

ORDINANCE NO. 2016- 04

**AN ORDINANCE OF THE CITY OF UVALDE, TEXAS
AMENDING CHAPTER 17 OF THE UVALDE MUNICIPAL CODE
FOR ZONING CHAPTERS 17.20 LAND USE PROVISIONS, 17.24
MINIMUM YARDS, AND 17.28 MINIMUM LOT AREAS AND
WIDTHS.**

WHEREAS, the City Council of the City of Uvalde finds that manufactured and industrialized housing are regulated by the State of Texas;

WHEREAS, the City Council of the City of Uvalde finds that it is in the best interest of Uvalde citizens that city ordinances be clearly organized and easy to read;

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF UVALDE, TEXAS
THAT:**

Section 1. Adoption of Findings of Fact. The findings and recitations set out in this Ordinance are found to be true and correct and they are hereby adopted by the City Council and made a part hereof for all purposes as findings of fact.

Section 2. Amendment of Chapter 17 Zoning:

17.20.010 E.:

In the R-5 District there may also be in addition to the uses listed in subsection A of this section:

1. HUD-Code manufactured homes;
2. Manufactured home parks.
- 3.

17.20.012 R-5 district use regulations:

Sections A – H shall be deleted and replaced with:

1. No manufactured home with less than 600 square feet is permitted.
2. Manufactured homes must be skirted within 30 days from the date placed on a lot.
3. Manufactured homes must be tied down securely and in compliance with applicable regulations prior to occupancy.
4. No manufactured home may be located in any district other than “R-5.”
5. Except as provided in subsection 17.36.010 of this Code, it is unlawful to park or locate a mobile home, camper bus, motor home, camper trailer, or travel trailer for use as a residence.
6. The standards set forth in subsection 17.20.013 A 4 shall be applicable.

17.20.013 District use regulations for manufactured home subdivision.

Remove references to industrial housing and modular components.

Delete section 3. Purpose.

Delete section 4. B.

Delete Section B Area Regulations, C Parking Regulations, and E Industrialized Housing Subdivisions.

17.20.020 Certain uses to be located by special permit.

Delete Mobile Home Parks

17.24.010 Minimum requirements:

Add:

R-5 20 feet; 6 feet; 6 feet

17.28.030 Building area in residential areas.

Add:

R-5 600 square feet

Section 3. Conflicting Ordinances. All ordinances or parts thereof conflicting or inconsistent with the provisions of this Ordinance as adopted herein, are hereby amended to the extent of such conflict. In the event of a conflict or inconsistency between this Ordinance and any other code or ordinance of the City, the terms and provisions of this Ordinance shall govern.

Section 4. Savings Clause. All rights and remedies of the City of Uvalde are expressly saved as to any and all violations of the provisions of any ordinances affecting zoning within the City which have accrued at the time of the effective date of this ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this ordinance but may be prosecuted until final disposition by the courts.

Section 5. Effective Date. This Ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Tex. Loc. Gov't. Code and the City Charter.

Section 6. Severability. It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this Ordinance are severable and, if any phrase, sentence, paragraph or section of this Ordinance should be declared invalid by the final judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance, since the same would have been enacted by the City Council without the incorporation of this Ordinance of any such invalid phrase, clause, sentence, paragraph or section. If any provision of this Ordinance shall be adjudged by a court of competent jurisdiction to be invalid, the invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision, and to this end the provisions of this Ordinance are declared to be severable.

Section 7. Open Meetings. It is hereby officially found and determined that the meeting at which this Ordinance is passed was open to the public as required and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act.

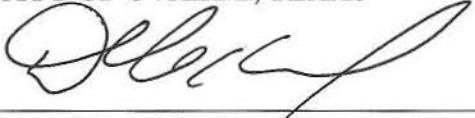
PASSED AND APPROVED on the 8 day of March, 2016.

ATTEST:

CITY OF UVALDE, TEXAS



Sorayda Sanchez, City Secretary



Don McLaughlin, Mayor

Title 17 - ZONING

Chapters:

Chapter 17.20 - LAND USE PROVISIONS

Sections:

17.20.010 - Uses by district.

Land or premises in each of the following classified districts in the city may be used for the following purposes only. Any other use of such land or premises in such district or districts is unlawful and in violation of this title.

- A. In the R-1 district, only for:
 - 1. One-family dwellings;
 - 2. Public parks, libraries, community buildings, and public elementary and high schools and colleges, fire stations, water wells, pumps and tanks, sewerage lift stations;
 - 3. Private schools with a curriculum similar to public elementary and secondary schools;
 - 4. Churches;
 - 5. Golf courses and golf clubs, but not commercial miniature courses or driving ranges;
 - 6. Cultivated farm land and pasture, but not feed lots or feeding of garbage to animals; greenhouses, plant or tree nurseries or truck gardens where no sales office is maintained;
 - 7. Bed and breakfasts are allowed within properties zoned in R1 and B3 zones after obtaining a specific use permit.
- B. In the R-2 district, only for: same as for R-1.
- C. In the R-3 district, only for: same as for R-1.
- D. In the R-4 district there may also be in addition to the uses listed in subsection A of this section:
 - 1. Two-family dwellings;
 - 2. Multiple-family dwellings.
- E. In the R-5 District there may also be in addition to the uses listed in subsection A of this section, only for:
 - 1. HUD-Code manufactured homes;
 - 2. Manufactured home parks;
 - ~~3. Industrialized housing and/or modular homes; and~~
 - ~~4. Industrialized housing subdivisions.~~
- F. In the B-1 district, only for:
 - 1. Stores and shops where goods and merchandise are sold at retail, but not including automobiles or used car sales;
 - 2. Shops for the servicing and repair of radio, television, and electrical appliances and typewriter repair shops;
 - 3. Personal service shops, such as barber and beauty;

4. Dressmaking, millinery, tailoring, shoe repair, self-service laundries, and similar shops serving the local neighborhood;
 5. Offices;
 6. Repairing guns and/or firearms and/or gunsmithing.
- G. In the B-2 district, in addition to the uses in the B-1 district and subsection (E)(1) of this section, only for:
1. Lodging houses;
 2. Hospitals, nursing homes, retirement homes, and sanitariums, excepting tubercular, narcotic, or animal hospitals;
 3. Religions, educational, and philanthropic institutions;
 4. Clubs, lodges, fraternities and sororities, where the chief activity is not a business;
 5. Banks, laboratories and studios;
 6. Clinics;
 7. Animal hospitals and clinics where there are no open kennels;
 8. Automobile service station, car wash;
 9. Undertaking establishments;
 10. Hotels and motels;
 11. Automobile, truck and motorcycle sales, service and/or repair;
 12. Theatres, dance halls, billiards, bowling or skating;
 13. Printing, heating and air conditioning, sheet metal, plumbing, tire repair, and similar establishments;
 14. Soft drink bottling;
 15. Lumber yards;
 16. Mobile home, travel trailers, and recreational vehicle sales and service;
 17. Wholesale sales and storage;
 18. Cold storage lockers;
 19. Self-service individual storage;
 20. Travel-trailer and recreational vehicle parks, provided they meet the following requirements:
 - a. The travel-trailer park area shall be at least three acres in size with a minimum frontage of one hundred (100) feet adjacent to a public street or highway;
 - b. Trailer spaces shall be rented by the day or week only and no trailer space shall be let to the same occupant for more than ninety (90) days;
 - c. Access to the travel-trailer park shall be from a public street or highway, number and location of access drives shall be controlled for safety and protection of personal property. No travel-trailer space shall be designed for direct access to a street outside the premises of the travel park. Interior access drives shall be paved and maintained in a smooth, hard and dense surface which shall be well drained;
 - d. Internal access drives shall meet the following requirements:

One-way, no parking (Acceptable only if less than 500' total length and serving less than 25
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trailer spaces.)	feet
One-way, parking on one side only, or two-way, no parking (Acceptable only if serving less than 50 trailer spaces.)	18 feet
Two-way, no parking	24 feet
Two-way, parking on one side only	27 feet
Two-way, parking on both sides	34 feet

- e. Each travel-trailer space shall provide sufficient parking and maneuverability space so the parking, loading or maneuvering of trailers incidental to parking shall not necessitate the use of any public street, sidewalk, or right-of-way or any private grounds not part of the travel-trailer park;
- f. There shall be no minimum lot area for a travel-trailer space in a travel-trailer park, except that trailers shall be so harbored on each space that there shall be at least a ten (10) foot unobstructed clearance between travel trailers; provided, however, that no part of a travel trailer shall be located closer than twenty (20) feet to any building within the park, nor closer than five feet to any access drive. There shall be no more than fifteen (15) travel-trailer spaces per acre of gross site area;
- g. The travel-trailer parks shall be separated from public streets and adjacent property by a screening fence approved by the city manager. Such fence requirement may be modified by the city council after a public hearing and recommendation by the planning commission;
- h. In all travel-trailer parks there shall be at least one recreation area which shall be accessible from all spaces. The site or sites of such recreation area or areas shall total not less than eight percent of the gross site area;
- i. Outside lighting shall be erected in such a manner that it not be detrimental to or project onto adjacent properties, and any outdoor identification sign shall not utilize or incorporate flashing, moving or intermittent illumination, shall not exceed ten (10) feet in height, shall not overhang or project into the public right-of-way, and shall not exceed thirty (30) square feet in area, indicating only the use of the premises. If such sign is located on a building, it shall not project more than eighteen (18) inches from the wall of the building or structure, and shall not extend above the heights of the building;
- j. Exposed ground surfaces in all parts of a travel-trailer park shall be paved or covered with screenings or other solid material, or protected with a vegetative growth that is capable of preventing soil erosion and eliminating objectionable dust;
- k. Storage, collection and disposal of refuse in the travel-trailer park area shall be so conducted as to create no health hazards, rodent harborage, insect breeding areas, accident or fire hazards, or air pollution. All refuse shall be stored in fly-tight, watertight,

and rodent-proof containers, which shall be located not more than one hundred fifty (150) feet from any trailer space;

- I. The person to whom a building permit is issued shall at all times operate the travel-trailer park in compliance with this title and shall provide adequate supervision to maintain the travel-trailer park area, its facilities, and keep equipment in good repair and in a clean and sanitary condition at all times.

21. Bakery;
22. Restaurant;
23. Bicycle repair, lawnmower repair and tool rental shops;
24. Laundry and dry cleaners;
25. Pawn shop/second hand store.

26. Sale of all alcoholic beverages, including mixed beverages, subject, however, to obtaining a special permit for the sale of alcoholic beverages pursuant to the relevant requirements set out in this title for obtaining such a special permit.

- H. In the B-3 district, only for: same as B-2, with the exception of items set out in subsections (E)(1), (G)(7), (G)(8), (G)(17) and (G)(20) of this section. Bed and breakfasts are allowed within properties zoned in B3 zones after obtaining a specific use permit.

- I. In the I district there may be any use, except that:

1. No building may be used as dwelling, hospital, institution, hotel, motel for the permanent or temporary housing of persons; however, dwellings for resident watchmen or caretakers employed on the premises are permitted.
2. The following uses must be given separate council approval before a building or occupancy permit is issued:
 - a. Fertilizer manufacturing;
 - b. Fat rendering or distillation of bones;
 - c. Explosives manufacturing or storage;
 - d. Stockyards and slaughtering of animals;
 - e. Livestock feed lots;
 - f. Refining or wholesale storage of petroleum or its products;
 - g. Garbage disposal;
 - h. Junk yards, salvage and scrap operations, or automobile wrecking yards, provided such uses shall be surrounded by a solid fence at least six feet high, located within the building lines, and the junk not piled higher than the fence.

Before granting such separate approval, the council shall refer applications to the fire chief and the commission for investigation and report. If no report is received in thirty (30) days, the council may assume a favorable report.

(Ord. No. 2013-09, 6-25-2013; Ord. No. 2011-32, §§ 4, 5, 10-25-2011; Ord. No. 2011-20, § 2, 8-9-2011; Ord. 99-08 § 1; Ord. 99-03 § 1; prior code Appx. B § 2.1)

17.20.012 - R-5 district use regulations.

The following regulations shall apply for all uses within the R-5 District.

- ~~A. Manufactured Home District. Land and areas of the city zoned "R-5," subject to additional regulations set forth under section 17.20.013 applicable for manufactured home subdivision uses, may be used and occupied by mobile homes, manufactured homes and modular components; provided that no mobile home shall be placed or installed on any lot, tract or parcel of land after the effective date of this section.~~
- ~~B. Additional Permitted Uses. The following uses shall be additional permitted uses in any area and property zoned "R-5" within the city:~~
 - ~~1. Any use permitted in "R-1."~~
 - ~~2. Churches.~~
 - ~~3. Municipal buildings.~~
- ~~C. Height Regulations. No building shall exceed 35 feet or two and one-half stories in height.~~
- ~~D. Area Regulations. The minimum lot sizes, measurements and set backs shall conform to the requirements set forth in this chapter at section 17.28.010, for R-5 District.~~
 - ~~1. Size of Yards.~~
 - ~~a. Front Yard. There shall be a front yard having a depth of not less than 20 feet. Where lots have a double frontage, extending through from one street to another, the required front yard shall be provided on both streets.~~
 - ~~b. Side Yard. There shall be a side yard of not less than six feet in width on each side of the lot. A side yard adjacent to a side street shall not be less than 15 feet. No side yard for allowable nonresidential uses shall be less than 25 feet.~~
 - ~~c. Rear Yard. There shall be a rear yard having a depth of not less than six feet measured from the rear lot line.~~
 - ~~2. Size of Lot.~~
 - ~~a. Lot Area. Lots served by the city wastewater collection system shall have a minimum of 5,000 square feet.~~
 - ~~b. Lot Width. Lots with a minimum of 5,000 square feet shall have a minimum width and length as provided in the zoning ordinance. Lots approved by the planning and zoning commission shall have a minimum width of 50 feet at the building line and for a distance of at least 40 feet behind the building line.~~
 - ~~c. Lot Depth. Except as specifically provided otherwise in the subdivision ordinance, the average depth of the lot shall not be less than 100 feet.~~
 - ~~d. Legal Lot. The location of a manufactured home is not prohibited on a lot that existed on the effective date of this section solely because, on such date, the lot had less than the required area, width and/or depth.~~
- ~~E. Parking Regulations. Parking shall be provided in accordance with the requirements for specific uses set forth in the Code; provided that not less than two off-street parking spaces shall be provided for each mobile or manufactured home.~~
- ~~F. Other Regulations.~~
 - 1. No manufactured home with less than 600 square feet is permitted.
 - 2. Manufactured homes must be skirted within 30 days from the date placed on a lot.

3. Manufactured homes must be tied down securely and in compliance with applicable regulations prior to occupancy.
4. No manufactured home may be located in any district other than "R-5."
5. Except as provided in subsection 17.36.010.D. of this Code, it is unlawful to park or locate, a mobile home, camper bus, motor home, camper trailer, or travel trailer for use as a residence.
6. The standards set forth in subsection 17.20.013.A.4. shall be applicable.

~~G. Non-Conforming Uses:~~

- ~~1. General Policy. The general public, the city council and the planning and zoning commission are directed to take note that nonconformities in the use and development of land and buildings are to be avoided, or eliminated where now existing, whenever and wherever possible, except:~~
 - ~~a. When necessary to preserve property rights established prior to the date these regulations become effective as to the property in question; and~~
 - ~~b. When necessary to promote the general welfare and to protect the character of the surrounding property.~~
- ~~2. Nonconforming Structures. Where a lawful structure exists on the effective date of the adoption or amendment of this section, that could not be built under the terms of this section by reason of restrictions on permitted use, area, lot coverage, height, years, its locations on the lot, or other requirements concerning the structure, such structure may be continued as long as it remains otherwise lawful, subject to the following provisions:~~
 - ~~a. No such nonconforming structure may be enlarged or altered in a way which increases its structural nonconformity, but any structure or portion thereof may be altered to decrease its structural nonconformity.~~
 - ~~b. Should such nonconforming structure or nonconforming portions of a structure be damaged by any means to an extent of more than 50 percent of its replacement cost at the time of destruction, it shall not be reconstructed except in conformity with this Code.~~
 - ~~c. Should such structure be moved for any reason for any distance whatsoever, it shall thereafter conform to the regulations of the district in which it is located after it is moved.~~
- ~~d. Existing mobile homes and manufactured homes shall be a non-conforming use in any district other than R-5.~~
- ~~3. Nonconforming Uses. A nonconforming use may be continued as long as it remains otherwise lawful, subject to the following provisions:~~
 - ~~a. No existing structure devoted to a nonconforming use shall be enlarged, extended, constructed or reconstructed.~~
 - ~~b. The use of the structure shall only be changed to a use permitted in the district in which it is located.~~
 - ~~c. A nonconforming use that has been discontinued may be resumed only if there has been no other use of the premises or structure since the nonconforming use was discontinued, and such use was not discontinued for a period of 90 days or more.~~
 - ~~d. Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of this section, but no such use shall be extended to any land outside such building.~~

~~e. Removal or destruction of a structure containing a nonconforming use shall eliminate the nonconforming use status. Destruction for the purpose of this subsection is defined as damage equal to more than 50 percent of the replacement cost of the structure.~~

~~f. A nonconforming use shall terminate upon any sale or conveyance of the property and revert back to current zoning.~~

~~4. Repairs and Maintenance. On any nonconforming structure, or nonconforming portion of a structure, containing a nonconforming use, no work may be done in any period of 12 consecutive months on ordinary repairs, or on repair or replacement of nonload-bearing walls, fixtures, wiring or plumbing, to an extent exceeding 25 percent of the current replacement cost of such structure or nonconforming portion of such structure.~~

~~If 50 percent or more of the nonconforming structure containing a nonconforming use becomes physically unsafe or unlawful due to lack of repairs or maintenance, and is declared by a duly authorized official to be unsafe or unlawful by reason of physical condition, it shall not thereafter be restored, repaired or rebuilt except in conformity with the regulations of the district in which it is located.~~

~~5. Nonconforming Lot. See subsection 17.20.012.D.2.c.~~

~~H. Industrialized Housing District. Land and areas of the city zoned "R-5" and used for industrialized housing or modular units, and the industrialized housing and modular units located thereon, shall conform to all of the relevant foregoing District R-5 regulations.~~

(Ord. No. 2011-32, § 6, 10-25-2011)

17.20.013 - District use regulations for manufactured home subdivision ~~and industrialized housing uses in R-5 district.~~

The following regulations shall apply for uses within the R-5 District for manufactured home subdivisions ~~and industrial housing subdivisions.~~

A. Use Regulations.

1. Manufactured Home Subdivision. Property and areas of the city zoned "R-5" and to be used for manufactured home subdivisions, shall be planned, used, approved, platted and occupied as a manufactured home subdivision. Land and areas of the city zoned "R-5" and having an approved subdivision plat or site plan for a manufactured home subdivision may be used for mobile homes currently existing on the property; and manufactured homes; ~~and modular components.~~

2. Permitted Uses.

- a. One mobile home, manufactured home or modular home on each approved space or lot; provided that no mobile home shall be placed or installed on any lot after the date of this section.
- b. Accessory buildings located on a lot for use by the owner or occupant of a structure that is located on such lot.
- c. Recreational, civic and/or commercial facilities designed for exclusive use of the occupants of the manufactured home subdivision.
- d. Accessory buildings for use by the owner or manager of the manufactured home subdivision.
- e. One single-family dwelling unit on a 5,000 square foot or larger lot for use as the owner's or manager's residence.

~~3. Purpose. The R-5 District is for the following purposes:~~

- ~~a. To provide adequate space and site diversification for residential purposes that are planned to accommodate the design criteria for manufactured homes.~~
- ~~b. To protect against pollution, environmental hazards and other objectionable influences.~~
- ~~c. To make adequate provisions for vehicular and pedestrian circulation.~~
- ~~d. To promote housing densities appropriate to and compatible with existing and proposed public support facilities.~~
- ~~e. To promote the most desirable use of land and direction of building development; to promote stability of development; to protect the character of the district; to conserve the value of land and buildings; and to protect the city's tax base.~~

4. Standards. The installation, occupancy and maintenance of manufactured homes ~~and modular homes~~ in the "R-5" District shall be subject to the following provisions.

- a. No outside horizontal dimension shall be less than 14 feet.
 - ~~b. The structures shall be of adequate quality and safe design, as certified by a label stating that the unit is constructed in conformance with the requirements of the Department of Housing and Urban Development and the Federal Manufacturing Home Construction and Safety Standards in effect on the date of manufacture.~~
 - c. Manufactured homes shall be installed in accordance with the applicable state standards and the manufacturer's requirements, and will be inspected and approved by state inspectors.
 - (1) Axle and hitch assemblies shall be removed at the time of placement on the foundation.
 - (2) Each manufactured home shall be totally skirted with metal, masonry, pressure-treated wood, or other nondegradable material which is compatible with the design and exterior materials of the primary structure.
 - (3) Electrical power supply shall be made from a meter installation on the manufactured home, or from a permanent meter pedestal.
 - d. Driveways and off-street parking shall be provided in accordance with the requirements for single-family dwellings.
 - e. Garage and carport additions are permitted, provided they cover a paved parking area and are connected to a street by a paved drive, meet the minimum building setback requirements, and have roof and siding material compatible with the primary structure.
 - f. Patio and porch covers are permitted, provided they cover an improved patio, deck, or porch, and meet the minimum building setback requirements.
 - g. Reserved.
 - h. Living area additions are permitted, provided they meet the minimum building setback requirements, have roof and siding material that is compatible with the primary structure, and comply with the same structural standards as the primary structure.
5. Required conditions. At no time may an existing manufactured home or recreational vehicle park be converted to a mobile home or recreational vehicle subdivision without first meeting all requirements of the city subdivision ordinance and receiving approval by the city council.

~~B. Area Regulations. The minimum lot sizes, measurements and set backs shall conform to the requirements set forth in this chapter at section 17.28.10, for R-5 District.~~

~~1. Size of Yards.~~

~~a. Front Yard. There shall be a front yard having a depth of not less than 20 feet.~~

~~b. Side Yard. There shall be a side yard of not less than six feet in width on each side of the lot. A side yard adjacent to a side street shall not be less than 15 feet. No side yard for nonresidential uses shall be less than 25 feet.~~

~~c. Rear Yard. There shall be a rear yard having a depth of not less than six feet measured from the rear lot line.~~

~~2. Size of Lot.~~

~~a. Lot Area. Lots served by the city wastewater collection system shall have a minimum area of 5,000 square feet.~~

~~b. Lot Width. Lots shall have a minimum width and length as provided in the subdivision ordinance and lots shall have a minimum width of 50 feet at the building line and for a distance of at least 40 feet behind the building line.~~

~~c. Lot Depth. Except as specifically provided otherwise in the subdivision ordinance, the average depth of the lot shall not be less than 100 feet.~~

~~C. Parking Regulations. Driveways and off-street parking shall be provided in accordance with the requirements for single-family dwellings.~~

D. Other Regulations.

1. General standards.

a. All minimum requirements and standards as stated under the "R-5" District shall apply.

b. Curbs and gutters shall be required and shall conform to the requirements established by the subdivision ordinance.

2. District Restricted. Manufactured home subdivisions shall not be permitted within any zoning district other than "R-5."

~~E. Industrialized Housing Subdivisions. Land and areas of the city zoned "R-5" and used for industrialized housing or modular unit subdivisions, and the industrialized housing and modular units located thereon, shall conform to all of the relevant foregoing District R-5 use regulations.~~

(Ord. No. 2011-32, § 7, 10-25-2011)

17.20.015 - R-6-4th single-family dwelling district.

This section creates an R-6-4th single-family dwelling district which will consist of the following:

Consisting of a minimum lot area of three thousand seven hundred seventy-two (3,772) square feet per single-family dwelling in a new subdivision, consisting of a minimum of four acres of land, and with the construction of a new street. In addition, it will consist of the following:

- A. Minimum front lot width of forty-six (46) feet;
- B. Minimum lot depth of eighty-two (82) feet;
- C. Minimum of one front yard of ten (10) feet;
- D. Minimum of two side yards of four feet each;
- E. Minimum of one rear yard of ten (10) feet;
- F. Minimum building area of one thousand (1,000) square feet per family dwelling unit;
- G. Two off-street parking spaces shall be provided for each dwelling unit.

The R-6-4th single-family dwelling district shall comply with all other rules and laws relating to a new subdivision.

(Ord. 2007-06, 2007)

17.20.018 - Special use permit fee.

An application for a special use permit must be accompanied by a fee of two hundred dollars (\$200.00) and the said two hundred dollars (\$200.00) shall be paid to the city of Uvalde, Texas.

(Ord. 2007-26, 2007)

17.20.020 - Certain uses to be located by special permit.

- A. Uses listed in subsection B of this section may locate in certain zones under certain conditions by a special permit granted by the city council, after a report and recommendation by the commission. After receiving an application for permit, the commission shall hold a public hearing to determine the effect of such proposed use upon the neighborhood, character, traffic, public utilities, public health, public safety and general welfare; such public hearing shall be substantially the same and notices shall be given in accordance with the requirements for zoning amendments as provided in Section 17.16.010 of this code. After receiving the report and recommendation of the commission, the city council shall hold a public hearing relative to the application for permit, such public hearing to be substantially the same as required in Section 17.16.010 of this code.
- B. Uses for which special permits shall be secured, conditions that must be observed and districts in which they may be allowed are:

USE	SPECIAL CONDITIONS	DISTRICTS
Nursery, prekindergarten, play, special and other private schools	At least 100 square feet of open play space must be provided for each child in the school at any one time.	Any
Outdoor theater	Must be approved by State Highway Department when located on or near a state highway.	I
Parking lots	No parking allowed in required front yard. Front yard to be grassed, landscaped and maintained.	B-1, B-2, B-3, I
Sand, gravel, loam, and dirt pits	As prescribed by commission.	Any
Mobile home parks	1. Mobile home park shall consist of an area of at least three acres in size with a minimum width and/or depth of 200 feet located on a public major, collector street or highway.	R-5, B-2

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	2. Exposed ground surfaces in all parts of the mobile home park shall be paved or covered with screening, or other material or protected with vegetative growth that is capable of preventing soil erosion and eliminating objectionable dust.	
	3. Access to the mobile home park shall be from a street or highway. The number and location of access drives shall be subject to approval by the planning commission. No mobile home site or space shall be designed or used for direct access to a public street outside the boundaries of the mobile home park, and the interior access drives shall be paved and maintained with a smooth hard surface and be properly drained.	
	4. Internal access drives shall be not less than 25 feet in width.	
	5. There shall be no minimum lot area for a mobile home site in a mobile home park, harbored on each space that there shall be at least a 20-foot unobstructed clearance between mobile homes. No part of a mobile home shall be located closer than 20 feet to any building within the park nor closer than five feet to an access drive. In addition there shall be no more than eight mobile home spaces per acre or gross site area.	
	6. The mobile home park shall be screened from public streets, highways and adjacent property by a screening fence approved by the planning commission. This requirement may be waived by the city council after a hearing and recommendation by the planning commission.	
	7. Off-street parking spaces in mobile home parks shall be provided in the ratio of one and one-half spaces per mobile home and be placed in locations convenient to individual mobile homes or groups of mobile homes.	
	8. The mobile home park shall conform to all other regulations contained in the city building code, gas code, plumbing code, and electrical code.	
	9. A mobile home park exceeding 600 feet in depth shall be required to install a six-inch fire main, looped if possible, located	

	within the mobile home park and installed at or near the edge of the paving in a dedicated easement or fire lane. Fire hydrants shall be located along the main so as to make fire protection available to all property in the mobile home park. This facility is to be installed at the developer's expense and maintained by the city.	
	10. Outside lighting shall be erected in such a manner that it will not be detrimental to or project onto adjacent properties.	
	11. Advertising shall be restricted to one illuminated identification sign which shall not utilize or incorporate flashing, moving or intermittent illumination, shall be placed flat against the wall of the building or structure, shall not project more than 18 inches from the wall of the building or structure, and shall not extend above the height of the building or structure. The sign shall not exceed 15 square feet in area, and shall indicate only the name of the mobile home park, the address of the premises and the management thereof.	
Mobile home subdivisions	1. Mobile home subdivisions shall consist of an area of at least five acres in size with a minimum width and/or depth of 200 feet and located on a public street or highway.	R-5
	2. A mobile home subdivision shall conform to the applicable requirements of the Uvalde platting ordinance and the Uvalde building code, gas code, plumbing code, and electrical code.	
	3. The minimum lot area in a mobile home subdivision shall be 4,500 square feet, except where a subdivision is a cluster development, in which case the lot size may be reduced to 3,000 square feet, provided that the minimum yard requirements are met and that there is a minimum of 1,500 square feet per lot of common open space.	
	4. There shall be no more than eight mobile homes per acre in a mobile home subdivision.	
	5. There shall be a minimum front yard of 20 feet, a minimum rear yard of ten feet, a minimum side yard of six feet, with a total unobstructed side yard requirement of 20 feet.	

	6. The mobile home subdivision shall be surrounded by a screening fence approved by the planning commission. Such fence requirements may be modified by the city council after a public hearing and recommendation by the planning commission.	
	7. Each lot in a mobile home subdivision shall be provided with a minimum of two off-street parking spaces.	
	8. Two temporary nonilluminated signs pertaining to the lease or sale of mobile home lots are permitted on the premises of the mobile home subdivision. Such signs shall not exceed four square feet in area.	
Nursing homes	Applicant must furnish satisfactory plans and data concerning the operation, function and characteristics of proposed buildings and use of land	All R and B
Sale of all alcoholic beverages, including mixed beverages	As prescribed by the commission and approved or amended by council	B-2
Bed and breakfast facilities	A. Bed and breakfast facilities are subject to the following special conditions:	R1, B-3
	(1) Parking. One off-street parking space per guest room and one off-street parking space for the owner/proprietor are required.	
	(2) Number of guest rooms. The maximum number of guest rooms shall be eight.	
	(3) Length of stay. The maximum length of stay for each guest shall be limited to 14 consecutive days within any 30-day time period.	
	(4) The facility shall be owner occupied in the R1 zoning districts and may be manager occupied in B3 zoning districts.	
	(5) Signs shall conform to City of Uvalde Sign Control Ordinance	
	B. Health factors:	

	(1) The meals shall be confined to a continental-type breakfast, consisting of pastries (prepared outside the establishment), milk, cereal, fruit, fruit juice, and coffee, unless the facility meets all state and city health department requirements for commercial food service. Cooking in a guest room is prohibited.	
	(2) The owner of the facility shall provide clean linens and towels on a daily basis, provide adequate heating, air conditioning, ventilation and lighting; provide adequate hot and cold water; provide adequate sewage disposal; maintain the outside area in a clean and sanitary manner; maintain the structure(s) in suitable state of repair; and properly clean the premises and facilities during the guests stay and after each guest has departed.	
	(3) Each owner of the facility must acquire a permit for the facility from the city health department prior to issuance of a certificate of occupancy.	
	(4) Inspections by the city health department will be made on a regular basis and upon demand as required by a complaint. The inspections must be successfully passed.	
	C. Building and Fire Protection considerations:	
	(1) Owner of bed and breakfast facility must obtain a certificate of occupancy (C.O.) from the city building official after a special use permit is issued, if a special use permit (SUP) is required. The facility must successfully pass the C.O. inspection.	
	(2) The structure(s) must conform to all city and state building codes for existing or new construction as the situation dictates.	
	(3) The city fire marshal or his representative shall inspect all bed and breakfast facilities before a C.O. is issued. The facility must successfully pass the inspection. Regular inspections shall be made on an annual basis.	
	(4) Each bed and breakfast facility must comply with the appropriate section on "Lodging and Rooming Houses" contained in NFPA 101 Life Safety Code.	

	(5) Each facility must have at least one battery operated or regular hard wired smoke detector in all guest rooms, stairwells and/or corridors on each floor of the structure.	
	(6) An approved fire extinguisher shall be provided in close proximity to the guest units on each floor.	
Regulated vehicle	1. A resident of the city may, in appropriate conditions and circumstances, on or before October 8, 2015 and not thereafter, obtain a special use permit to park a regulated vehicle and trailer that are owned/leased and operated by them on residential property that is occupied by them. No fee will be charged for the permit. After initial application, permits will renew in March each year.	All R
	2. The residential property must connect to a public street by a paved driveway constructed in such a manner that minimizes damage to the street surface. Such driveway and parking area must have adequate drainage and be constructed of limestone, crushed rock or a similar material.	
	3. There must be adequate ingress and egress to allow the regulated vehicle safe maneuvering off and onto the public roadway.	
	4. The permit must be prominently displayed on the driver's side of the regulated vehicle during the time it is parked or operating in the residential area.	
	5. Number of regulated vehicles per residential lot will be determined by available space and set-backs with a minimum space of 80 × 10 feet per vehicle.	
	6. The vehicle must have proof of inspection, insurance, license plate, ownership/leasehold interest and be operational and ready for use. No such vehicle shall be used for living, sleeping or housekeeping purposes when parked or stored on a residential lot or any location approved for such use.	

([Ord. No. 2015-04](#), § 2, 6-9-2015; Ord. No. 2013-09, 6-25-2013; Ord. No. 2011-20, § 2, 8-9-2011; Ord. 2007-07 (part), 2007; prior code Appx. B § 2.2)

17.20.025 - Repealing and deleting.

This section repeals and deletes only that certain portion of Section 17.20.020 which states and reads as follows:

Townhouses, row houses and other single-family dwelling units without side yards between individual dwelling units.	Minimum building area: one thousand (1,000) square feet per dwelling unit. Applicant must furnish satisfactory plans and date concerning the operation, function and characteristics of proposed building and use of land.	All R
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(Ord. 2007-07 (part), 2007)

17.20.030 - Special provisions for large scale residential development.

- A. The owner or owners of ten (10) acres or more within an R district may submit a plan to the council showing in detail the manner in which the land is to be used, the location, size, character and appearance of buildings, and provision for street circulation, off-street parking, service areas, and landscaping.
- B. The council shall submit such plan to the commission who shall have forty-five (45) days in which to investigate, hold public hearings, and make a report and recommendations to the city council on the plan. If the commission does not make a report of its recommendations within forty-five (45) days, the council may assume that the commission approves the plan.
- C. The commission shall review the proposed development as to its conformity to the comprehensive plan and recognized principles of civic design, land use planning and landscape architecture. The minimum yard requirement of the district in which the development is located shall not apply, except that the minimum yards shall be provided around the boundaries of the area being developed. The commission may impose conditions regarding the layout, circulation, and may require that appropriate deed restrictions be filed that are enforceable by the city or an approved homeowners' association for a period of twenty (20) years from the date of filing. The number of dwelling units permitted shall be determined by dividing the net development area by the minimum lot area per family required by the district or districts in which the area is located.
- D. Net development area shall be determined by subtracting the area set aside for churches, schools, commercial area from the gross development area and deducting twenty (20) percent of the remainder for streets regardless of the amount of land actually required for streets. The area of land set aside for common open space and recreational use shall be included in determining the number of dwellings units permitted. These dwelling units may be single-family detached, two-family or multifamily, provided no more than eight units are contained in any one building.
- E. For each one hundred (100) dwelling units in the development, there may be not more than one acre for commercial use. Commercial uses shall comply with the requirements for the B-1 district, sign regulations and off-street parking requirements as contained herein for the B-1 district.
- F. The council may, after public hearing, approve or disapprove the plan for the issuance of building and occupancy permits to carry out the approved plan. Approved plans may be amended by the same procedure by which they were approved, except that minor changes in the plan may be

approved by the planning commission if such change does not violate the intent of the originally approved plan.

(Prior code Appx. B § 2.3)

17.20.040 - Nonconforming uses regulated.

- A. Nonconforming uses are those lawful uses of premises that do not conform with the requirements of this title or any governing amendment thereto.
- B. Nonconforming uses may be continued; if there are no structural alterations, such a use may be changed to a use of the same or of a higher classification. If it is changed to a use in a higher classification or to a conforming use, it cannot be changed back to the original nonconforming use. For the purposes of this subsection, the "same classification" means uses permitted in the same district with a prior listing in this title.
- C. If a nonconforming use is stopped for a period of one year or more, it then must conform to the use regulations of the district in which it is located.
- D. Except for the types of uses provided for in subsection E of this section, a nonconforming use cannot be enlarged, extended, reconstructed or structurally altered unless changed to a conforming use.
- E. Nonconforming industrial uses in the B-2 and B-3 districts may be rebuilt, reconstructed, structurally altered or enlarged if the enlargements do not total more than fifty (50) percent increase in cubical contents of buildings existing on the date of passage of the ordinance codified in this title, and if permits are issued within ten (10) years of the effective date.
- F. If a nonconforming use is damaged or destroyed to the extent of more than fifty (50) percent of its fair market value, by fire, explosion, act of God, or the public enemy, then any restoration must be for a permitted use.
- G. Where a premises is in the R district and is used for open storage, or for signs and billboards, such uses must be discontinued and the stored material and signs and billboards removed within two years after the effective date of the ordinance codified in this title. All junk yards, salvage and scrap operations, and automobile wrecking yards shall conform with the requirements of Section 17.20.010(I)(2) within two years after the effective date of the ordinance codified in this title. Where the enforcement of this section would impose an undue hardship on any property owner concerned, said property owner shall have the right to appeal for relief to the board of adjustment, who, after public hearing, shall have the right to grant an extension of time as required in this section; provided, however, that such extension of time shall not be granted if it would be adverse to the general welfare.
- H. Passage of the ordinance codified in this title in no way legalizes any illegal use existing at the time of its adoption.
- I. Existing uses of types eligible for special permits under Sections 17.20.010(F) and 17.20.020(B) shall be conforming uses and shall receive a special permit for the existing use from the building inspector upon request; but shall require a special permit for any enlargement or addition.

(Prior code Appx. B § 2.4)

17.20.050 - Original downtown overlay district.

- A. Declaration of Policy. The city council hereby finds and declares as a matter of public policy that the original historic downtown overlay district is established to allow the city more flexibility in authorizing the location and occupation of secondary residential uses in the original historic downtown commercial area without affecting the underlying zoning district and giving property owners the certainty of the zoning regulation of the underlying district. The original historic downtown area of the

city is substantially developed in a dense pattern with high building coverage and most parking provided on the street. Because of the unique characteristics of this area, mixed commercial and residential uses are encouraged. The regulations are designed for the specific and special conditions prevailing in the original historic downtown area.

B. District Limits. The "HDT" original historic downtown overlay shall be defined as that area so designated on the district map for the city being B-3 Business District as described in chapter 17.04, subsection 17.04.020 C.

C. Definitions. The following words, when used in this section, shall have the meanings ascribed to them in this section, unless the context of this section clearly indicates otherwise:

"Loft apartment" means a dwelling unit consisting of a single room or a series of rooms, which is attached but secondary to a main structure and is generally located above the first floor of the structure.

"Studio apartment" means a dwelling unit which has an integral part of the unit a work area generally associated with the creative arts and which may consist of a single room or a series of rooms.

D. Use Regulations.

1. Permitted Uses. Uses permitted within the "HDT" district are those permitted within the underlying districts and provided in title 17 zoning, chapter 17.04, subsections 17.04.020 A., B., and C.
2. The following residential uses will be allowed as a secondary use in the "HDT" overlay district for any commercial property.
3. Special Use Permit Uses. Uses permitted in the underlying district with a specific use permit permitted with a specific use permit in the "HDT" overlay district.

E. Parking Requirements.

1. Parking requirements for primary use commercial property are addressed by this Code. The original historic downtown overlay district does not place additional parking requirements on primary use commercial property.
2. For permitted secondary residential uses, two off street parking spaces per dwelling unit, plus one additional off street parking space per each unit with three or more bedrooms are required. Verification of parking arrangements inside or within 200 feet of the district is required.
3. The city council may waive the parking requirements upon recommendation by the planning and zoning commission, if it is determined that a unique situation exists which warrants such consideration.

F. Commercial and Residential Structures. Within the original historic downtown overlay district (HDT) all commercial structures may contain a residential use with and secondary to the primary commercial use, in accordance with the following restrictions:

1. A certificate of occupancy shall be required in compliance with section 17.12.020 certificate of occupancy, and failure to comply with the provisions of this chapter shall constitute a basis to deny or disconnect city utilities or to require private utility companies to do likewise.
2. Permitted residential uses may not occupy an area greater than 25 percent of the first floor (street level) of a building:

RESIDENTIAL USE MINIMUM DWELLING AREA PER UNIT REQUIRED IN SQUARE FEET

Unit	Square Feet
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One bedroom and efficiency	500
Two bedroom	650
Three bedroom	800

G. Zoning Map Designation. Any land for which an original historic downtown overlay district zoning has been approved shall be indicated on the zoning map with a "HDT" suffix to the basis zoning classification. For example: B-3 central Business District (HDT) would be abbreviated on the official zoning map as B-3/HDT.

(Ord. No. 2013-18, 10-8-2013; Ord. No. 2009-24, § 1, 9-22-2009)

17.20.060 - Retail business specialty or novelty items.

The use of land or building shall be in accordance with those listed in the following uses in title 17, chapter 17.20 et al except no land or building shall hereafter be used and no building or structure shall be erected, altered, or converted other than for those uses specified in the zoning district in which the following is prohibited (i.e., not allowed) in the zoning district in title 17, chapter 17.20:

- A. The regulations in this section apply to businesses dealing in certain novelty items, commonly referred to as "head shops". Specifically, these businesses include any establishment that sells, distributes or manufactures any specialty or novelty items that is not otherwise permitted by law including, but not limited to, the following:
 1. Kits used, intended for use, or designed for use in planting, propagating, cultivating, growing or harvesting any species of plant which is a controlled substance, or from which a controlled substance can be derived;
 2. Kits used, intended for use, or designed for use in manufacturing, compounding, converting, producing, processing or preparing controlled substance;
 3. Isomerization device used, intended for use, or designed for use in increasing the potency of any species of plant that is a controlled substance, or from which a controlled substance can be derived;
 4. Testing equipment used, intended for use, or designed for use in weighing or measuring controlled substances;
 5. Scales and balances used, intended for use, or designed for use in weighing or measuring controlled substances;
 6. Dilatants and adulterants, such as quinine hydrochloride, mannitol, mannite, dextrose or lactose, that are used, intended for use, or designed for use in cutting controlled substances;
 7. Separation gins and sifters used, intended for use, or designed for use in removing twigs and seeds from, or in otherwise cleaning or reefing marijuana;
 8. Blenders, bowls, containers, spoons and mixing devices used, intended for use, or designed for use in compounding substances;

9. Capsules, balloons, envelope and other containers used, intended for use, or designed for use in packaging controlled substances;
10. Containers and other objects used, intended for use, or designed of use in storage or concealing controlled substances;
11. Objects used, intended for use, or designed of use in ingesting, inhaling or otherwise introducing into the human body any controlled substance (including, but not limited to, marijuana, cocaine, hashish oil), such objects including, but not limited to, the following:
 - a. Metal, wooden, acrylic, glass, plastic or ceramic pipes with or without screens, permanent screens, hashish heads, or punctured metal bowls;
 - b. Water pipes;
 - c. Carburetion tubes and devices;
 - d. Roach clips, meaning objects used to hold burning material, such as a marijuana cigarette, that had become too small or too short to be held in the hand;
 - e. Miniature cocaine spoons and cocaine vials;
 - f. Chamber pipes;
 - g. Carburetor pipes;
 - h. Electric pipes;
 - i. Air-driven pipes;
 - j. Chillums;
 - k. Bongs; and/or
 - l. Ice pipes or chillers.
12. The term "controlled substances", as used herein, shall mean an refer to those substances now or hereafter including substances under Texas state law) i.e., the Texas Controlled Substances Act Article 447615, V.A.C.S.), as amended.

The provisions of section 17.12.050, Violation—Penalty shall be applicable to this section.

(Ord. No. 2010-01, § 2, 2-23-2010)

Editor's note— Ord. No. 2010-01, § 2, adopted February 23, 2010, enacted provisions intended for use as section 17.20.050. Inasmuch as there are already provisions so designated, and at the discretion of the editor, said provisions have been redesignated as section 17.20.060.

Chapter 17.24 - MINIMUM YARDS

Sections:

17.24.010 - Minimum requirements.

Except as provided in Sections 17.24.020, 17.24.030 and Chapter 17.36, yards shall be provided for buildings as follows:

District	One	Two Side Yards of	One Rear Yard of

	Front Yard of		
R-1	30 feet	10% of lot width, need not be more than 6 feet	At least 30% of lot depth, but need not be more than 40 feet
R-2	25 feet	10% of lot width, need not be more than 5 feet	At least 25% of lot depth, but need not be more than 30 feet
R-3	25 feet	10% of lot width, need not be more than 5 feet	At least 25% of lot depth, but need not be more than 25 feet
R-4	30 feet	10% of lot width, need not be more than 6 feet	At least 25% of lot depth, but need not be more than 25 feet
<u>R-5</u>	<u>20 feet</u>	<u>6 feet</u>	<u>6 feet</u>
B-1	Same as R zone in which it is located		
B-2	None	None	None
B-3	None	None	None
I	None	None	None

(Prior code Appx. B § 3.1)

17.24.020 - General rules.

These general rules for yards must also be observed:

- A. On lots fronting on two nonintersecting streets, a front yard must be provided on both streets.
- B. On corner lots in the R districts, there must be a front yard on both sides.
- C. On corner lots in the B and I districts that rear upon an R district, a ten (10) foot yard must be provided along the side street side.
- D. Where a block frontage is divided among districts with different front yard requirements, the deepest front yard as required by this title shall apply to the entire frontage.
- E. Where a lot is in the B or I districts and it is next to an R district, the side or rear yard required in the R district must be provided along the boundary line.

- F. In the B and I districts there may be more than one building on a lot, provided that the required yards be maintained around the group of buildings.
- G. Dwelling uses, except hotels and motels, located in the B district must provide the yards required in the R-4 district.
- H. There may be two or more related multifamily, hotel, motel, or institutional buildings on a lot, provided that: (1) the required yards be maintained around the group of buildings; and (2) buildings that are parallel, or that are within forty-five (45) degrees of being parallel, be separated by a horizontal distance of not less than fifteen (15) feet.
- I. Those parts of existing buildings that violate yard regulations may be repaired or remodeled, but not reconstructed or structurally altered, except as provided in Chapter 17.08.
- J. Churches, public buildings, and institutions when located in an R district shall provide front and rear yards of fifty (50) feet and side yards of twenty-five (25) feet.
- K. Required front yards shall be used only for landscaping, walkways and driveways. In the B-2 district, permitted signs may be located in the front yard. No other structures are permitted.
- L. Vision Clearance. On any corner lot on which a front or side yard is required, no wall, fence, sign or other structure or any plant growth shall be permitted or maintained higher than two feet above the curb level beyond projections of the existing building lines.

(Prior code Appx. B § 3.2)

17.24.030 - Exceptions.

The following exceptions may be made in yard regulations:

- A. On separate tracts (large tracts outside of subdivision), the side yard may be reduced to ten (10) percent of the tract width.
- B. On separate tracts, the rear yard may be reduced to twenty (20) percent of the tract depth.
- C. Where, on the effective date of the ordinance codified in this title, forty (40) percent or more of a block frontage was occupied by two or more buildings, then the front yard is established in the following manner:
 - 1. Where the building furthest from the street provides a front yard not more than ten (10) feet deeper than the building closest to the street, then the front yard for the frontage is, and remains an average of the then existing front yards.
 - 2. Where subsection (C)(1) of this section is not the case and a lot is within one hundred (100) feet of a building on each side, then the front yard is a line drawn from the closest front corners of these two adjacent buildings.
 - 3. Where neither subsection (C)(1) or (2) of this section is the case and the lot is within one hundred (100) feet of an existing building on one side only, then the front yard is the same as that of the existing adjacent building.
- D. Sills, belt courses, cornices, and ornamental features may project only one foot into the required yard.
- E. Open fire escapes, fireproof outside stairways, and balconies opening upon fire towers, and the ordinary projection of chimneys and flues may project into a rear yard for a distance of not more than three and one-half feet, or into a side yard not more than two feet, when so placed not to obstruct light and ventilation, may be permitted by the building inspector.
- F. A vestibule enclosing not more than forty (40) square feet may extend four feet into the front yard.

- G. Patios or terraces which do not extend above the level of the ground (first) floor may project into a required yard, provided these projections be distant at least two feet from the adjacent side lot line.
- H. No side yards are required where dwellings are erected above commercial structures.
- I. If side yards are provided where not required in B and I districts they must be at least five feet in width.

(Prior code Appx. B § 3.3)

17.24.040 - Carport exception.

- A. "Carport" is defined as a structure open on three sides and used for storage of motor vehicles.
- B. Pertaining to Lots of Area Over 7,000 Square Feet.
 - 1. All carports must adhere to current zone guidelines and restrictions in section 17.24.010 zoned R1.
 - 2. On corner lots, the property owner can designate one side as a side lot and can use five feet or six feet setback as allowed in current zoning as long as the code enforcer deems it does not affect line of sight.
 - 3. Any lot that does not have alley access and cannot adhere to these guidelines will be dealt with on a case-by-case basis handled by ZBOA through the variance process.
 - 4. No pre-fabricated carports will be allowed when accessed by front or side. They will only be allowed when accessed through the alley and placed in the backyard.
 - 5. Carports located in front yard must be attached to existing structures.
- C. Pertaining to Lots Smaller Than 7,000 Square Feet or with Front Lot Equal To or Less Than 60 Feet.
 - 1. All carports must adhere to a five-foot setback.
 - 2. Carports located in front yard must be attached to existing structures.
 - 3. No pre-fabricated carports will be allowed when accessed by front or side. They will only be allowed when accessed through the alley placed in the backyard.
 - 4. Any lot that does not have alley access and cannot adhere to these guidelines will be dealt with on a case-by-case basis handled by ZBOA through the variance process.
 - 5. Carports located in front yard must be attached to existing structures.
- D. As for disabled persons only, the minimum requirements of subsections B. and C. are not required if the person who is requesting a variance of the minimum requirements of subsections B. and C. is able to prove that he or she is permanently disabled. The minimum of five feet from the property line is the minimum requirement for this variance. Permanent disability shall be determined by a medical doctor, Social Security Administration determination of permanent disability or the Veterans Administration determination of permanent disability. A letter from a medical doctor or the agencies stated above shall be presented to the zoning board when a variance is sought stating the applicant or person is permanently disabled.

(Ord. No. 2010-02, § 1, 4-13-2010; Ord. No. 2009-26, § 1, 11-24-2009)

Chapter 17.28 - MINIMUM LOT AREAS AND WIDTHS

Sections:

17.28.010 - Minimum lot width, minimum lot area and minimum lot area per family.

	Lot Width	Lot Area	Lot Area per Dwelling Unit—Square Feet		
District	in Feet	(sq. feet)	One-Family	Two-Family	Multiple-Family
R-1	60	7,000	7,000		
R-2	50	6,000	6,000		
R-3	50	5,000	5,000		
R-4	60	7,000	7,000		
R-5	50	5,000	5,000	3,750	2,000
B-1	Same as R zone in which it is located				
B-2	None	None	6,000	3,750	2,000
B-3	None	None	6,000	3,750	2,000
I	None	None (none permitted in this district)			

(Prior code Appx. B § 4.1)

17.28.020 - Area and width of dwellings in R-2 districts.

Dwelling uses, except hotels and motels, located in a B district must provide the lot area and lot width required in the R-2 district.

(Prior code Appx. B § 4.2)

17.28.030 - Building area in residential areas.

Minimum building areas per dwelling unit in residential areas shall be:

A. R-1	1,000 square feet;
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B. R-2	600 square feet;
C. R-3	600 square feet;
D. R-4	500 square feet;
<u>R-5</u>	<u>600 square feet</u>
E. R-1	500 square feet.

(Prior code Appx. B § 4.3)

Chapter 17.32 - OFF-STREET PARKING AND LOADING

Sections:

17.32.010 - Requirements.

The following off-street parking spaces shall be provided:

1. Bowling alley: five parking spaces for each alley.
2. Business or professional office, studio, bank, medical or dental clinic: three parking spaces plus one additional parking space for each two hundred (200) square feet of floor area over five hundred (500) square feet.
3. Church or other place of worship: one parking space for each four seats in the main auditorium.
4. Community center, library, museum or art gallery: ten (10) parking spaces, plus one 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 a part of the building, its floor area shall be deducted from the total and additional parking provided on the basis of one space for each four seats that it contains.
5. Dance hall, assembly or exhibition hall without fixed seats: one parking space for each one hundred (100) square feet of floor area used therefor.
6. Dwellings, including single, two-family and multifamily: two parking spaces for each dwelling unit.
7. Fraternity, sorority or dormitory: one parking space for each six beds.
8. Furniture or appliance store, hardware store, wholesale establishments, machinery or equipment sales and service, clothing or shoe repair or service shop: two parking spaces plus one additional parking space for each three hundred (300) square feet of floor area over one thousand (1,000) square feet.
9. Hospital: one parking space for each bed.

10. Hotel: one parking space for each sleeping room or suite, plus one space for each two hundred (200) square feet of commercial floor area contained therein.
11. Manufacturing or industrial establishment, research or testing laboratory, creamery, bottling plant, warehouse, printing or plumbing shop, or similar establishment: one parking space for each two employees on the maximum working shift, plus space to accommodate all trucks and other vehicles used in connection therewith, but not less than one parking space for each six hundred (600) square feet of floor area.
12. Mortuary or funeral home: one parking space for each fifty (50) square feet of floor space in slumber rooms, parlors or individual funeral service rooms.
13. Motor vehicle salesrooms and used car lots: one parking space for each eight hundred (800) square feet of sales floor or lot area.
14. Private club, lodge, country club or golf club: one parking space for each one hundred fifty (150) square feet of floor area, or for every five members, whichever is greater.
15. Retail store or personal service establishment, except as otherwise specified herein: one parking space for each two hundred (200) square feet of floor area. (This requirement is subject to prior approval of the zoning commission.)
16. Restaurant, nightclub, cafe or similar recreation or amusement establishment: one parking space for each one hundred (100) square feet of floor area.
17. Rooming or boarding house: one parking space for each two sleeping rooms.
18. Sanitarium, convalescent home, home for the aged or similar institution: one parking space for each six beds.
19. School, elementary: one parking space for each ten (10) seats in the auditorium or main assembly room, or two spaces for each classroom, whichever is greater.
20. School, secondary, and college: one parking space for each eight seats in the main auditorium or three spaces for each classroom, whichever is greater.
21. Theater, auditorium (except school) sports arena, stadium, or gymnasium: one parking space for each four seats or bench seating spaces.
22. Tourist home, cabin or motel: one parking space for each sleeping room or suite.

(Prior code Appx. B § 5.1)

17.32.020 - Number of parking spaces—Rules for computing.

In computing the number of parking spaces required for each of the above uses, the following rules shall govern:

- A. "Floor area" means the gross floor area of the specific use.
- B. Where fractional spaces result, the parking spaces required shall be construed to be the nearest whole number.
- C. The parking space requirement for a use not specifically mentioned herein shall be the same as required for a use of similar nature.
- D. Whenever a building or use constructed or established after the effective date of the ordinance codified in this title is changed or enlarged in floor area, number of employees, number of dwelling units, seating capacity or otherwise, to create a need for an increase of ten (10) percent or more in the number of existing parking spaces, such spaces shall be provided on the basis of the enlargement or change. Whenever a building or use existing prior to the effective date of the ordinance codified in this title is enlarged to the extent of fifty (50) percent or more in

floor area or in the area used, said building or use shall then and thereafter comply with the parking requirements set forth herein.

- E. In the case of mixed uses, the parking spaces required shall equal the sum of the requirements of the various uses computed separately.

(Prior code Appx. B § 5.2)

17.32.030 - 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:

- A. 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 or more buildings or establishments, the required spaces may be located not to exceed three hundred (300) feet from an institutional building served and not to exceed five hundred (500) feet from any other nonresidential building served.
- B. Not more than fifty (50) percent of the parking spaces required for: (1) theaters, bowling alleys, dance halls, nightclubs or cafes, and not more than eighty (80) percent of the parking spaces required for a church or school auditorium may be provided and used by: (2) banks, offices, retail stores, repair shops, service establishments and similar uses not normally open, used or operated during the same hours as those listed in (1); provided, however, that written agreement thereto is properly executed and filed as specified below.

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 assuring their retention for such purposes, shall be properly drawn and executed by the parties concerned, approved as to form by the city attorney, and shall be filed with the application for a building permit.

- C. Parking spaces in front of a building in the B and I districts are permitted only if the building is set back sufficient to provide for parking and maneuvering space inside the property line with entrance to and exit from such parking and maneuvering area by properly approved driveways.

(Prior code Appx. B § 5.3)

17.32.040 - Minimum dimensions for off-street parking.

- A. Ninety (90) Degree Angle Parking. Each parking space shall be not less than eight feet wide, nor less than eighteen (18) feet in length. Maneuvering space shall be in addition to parking space and shall be not less than twenty-four (24) feet perpendicular to the building or parking line.
- B. Sixty (60) Degree Angle Parking. Each parking space shall be not less than eight feet wide perpendicular to the parking angle, nor less than seventeen (17) feet in length when measured at right angles to the building or parking line. Maneuvering space shall be in addition to parking.
- C. Forty-Five (45) Degree Angle Parking. Each parking space shall be not less than eight feet wide perpendicular to the parking angle, nor less than sixteen (16) feet in length when measured at right angles to the building or parking line. Maneuvering space shall be in addition to parking space and shall be not less than eighteen (18) feet perpendicular to the building or parking line.
- D. Parking Adjacent To Alley. When off-street parking facilities are located adjacent to a public alley, the width of said alley may be assumed to be a portion of the maneuvering space requirement.
- E. Conformance of Discretionary Facilities. Where off-street parking facilities are provided in excess of the minimum amounts herein specified, or when off-street parking facilities are provided but not

required by this ordinance, the off-street parking facilities shall comply with the minimum requirements for parking and maneuvering space herein specified.

(Prior code Appx. B § 5.3)

17.32.050 - Required off-street loading spaces.

The following off-street loading spaces are required:

- A. When any building or structure is hereafter erected, or structurally altered to the extent of increasing the floor area by twenty-five (25) percent or more, or any building that may hereafter be converted for any commercial, wholesale, manufacturing or industrial purpose, shall provide off-street loading spaces as follows:
 - 1. One space for a building containing two thousand (2,000) to ten thousand (10,000) square feet of floor area;
 - 2. One additional loading space for a building containing ten thousand (10,000) to forty thousand (40,000) square feet of floor area;
 - 3. One additional loading space for each additional forty thousand (40,000) square feet of floor area.
- B. "Loading space" is an area within the main building or on the same lot, providing for standing, loading or unloading of trucks or trailers, and having a minimum dimension of fifteen (15) by forty-five (45) feet, and a vertical clearance of at least fourteen (14) feet. Provision for trash and garbage disposal must be provided adjacent to this space, subject to zoning commission approval for design and size.

(Prior code Appx. B § 5.5)

Chapter 17.36 - ACCESSORY USES AND BUILDINGS

Sections:

17.36.010 - Permitted accessory uses.

The following accessory uses are permitted:

- A. In the R-1, R-2 and R-3 districts:
 - 1. Private garages;
 - 2. Home occupations;
 - 3. Vegetable and flower gardens;
 - 4. Tennis courts, swimming pools, garden houses, pergolas, ornamental gates, barbecue ovens, fireplaces, and similar uses customarily accessory to residential use.
- B. In the R-4 and R-5 districts, there may also be storage garages solely for the uses of the occupants of the premises.
- C. In the B and I districts any accessory use is permitted.
- D. Temporary buildings, including "mobile homes," used for construction offices are permitted in any district as accessory buildings only during the course of construction.

- E. Accessory buildings may not be used for dwelling purposes.
- F. The keeping and raising of animals and fowl not otherwise prohibited by any ordinance shall be permitted in the R-1, R-2, and R-3 districts, subject to the following regulations:
 - 1. No animals or fowl of any kind or species shall be kept or raised in such districts for the purpose of sale or, resale, or for the purpose of producing meat, eggs, or other animal products for sale, or for producing off-spring for sale, or for any other commercial purpose or purposes; nor shall any such animals or fowl be kept in such numbers as to unreasonably interfere with or constitute a hazard to the health, safety, or welfare of neighboring property owners.
 - 2. No person shall keep, raise, or maintain horses, mules, donkeys, ponies, cattle, sheep or goats within such districts, or anywhere within the corporate limits of the city, except upon compliance with the following space requirements:
 - a. Horses, Mules, Donkeys, Ponies and Cattle. There shall be a minimum space of one thousand two hundred fifty (1,250) square feet per animal for each horse, mule, donkey, pony, cow, calf, steer, or bull kept within the city limits. Any space where such animals are kept shall be surrounded by a fence of sufficient strength to confine such animals therein and to prevent the same from escaping and being at large, which confining or surrounding fence shall be not less than one hundred (100) feet at its closest point from the residence or dwelling of any other person than the owner of such animal or animals.
 - b. Sheep and Goats. There shall be a minimum space of two hundred fifty (250) square feet per animal for each sheep or goat kept within the city limits. Any space where such animals are kept shall be surrounded by a fence of sufficient strength to confine such animals therein and to prevent the same from escaping or being at large, which confining or surrounding fence shall be located not less than fifty (50) feet at its closest point from the residence or dwelling of any other person than the owner of such animal or animals.

(Prior code Appx. B § 6.1)

17.36.020 - Accessory buildings.

- A. Accessory buildings shall be located in accordance with the following rules:
 - 1. Accessory buildings and swimming pools shall be located in the rear yard, and shall not occupy more than 30 percent of the rear.
 - 2. Accessory buildings closer than ten feet to the main building shall be considered as part of the main building and shall be provided with the side and rear yards required for the main building (chapter 17.24, section 17.24.010).
 - 3. An accessory building more than ten feet from the main building must comply with a six-foot setback from the side and rear property line.
- B. Carports/garages shall be located in accordance with the following rules:
 - 1. Where a garage or carport is entered from an alley, it must be kept at least six feet from the alley line.
 - 2. Garages or carports, detached or attached to the main use building, entered on the side street of a corner lot, shall maintain the side yard for that district (chapter 17.24, section 17.24.010).
 - 3. Carports in the front yard must comply with the "carport exception" regulations (chapter 17.24, section 17.24.040).

(Ord. No. 2011-23, § 2, 8-23-2011; Ord. No. 2011-16, § 2, 6-14-2011; prior code Appx. B § 6.3)