufacture or provision of goods and/or services and is conducted as an accessory use in a dwelling unit.

Household - A domestic unit that resides in and shares in common a single dwelling unit and consists of one or more individuals related by blood, marriage, adoption or recognized legal union or guardianship, and not more than four adult unrelated individuals, plus any minor children, or persons residing in a household care facility.

Industrialized Housing - A residential structure designed for use and occupancy by one (1) or more families, constructed in one (1) or more modular components built at a location other than the permanent residential site, 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 shall not mean or apply to (a) housing constructed of sectional or penalized systems not utilizing modular components; or (b) any ready-built home which is constructed so that the entire living area is contained in a single unit or section at a temporary location for the purpose of selling it and moving it to another location.

Landscape Screen - Plant material of the evergreen variety, a minimum of six (6) feet in height at the time of installation and planted on four (4) foot centers. All such landscape screens shall be permanently maintained. Adequate facilities shall be provided for permanent watering at the time of installation.

Light Load Vehicles (LLV) - A self-propelled vehicle having a Manufacturer's Recommended Gross Vehicle weight not greater than 11,000 pounds, and having no more than two (2) axles, such as pick-up trucks and vans, but excluding recreational vehicles, campers, and vehicles designed for commercial hauling or for the moving of home furnishings and similar articles.

Living Unit - The room or rooms occupied by a family and which includes cooking facilities.

Loading Space - An off-street space or berth and/or an associated building opening used for the loading or unloading of vehicles.

Lot - An undivided tract or parcel of land under one (1) ownership having frontage upon a public street or officially approved place, either occupied or to be occupied by a building or building group, together with accessory buildings, and used together with such yards and other open spaces as are required by this ordinance, which parcel of land is designated as a separate and distinct tract and is identified by a tract or lot number or symbol in a duly approved subdivision plat of record.

Lot Area - The net horizontal area of the lot excluding portions of streets and alleys and easements for streets and alleys.

Lot, Corner - A lot abutting upon two (2) or more streets at their intersection or upon two (2) parts of the same street forming an interior angle of less than 135 degrees. A corner lot shall be deemed to front on that street on which it has its least dimension, unless otherwise specified by the Building Inspector or his/her designee.

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

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

Lot, Double Frontage: A lot having a frontage on two (2) non-intersecting streets, as distinguished from a corner lot.

Lot – Flag or Panhandle - A lot having access to a street by means of a parcel of land having a depth greater than its frontage and having a width less than the minimum required lot width but not less than 12 feet.

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

Lot – Key - A corner lot that is so designed that the lots located directly behind it face the side street of the corner lot and are not separated by an alley shall be considered a key lot.

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

Lot Line, Rear - That boundary of a building lot which is most distant from the front lot line. For triangular lots, the point opposite the front lot line shall be considered the rear lot line and have a value of zero.

Lot Line, Side - That boundary of a building lot which is not a front lot line or a rear lot line.

Lot Lines - The line bounding a lot as defined herein.

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

Lot or Building Site - Land occupied or to be occupied by a building and its accessory building, and including such open spaces as are required under this ordinance, and having its principal frontage upon a public street or officially approved place.

Lot – Through - A residential lot other than a corner lot abutting more than one street and having access to more than one street. Through lots are prohibited by this ordinance.

Lot Width - The horizontal distance measured between side lot lines parallel to the front lot line and measured from the point on the building line which is closest to the front lot line.

Main Building – See “Building, Main or Primary”.

Manufactured Home (HUD Code) Park - Any tract of land, under single ownership, of not less than two (2) acres and not more than ten (10) acres, approved for occupancy by manufactured housing and accessory structures related thereto and designed and operated in accordance with standards herein set forth or as set forth in any other ordinance of the City of Princeton relating to the location, use, construction, operation, or maintenance of manufactured housing.

Manufactured Home (HUD Code) Subdivision - A tract of land of not less than ten (10) acres to be used as a location primarily for owner-occupied HUD Code manufactured homes and which has been final platted of record in its entirety in accordance with the City of Princeton Subdivision Regulations and in accordance with Section 82-31 of this ordinance.

Manufactured Modular Homes - "Modular Home" means a structure or building module as defined by statute and under the jurisdiction and control of the Texas Department of Labor and Standards, installed and used as a residence by a consumer, transportable in one (1) or more sections on a temporary chassis or other conveyance device, and designed to be used on a permanent foundation system. The term includes the plumbing, heating, air-conditioning, and electrical systems contained in the structure. The term does not include a mobile home as defined by statute; nor does it include building modules incorporating concrete or masonry as the primary structural component.

Manufacturing Processes - Uses restricted from other zoning districts but permitted in the M-1 and M-2 districts under this definition are manufacturing and industrial uses which do not emit dust, smoke, odor, gas, fumes, or present a possible hazard beyond the bounding property lines of the lot or tract upon which the use or uses are located, and which do not generate noise or vibration at the boundary of the lot or tract which is generally perceptible in frequency or pressure above the ambivalent level of noise or vibration in the adjacent area.

Mobile Home Park - See Manufactured Home (HUD Code) Park.

Mobile Home Subdivision - See Manufactured Home (HUD Code) Subdivision.

Monopole - A self-supporting, tubular-shaped antenna support structure which consists of a single vertical pole fixed into the ground and/or attached to a foundation.

Non-Conforming Building or Use - a building, structure, or use of land lawfully occupied at the time of the effective date of this ordinance or amendments thereto, and which does not conform to the use regulations of the district in which it is located.

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

Off-Street Parking Incidental to Main Use - Off-street parking spaces provided in accordance with the requirements specified by this ordinance and located on the lot or tract occupied by the main use or within two hundred (200) feet of such lot or tract and located within the same zoning district as the main use or in an adjacent parking district.

Off-Street Parking Space - An area for the temporary storage of an automobile which shall be permanently reserved for such purpose and which shall not be within or on any public street, alley, or other right-of-way. (See Section 82-32 for detailed descriptions and regulations.)

Officially Approved Place of Access - Access, other than a dedicated street, to a property, which is approved by the City.

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, porches, and plant material. Also see "Usable Open Space".

Open Storage or Outside Display - The storage of any equipment, machinery, commodities, raw, semi-finished materials, and building materials, not accessory to a residential use, which is visible from any point on the building lot line when viewed from ground level to six (6) feet above ground level, for more than twenty-four (24) hours.

Park/Playground - A recreation facility, recreation center, or park owned or operated by a public agency such as a city or school district and available to the general public.

Parking Garage – See “Garage”.

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

Planning and Zoning Commission - The duly appointed Planning and Zoning Commission of the City of Princeton.

Plat - A plan of a subdivision of land creating building lots or tracts and showing all essential dimensions and other information essential to comply with the subdivision standards of the City of Princeton and subject to approval by the Planning and Zoning Commission and filed in the Plat Records of Collin County.

Plot - A single unit or parcel of land, or a parcel of land that can be identified and referenced to a recorded plat or map.

Premises - Any parcel of real property together with all buildings or structures thereon.

Principal Building – Same as “Building, Main or Primary”.

Private Garage - An accessory building housing vehicles owned and used by occupants of the main building.

Private Street - A private vehicular access way shared by and serving two or more lots, which is not dedicated to the public and is not publicly maintained. Private streets and alleys may be established only under the terms of the Subdivision Ordinance. The term “private street” shall be inclusive of alleys.

Public/Semi-Public Uses - Any uses that are educational, governmental or institutional in nature.

Radio, Television, and Microwave Towers - Structures supporting antenna for transmitting or receiving any portion of the radio spectrum by excluding non-commercial antenna installations for home use of radio or television.

Recreational Vehicle (RV) - A portable vehicle designed for temporary or short-term occupancy and primarily intended for travel, recreational, and vacation usage. Recreation vehicles include, but are not limited to, boats and other Recreation Vehicle (RV) marine vehicles, travel and tent trailers, pickup campers and shells, motorized travel units (motor homes), converted buses, and similar vehicles used for temporary portable housing or recreational use.

Religious Facility - A building used primarily for religious assembly and worship and those accessory activities which are customarily associated therewith, and the place of residence for religious personnel on the premises.

Residence - Same as dwelling; when used with district, an area of residential regulations.

Residential District - Any zoning district included in this ordinance in which residential use constitutes the primary permitted use classification, including the SF-E, SF-1, SF-2, MF, MH-1, and MH-2 district classification.

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 Device - See “Landscape Screen”.

Setback - The minimum horizontal distance between the foundation front wall of any projection of the building, excluding steps and unenclosed porch and the property line.

Sign - An outdoor advertising device that is a structure, or that is attached to or painted on a building, or that is leaned against a structure for display on premises.

Single Family Dwelling-Attached – See “Dwelling-Single Family-Attached”.

Single Family Dwelling-Detached - See "Dwelling-Single Family-Detached".

Site Plan - A detailed line drawing, to scale, showing scale used, north arrow, date and title of project, clearly describing the project and knowing the following information:

- 1) Property lines, location, and widths of all streets, alleys, and easements.
- 2) Proper dimensions on all fundamental features such as lots, buildings, parking spaces, and landscaped areas.
- 3) The location of setback lines, driveway openings and sidewalks.
- 4) All proposed buildings, freestanding sign locations, parking areas, and open spaces.
- 5) All required landscaping, together with a description of type of material to be used.
- 6) A cross section of any required or proposed screening.
- 7) Total square footage of the development lot; total square footage of proposed structures; total footage of landscaped areas; total percentage of coverage; density of floor area ratio where applicable; height of all structures; number of parking spaces; square footage and design features of all signs; and solid waste collection facilities.
- 8) Name, address, and telephone number of the proponent.

Story - The height between the successive floors of a building from the top floor to the roof. The standard height for a story is eleven (11) feet, six (6) inches.

Street - Any thoroughfare or public driveway, other than an alley, more than twenty-two (22) thirty (30) feet in width, which has been dedicated or deeded to the public or public use.

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

Street, Local or Residential - A street designed to serve properties abutting and in the immediate vicinity of the street, having a minimum right-of-way width of fifty (50) feet in single family residential districts and seventy-five (75) feet in all other districts.

Street, Major - A street designed to serve the entire community or substantial portions of the community, as well as traffic of non-local origin and destination, having a minimum right-of-way width of one hundred (100) feet.

Street, Secondary or Collector - A street designed to serve an area roughly one quarter (1/4) mile distant from each side of the street, having minimum right-of-way width of seventy-five (75) feet.

Structural Alterations - Any change in the supporting member of a building, such as a bearing wall, column, beams or girders.

Structure - A combination of materials to form a construction for use, occupancy, or ornamentation whether installed on, above, or below the surface of land or water.

Swimming Pool (Private) - A swimming pool constructed for the exclusive use of the residents of a single family, two-family or apartment dwelling and located within the required side or rear yards; however, a pool shall not be located closer than eight (8) feet to any property line.

Tennis Court (Private) - A surface designed and constructed for playing the game of tennis along with all fencing, nets and related appurtenances but excluding lighting for night play in residential areas except as may be otherwise provided or restricted by the Specific Use Permit.

Thoroughfare - (Same as Street.)

Two Family Dwelling - A building designed for occupancy by two families living independently of each other within separate units which have a common wall and are under one roof.

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

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

Truck – A heavy load vehicle.

Usable Open Space - An open area which is designed and intended to be used for outdoor living and/or recreation. An area of common usable open space shall have a slope not exceeding ten percent (10%), shall have no dimension of less than ten (10) [fifteen (15)] feet, and may include landscaping, walks, water features and decorative objects [recreational facilities, water features, required perimeter landscape areas, floodplain areas and decorative objects such as art work or fountains]. Usable open space shall not include [walks] rooftops, accessory buildings, parking areas, [landscaped parking requirements] driveways, turn-around areas, or right-of-way or easement for streets or alleys.

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

Wholesale - The sale of goods, merchandise, services and/or commodities for resale by the purchaser and does not offer retail sales to the general public.

Window, Bay - A multipanel, polygonal, or curved window projecting out from an opening in the exterior wall plane that does not increase the floor area of a building. The bottom of the bay window opening must be a minimum of two feet in height above the finished floor. A bay window may be supported by corbels or brackets.

Window, Box - A polygonal or curved window projecting out from an opening in the exterior wall plane that increases the floor area of a building. A box window typically is supported by an extension of the building foundation or a cantilevered extension of floor joists.

Wire Antenna - A flexible filament, cable, or wire designed to function as an antenna.

Yard - An open space, other than a court, on the lot in which a building is situated and which is not obstructed from a point forty (40) inches above the general ground level of the graded lot to the sky, except as provided for roof overhang and similar special architectural features and plant material.

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

Yard, Rear - An open, unoccupied space on a lot, except for accessory buildings as herein permitted, extending across the rear of a lot from one (1) side lot line to the other side lot line. The rear yard shall be at the opposite end of the lot from the front yard.

Yard, Side - An open, unoccupied space or spaces on one or two sides of a main building and on the same lot with the building, situated between the building and a side line of the lot and extending through from the front yard to the rear yard. Any lot lines not the rear line or front line shall be deemed a sideline.

Zoning Application - A request to consider an ordinance establishing or changing a zoning district, including but not limited to an ordinance establishing or amending a Planned Development District or Specific Use Permit.

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.

Zoning Envelope - The three-dimensional space within which a structure is permitted to be built on a lot and which is defined by maximum height regulations and yard setbacks.

Zoning Ordinance - This ordinance containing land use regulations for the City of Princeton.

82-43 BUILDING PERMITS AND CERTIFICATES OF OCCUPANCY

A. GENERAL REQUIREMENTS

No permanent structure may be constructed or otherwise located within the city limits prior to issuance of a Building Permit by the Building Inspector or his/her designee. No permanent structure constructed or otherwise located within the city limits may be occupied prior to issuance of a Certificate of Occupancy by the Building Inspector or his/her designee. No change in the existing conforming use of a permanent structure, or of land to a use of a different classification under this ordinance, and no change in the legally conforming use of a permanent structure or of land may take place prior to issuance of a Certificate of Occupancy by the Building Inspector or his/her designee.

B. PROCEDURE FOR NEW OR ALTERED BUILDINGS

Plans for any permanent structure to be constructed or otherwise located within the city limits must be approved by the Building Official or his/her designee who, upon approval, shall issue a Building Permit. A complete application for a Building Permit shall contain details of foundation and structure sufficient to determine compliance with applicable provisions of the Building Code. Upon submission of a complete application, the Building Official or his/her designee shall issue a Building Permit. After issuance of a Building Permit and prior to issuance of a Certificate of Occupancy, the Building Official or his/her designee shall conduct a foundation, plumbing, electrical and framing inspection, including any other inspections deemed necessary by the Building Official. After such inspections, the Building Official or his/her designee shall issue a Certificate of Occupancy if the plans and the results of the inspection comply with the provisions of all applicable ordinances and regulations.

82-44 CHANGES AND AMENDMENTS TO ALL ZONING ORDINANCES AND DISTRICTS AND ADMINISTRATIVE PROCEDURES

A. DECLARATION OF POLICY

The City declares the enactment of these regulations governing the use and development of land, buildings, and structures to be a measure necessary to the orderly development of the community. Therefore, no change shall be made in these regulations or in the boundaries of the zoning districts except:

- 1) To correct any error in the regulations or map.
- 2) To recognize changed or changing conditions or circumstances in a particular locality.
- 3) To recognize changes in technology, style of living, or manner of doing business.

B. AUTHORITY TO AMEND ORDINANCE

The City Council may from time to time, after public hearings required by law, amend, supplement, or change the regulations herein provided or the classification or boundaries of the zoning districts. Any amendment, supplement, or change to the text of the Zoning Ordinance and/or the zoning map any change in the classification or boundaries of the zoning districts may be ordered for consideration by the City Council, may be initiated by the Planning and Zoning Commission, the City Council, or may be requested by the owner of the affected real property or the authorized representative of an owner of affected real property.

C. PUBLIC HEARING AND NOTICE

- 1) Upon filing of an application for an amendment to the zoning ordinance and map, the Planning and Zoning Commission and City Council shall hold a public hearing on said application.

- 2) Before the 10th day before the hearing date, written notice of each public hearing before the zoning commission on a proposed change in a zoning classification shall be sent to each owner, as indicated by the most recently approved municipal tax roll, of real property within 200 feet of the property on which the change in classification is proposed. The notice may be served by its deposit in the municipality, properly addressed with postage paid, in the United States mail. If the property within 200 feet of the property on which the change is proposed is located in territory annexed to the municipality and is not included on the most recently approved municipal tax roll, their notice shall be given in the manner provided in in section 211.006, LGC by the required posting in the Newspaper.

Where property lying within two hundred (200) feet of the property proposed to be changed is located in territory which was annexed to the City after the final date for making the renditions which are included on the last approved City tax roll, notice to such owners shall be given by one publication in the official newspaper at least fifteen (15) days before the time of the hearing. Also, the City Secretary shall have the property, lot or tract posted with a sign at least eighteen (18) inches by twenty-four (24) inches in size which shall state "Zoning change Requested for information call City Hall" and the telephone number shall be listed. Failure of owners to receive notice of hearing shall in no way affect the validity of the action taken.

- 3) If, at the conclusion of the hearing, the Planning and Zoning Commission recommends amendment of this ordinance to the City Council, said recommendation shall be by resolution of the Planning and Zoning Commission carried by the affirmative votes of not less than a majority of its total membership present and voting. A copy of any recommended amendment shall be submitted to the City Council and shall be accompanied by a report of findings, summary of hearing and any other pertinent data.
- 4) If, after public hearing, the Planning and Zoning Commission recommends denial of an application, the applicant may appeal said determination the City Council by filing a written notice of appeal with the City Secretary within ten (10) days after the determination of the Planning and Zoning Commission.
- 5) The Planning and Zoning Commission may recommend denial of an application with or without prejudice against the applicant to refile the application. If the Commission recommends denial of the application and fails to clearly state the same is being denied with prejudice, then it shall be deemed that said application is being recommended for denial without prejudice against refiling. If it is later determined by the Commission that there has been a sufficient change in circumstances regarding the property or in the zoning application itself, it may waive the waiting period and grant a new hearing. Newly annexed land which has been given Agricultural zoning is exempt from the one (1) year waiting period.

D. ACTION OF THE PLANNING AND ZONING COMMISSION

- 1) If, at the conclusion of the hearing, the Planning and Zoning commission recommends amendment of this ordinance to the City Council, said recommendation shall be by resolution of the Planning and Zoning Commission carried by the affirmative votes of not less than a majority of its total membership present and voting. A copy of any recommended amendment shall be submitted to the City Council and shall be accompanied by a report of findings, summary of hearing and any other pertinent data.
- 2) If the Planning and Zoning Commission has recommended to the City Council that a proposed amendment be disapproved, the City Council may refuse to adopt the amendment by a simple

majority vote of the City Council present and voting. However, in order to adopt the amendment which has been recommended for disapproval by the Planning and Zoning Commission, the amendment shall not become effective except by the favorable vote of three-fourths (3/4) of all members of the City Council of the City of Princeton present and voting.

- 3) When the Planning and Zoning Commission has recommended to the City Council that a proposed amendment be approved, the City Council may disapprove the petition or application for amendment by a simple majority vote of the City Council present and voting. In the event of a tie vote of the City Council present and voting, the Mayor may cast the deciding vote.
- 4) In the case of a protest against an amendment to the ordinance signed by the owners of twenty percent (20%) or more either of the area of the lots or land immediately adjoining the area included in the proposed change and extending two hundred (200) feet from that area, such amendment shall not become effective except by the favorable vote of three-fourths (3/4) of all members of the City Council of the City of Princeton
- 5) In making its determination, the City Council shall consider the following factors:
 - a. Whether the uses permitted by the proposed change will be appropriate in the immediate area concerned and their relationship to the general area and the city as a whole.
 - b. Whether the proposed change is in accordance with any existing or proposed plans for providing public schools, streets, water supply, sanitary sewers and other utilities to the area and shall note the findings.
 - c. The amount of vacant land currently classified for similar development in the vicinity and elsewhere in the city, and any special circumstances which may make a substantial part of such vacant land unsuitable for development.
 - d. The recent rate at which land is being developed in the same zoning classification as the request, particularly in the vicinity of the proposed changes.
 - e. The manner in which other areas designated for similar development will be, or are likely to be, affected if the proposed amendment is approved, and whether such designation for other areas should also be modified.
 - f. Any other factors which will substantially affect the public health, safety, morals or general welfare.
- 6) In considering a motion to deny a zoning application, or upon voting to deny a zoning application, the City Council shall further consider whether said application shall be denied with or without prejudice against refiling. If the City Council shall deny the application and fail to clearly state the same is being denied with prejudice, then it shall be deemed that said application is being denied without prejudice against refiling. If any application is denied with prejudice, no application may be filed for all or part of the subject tract of land for a period of one (1) year from the date of denial by the City Council. If it is determined by the Planning and Zoning Commission that there has been a sufficient change in circumstances regarding the property or in the zoning application itself it may waive the waiting period and grant a new hearing. Newly annexed land which has been given Agricultural zoning is exempt from the one (1) year waiting period.

E. EFFECT OF DENIAL OF PETITION

In case the application for an amendment to the Zoning Ordinance is denied by the City Council, said application shall not be eligible for reconsideration for one (1) year subsequent to such denial. A new application affecting or including all or part of the same property must be substantially different from the application denied, in the opinion of the Planning and Zoning Commission, to be eligible for consideration within one (1) year of the denial of the original application.

In the event of a reapplication affecting the same land is for a zone that will permit the same use of the property as that which would have been permitted under the denied application, the same shall not be considered to be substantially different from the application denied.

F. FINAL APPROVAL AND ORDINANCE ADOPTION

If the amending ordinance is not approved within six (6) months from the time of its original consideration, the zoning request, at the option of the City Council, may be recalled for a new public hearing.

G. CHANGES IN ZONING REGULATIONS

Amendments to the Zoning Ordinance not involving a particular property but involving change in the zoning regulations generally do not require notice to individual property owners. In such cases, notice of the required public hearing shall be given by publication in the official newspaper of the city, stating the time and location of the public hearing, which time shall not be earlier than fifteen (15) days from the date of such publication.

82-45 SCHEDULE OF FEES, CHARGES, AND EXPENSES

The City Council shall establish a schedule of fees, charges, and expenses, and a collection procedure for building permits, certificates of zoning compliance, appeals, and other matters pertaining to this ordinance. The schedule shall be posted in the office of the administration official and may be altered or amended only by the City Council.

No permits, certificates, special exception, or variance shall be issued unless and until such costs, charges, fees, or expenses have been paid in full, nor shall any action taken on proceedings before the Board of Adjustment unless or until preliminary charges and fees have been paid in full.

The exact charge for the following services will be established by separate ordinance:

- 1) For docketing a zoning petition with the Planning and Zoning Commission of the City of Princeton.
- 2) For docketing an application for relief with the Board of Adjustment of the City of Princeton.

ARTICLE IX ADMINISTRATIVE CLAUSES

82-46 PENALTY FOR VIOLATIONS

Any person or corporation violating any of the provisions of this ordinance shall upon conviction be fined a sum not to exceed two thousand dollars (\$2,000.00) per day and each and every day that the provisions of this ordinance are violated shall constitute a separate and distinct offense. In addition to the said penalty provided for, the right is hereby conferred and extended upon any property owner owning property in any district where such property owner may be affected or invaded by a violation of the terms of the ordinance to bring suit in such court or courts having jurisdiction thereof and obtain such remedies as may be available at law and equity in the protection of the rights of such property owners.

82-47 VALIDITY, SEVERANCE AND CONFLICT

If any section, paragraph, subdivision, clause, phrase or provision of this ordinance shall be adjudged invalid or held unconstitutional, the same shall be severed from and shall not affect the validity of this ordinance as a whole or any part or provision thereof other than the part so dedicated to be invalid or unconstitutional. To the extent any provision of this ordinance conflicts with other ordinances of the City of Princeton the terms of this ordinance shall control.

82-48 EFFECTIVE DATE

This ordinance shall be effective upon the posting and/or publication of its caption as required by law and the City Secretary is hereby directed to implement such posting and/or publication.

RECOMMENDED FOR ACCEPTANCE by the Planning and Zoning Commission of the City of Princeton, Texas, on the 19 day of JANUARY, 2016.



Carlos Cuellar, Chair
Planning and Zoning Commission



ATTEST:



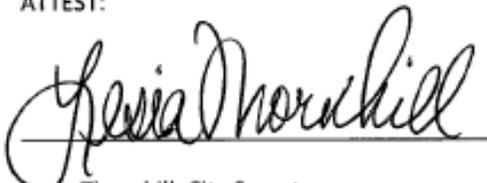
Lesia Thornhill, City Secretary

PASSED AND APPROVED by the City Council of the City of Princeton, Texas, on this the 25 day of January, 2016.



John-Mark Caldwell, Mayor

ATTEST:



Lesia Thornhill, City Secretary

