

ZONING ORDINANCE

**Revision #8
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City of Lampasas, Texas

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City of Lampasas, Texas
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ZONING ORDINANCE

City of Lampasas, Texas

(Ordinance No. 878)

I. ENACTING PROVISIONS

SECTION 1 ENACTING CLAUSE

THAT THE COMPREHENSIVE ZONING ORDINANCE, ORDINANCE NO. 727 OF THE CITY OF LAMPASAS, TEXAS, AS PASSED AND APPROVED ON THE 27TH DAY OF MARCH, 1995, TOGETHER WITH ALL AMENDMENTS THERETO, IS HEREBY AMENDED AND REPLACED IN ITS ENTIRETY TO READ AS FOLLOWS:

SECTION 2 PURPOSE

As authorized by Chapter 211 of the Texas Local Government Code, the zoning regulations and districts as herein established have been made in accordance with an adopted comprehensive plan for the purpose of promoting the public health, safety, morals and general welfare, and protecting and preserving places and areas of historical, cultural or architectural importance and significance within the City. They have been designed to lessen the congestion in the streets; to secure safety from fire, panic and other dangers; to ensure adequate light and air; to prevent the overcrowding of land and thus avoid undue concentration of population; and to facilitate the adequate provision of transportation, water, wastewater treatment, schools, parks and other public requirements. They have been made with reasonable consideration, among other things, for the character of each zoning 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.

SECTION 3 ZONING DISTRICT MAP

The boundaries of zoning districts set out herein are delineated upon a Zoning District Map of the City, adopted as part of this Ordinance as fully as if the same were set forth herein in detail.

- 3.1 One original of the Zoning District Map shall be filed in the office of the City Secretary and labeled as Ordinance No. 878. This copy shall be the official Zoning District Map and shall bear the signature of the Mayor and attestation of the City Secretary. This copy shall not be changed in any manner. In case of any question, this copy, together with amending ordinances, shall be controlling.
- 3.2 A copy of the original Zoning District Map shall be placed in the office of the Building Official. The copy shall be used for reference and shall be maintained up-to-date by posting thereon all subsequent amendments. Reproductions for informational purposes may be made of the official Zoning District Map or this copy.

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SECTION 4 ZONING DISTRICT BOUNDARIES

- 4.1 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 District Map, the following rules shall apply:
- A. Boundaries indicated as approximately following the centerline of streets, highways or alleys shall be construed to follow such centerline.
 - B. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
 - C. Boundaries indicated as approximately following City limits shall be construed as following City limits.
 - D. Boundaries indicated as following railroad lines shall be construed to be midway between the right-of-way lines.
 - E. Boundaries indicated as following the centerline of creeks, streams or drainageways shall be construed to follow such centerline, and in the event of change in the centerline shall be construed to move with such centerline.
 - F. Boundaries indicated as parallel to or extensions of features indicated with Subsections A through E above shall be so construed. Distances not specifically indicated on the official Zoning District Map shall be determined by the scale of the Map.
 - G. Whenever any street, alley or other public way is vacated by official action of the City Council or whenever such 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 public way and all areas so involved shall then and henceforth be subject to all regulations of the extended districts.
 - H. The zoning classification applied to a tract of land adjacent to a street shall extend to the centerline of the street unless, as a condition of zoning approval, it is stated that the zoning classification shall not apply to the street.
 - I. Where physical features on the ground are at variance with information shown on the official Zoning District Map or when there arises a question as to how or whether a parcel of property is zoned and such question cannot be resolved by the application of Subsections A through H, the property shall be considered classified as "AG" (Agricultural), in the same manner as provided for newly annexed territory.
 - J. Zoning changes which are still valid made between April 30, 1991 and the date of passage of this Ordinance are indicated in approximate locations on the Zoning District Map. For exact legal descriptions, refer to adopting ordinances for each particular zoning change.

SECTION 5 COMPLIANCE REQUIRED

All land, buildings, structures or appurtenances thereon located within the City of Lampasas, Texas which are hereafter occupied, used, constructed, erected, removed, placed, demolished, or converted shall be occupied, used, erect-

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ed, 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 or subject to penalties as per Section 47 of this Ordinance. All of the standards and regulations prescribed herein shall be considered as the minimum requirement unless explicitly stated otherwise.

No uses shall be allowed which are prohibited by State or Federal law or which operate in excess of State or Federal environmental or pollution standards as determined by the U.S. Environmental Protection Agency (EPA), Texas Air Control Board (TACB), Texas State Department of Health (TSDH), or The Texas Natural Resource Conservation Commission (TNRCC), as the case may be.

SECTION 6 ZONING UPON ANNEXATION

All territory hereinafter annexed to the City of Lampasas shall be classified as "AG" (Agricultural) until other zoning is established by the City. The procedure for establishing zoning other than "AG" for annexed territory shall conform to the procedure set forth in Section 10 of this Ordinance.

- 6.1 As soon as practical following annexation, but in no event more than one hundred and twenty (120) days thereafter, the City Council shall, on its own motion, initiate proceedings to establish the zoning on the newly annexed territory, thereupon the Building Official shall commence public notification and other standard procedures for zoning amendments as set forth in Section 10 of this Ordinance.
- 6.2 The initial zoning of a land parcel, whether it is interim in nature, by initiation of the landowner or by initiation of the City, must meet the requirements for notification and public hearings as set forth in Section 10 of this Ordinance and all other applicable State laws.
- 6.3 The owner of land to be annexed may submit an application for zoning the property simultaneously with submission of the petition for annexation, but no such annexation application may be made conditioned upon the approval of any particular zoning classification.
- 6.4 Within an area classified as "AG" (Agricultural):
 - A. No permit for the construction of a building or use of land shall be issued by the Building Official other than a permit which will allow the construction of a building or use permitted in the "AG" district, unless and until such territory has been classified in a zoning district other than the "AG" district by the City Council in the manner prescribed by Section 10, except as provided in Subsection B below.
 - B. If plans and/or preparations for developing a property for a use other than those specified in the "AG" district were already in progress prior to annexation of the property into the City of Lampasas, then the City Council may authorize construction of the project by a majority vote. Application of this subsection is contingent upon the following:
 1. An application for a building permit for the proposed building/use must be made to the Building Official of the City of Lampasas within three (3) months after annexation of the property into the City; and
 2. The applicant must be able to demonstrate that plans and other preparations for developing the property commenced prior to (i.e., were already in progress at the time of) annexation into the City.

In its deliberations concerning authorization to proceed with construction of a project which meets the above criteria, City Council shall take into consideration the appropriate land use for the area as shown on the City's Future Land Use Plan. Upon approval by the City Council, the City Manager shall notify the Building Official of such approval.

II. ADMINISTRATION

SECTION 7 NONCONFORMING USES AND STRUCTURES

7.1 INTENT OF PROVISIONS:

- A. Within the districts established by this Ordinance or amendments thereto, there exist lots, structures, uses of land and structures, and characteristics of use which were lawful before this Ordinance was enacted, amended or otherwise made applicable to such lots, structures or uses, but which do not now conform to the regulations of the district in which they are located. It is the intent of this Ordinance to permit such nonconforming uses to continue, as long as the conditions within this Section and other applicable sections of the Ordinance are met.
- B. It is further the intent of this Ordinance that nonconforming uses shall not be enlarged upon, expanded or extended, and shall not be used as a basis for adding other structures or uses prohibited elsewhere in the same district.
- C. Nonconforming uses are hereby declared to be incompatible with the permitted uses in the districts involved.

7.2 NONCONFORMING STATUS:

Any use, platted lot, or structure which does not conform with the regulations of the zoning district in which it is located shall be deemed a nonconforming use, platted lot, or structure when:

- A. Such use, platted lot, or structure was in existence and lawfully operating as of the effective date of this Ordinance, and has since been in regular and continuous use; or
- B. Such use, platted lot, or structure was in existence and lawfully operating as of the effective date of any amendment to this Ordinance, but by such amendment is placed in a district wherein such use, platted lot, or structure is no longer permitted, and has since been in regular and continuous use; or
- C. Such use, platted lot, or structure was in existence and lawfully operating at the time of annexation into the City and has since been in regular and continuous use.

7.3 CONTINUING LAWFUL USE OF PROPERTY AND EXISTENCE OF STRUCTURES:

- A. The lawful use of land or lawful existence of structures as of the effective date of this Ordinance, although such do not conform to the provisions hereof, may be continued; but if said nonconforming use or structure is discontinued or abandoned, as these terms are defined in Subsection B below, any future use of said premises shall be in conformity with the provisions of this Ordinance.
- B. "Discontinuance" of a nonconforming use shall be defined as the actual act or date that the use is discontinued (i.e., ceases to operate on the subject property). "Abandonment" of a nonconforming use or structure shall be defined as the actual act or date of abandonment as described in Subsection C.
- C. When a nonconforming use or structure which does not meet the development standards in this Ordinance ceases to be used in such manner as stated in Subsection B above for a time period of six (6)

months or longer, such use shall not be resumed and proof of such event shall constitute prima facie evidence of an act of abandonment, except as allowed in Subsection 7.5(E). Any nonconforming use which does not involve a permanent type of structure or operation and which is moved from the premises shall be considered to have been abandoned.

- D. No nonconforming use or structure may be expanded, reoccupied with another nonconforming use, or increased following the effective date of this Ordinance except as provided in Section 7.5.
- E. Conforming single-family residential uses on platted lots which were approved prior to the effective date of this Ordinance, which may now be nonconforming due to stricter standards, shall be deemed in conformance with this Ordinance as long as the use of the lot is allowed in the respective district. Only the lot size, depth, setbacks and width shall be allowed to be less than the regulations prescribed in the zoning district in which it is located. All other regulations of this Ordinance shall be met or the lot shall be considered nonconforming.
- F. Any existing vacant lot platted prior to the effective date of this Ordinance, which was legally conforming, shall be deemed a conforming lot.

7.4 CHANGING NONCONFORMING USES:

- A. Any nonconforming use may be changed to a conforming use, and once such change is made, the use shall not be changed back to a nonconforming use.
- B. Where a conforming use is located in a nonconforming structure, the use may be changed to another conforming use by the process outlined in Section 7.5 below.
- C. A nonconforming use may not be changed to another nonconforming use.

7.5 EXPANSION OF NONCONFORMING USES AND BUILDINGS:

An expansion of a nonconforming use or structure is allowed in accordance with the following:

- A. A nonconforming use located within a building may be extended throughout the existing building, provided that;
 - 1. No structural alteration (except as provided in Subsection E or F below) may be made on or in the building except those required by law to preserve such building in a structurally sound condition.
- B. No nonconforming use within a building may be extended to occupy any land outside the building. Except as provided in paragraph F. below.
- C. No nonconforming use of land or building shall be enlarged, increased, or extended to occupy a greater area of land than was occupied at the time the land became a nonconforming use, except to provide off-street loading or off-street parking space. Except as provided in paragraph F. below.
- D. The minimum residential lot areas for the various zoning districts shall be in accordance with their respective districts except that a lot having less area than herein required which was an official "lot of record" prior to the effective date of this Ordinance, may be used for a single-family dwelling.
- E. Buildings or structures which do not conform to the area regulations or development standards in this Ordinance but where the uses are deemed conforming shall not increase the gross floor area by more than ten percent (10%).
 - a. Expedited administrative approvals for residential expansions in excess of 10%. Owners of resi-

dential buildings located within one of the City's residential Zoning districts, which buildings are deemed to be non-conforming due to the fact that they have less square footage than that required by the applicable standard for the District in which they are located, and who desire to increase the gross floor area of the residential building by more than ten percent (10%) may seek expedited administrative approval of such construction plans, [as an alternative to seeking a variance to the City's Zoning Ordinances for same by means of an appearance before the Zoning Board of Adjustments], by taking the following actions:

1. Filing a written application for an "Expedited Administrative Review of a Plan to Increase Gross Floor Area in a Nonconforming Residential Building," with the City's Building Official, or his/her assignee, which application shall include: (a) the name, address, and other requisite information concerning the building owner/applicant; (b) the address of the property at issue, and (c) other information required by the City for processing the request, as shown on the City's application form, which is available from the City Secretary and/or Building Official.
 2. Providing with the Application all necessary documentation necessary for the City's evaluation and decision related to the expedited approval, such as, but not limited to: (a) construction plans in sufficient detail to satisfy City plan review requirements, (b) surveys, drawings, or other documentation related to the property involved; and (c) a description of the work desired to be undertaken.
- b. Upon receipt of an administratively complete Application for Expedited Administrative Approval, (which must include all documentation needed by the City to evaluate the request), the City's staff will undertake a review of the materials provided by the Applicant.
1. If additional information is required for completion of the City's review, the City's staff will notify the Applicant of same, in writing, within 10 days of its receipt of the Application, detailing what additional information must be submitted by the Applicant, and providing a timeframe for the submission of such materials.
 2. It shall be the sole responsibility of the Applicant to timely provide to the City any required documentation (or other information) necessary for its review and the administrative approval process. If the Applicant does not provide the information requested by the City within the timeframe specified, the City shall deem the Application to be automatically withdrawn, and shall cease all work related to same on the date the Applicant fails to meet specified deadlines for submission.
 3. If the Application for Expedited Administrative Approval fails due to Applicants' failure to timely provide the City with Requested materials, Applicant shall be barred from re-applying for an Expedited Administrative Approval on the property at issue, unless such subsequent re-application is specifically authorized by the City Manager, at his sole discretion. Such applicant(s) may, however, seek variances to the City's Code, as otherwise allowed by State and local laws and regulations.
- c. Within 10 days of receipt of a complete and final Application, the City will issue an administrative decision, in the form of an "Administrative Letter to Applicant" with such letter either approving or denying the Applicant's request to increase the gross floor area of the residential building by more than ten percent (10%).
- d. The decision of the City's administrative staff on the Expedited Approvals shall be final as to such venue and administrative process. Applicants who are denied approval through the administrative procedures outlined herein may, however, at their sole cost and discretion, seek variances to the City's Code as otherwise allowed by State and local laws and regulations.

- F. Buildings or structures which have been vacant or abandoned for more than six (6) months and do not meet the current area regulations or development standards shall be allowed to be reoccupied by a conforming use if Subsection E above is followed.
- G. A nonconforming use may be required to provide screening such that its operations (or some portion of its operations/facility) are not visible from the street or surrounding property, may be required to eliminate any nuisance factor caused by the nonconforming use, or the nonconforming use may be eliminated itself if it is deemed detrimental or hazardous to the health, safety or welfare of nearby residents or other citizens. The Planning and Zoning Commission may, after notice and public hearing, review any of the above situations and make an appropriate recommendation to City Council. The City Council may, after notice and public hearing, make a final ruling on any of the above situations. The Planning and Zoning Commission's recommendation (i.e., to provide screening, to eliminate a nuisance factor, or to eliminate the nonconforming use itself) may be appealed to City Council, whereupon a three-quarters ($\frac{3}{4}$) vote of the Council will be required to reverse the Planning and Zoning Commission's recommendation.
- H. An existing legally nonconforming residential use of an existing structure may be enlarged, increased, or extended to occupy a greater area of land than was occupied at the time the structure became a nonconforming use by not more than fifty percent (50%) of original size provided the expansion complies with the base zoning district requirements and minimum of a ten feet (10') side yard setback is maintained.

7.6 RESTORATION OF NONCONFORMING STRUCTURE:

- A. If a structure occupied by a nonconforming use is destroyed by fire, the elements, or some other cause, it may not be rebuilt except to conform to the provisions of this Ordinance. In the case of partial destruction of a nonconforming structure which does not exceed fifty percent (50%) of its total appraised value as determined by the Lampasas County Central Appraisal District, reconstruction will be permitted, but the previously existing square footage of the structure and/or the function of the nonconforming use cannot be expanded.

7.7 RELOCATION OF NONCONFORMING STRUCTURE:

- A. A nonconforming structure can be relocated (i.e., moved) to another site on the same lot/tract upon which it was previously located, subject to submission of a structure relocation plan to the Building Official for review and approval, and subject to compliance with setback regulations for the zoning district in which the structure is located. If said setback regulations of the zoning district cannot be reasonably adhered to, then the Building Official may waive this requirement upon a finding that such waiver would be in the public interest and would not be detrimental or hazardous to the health, safety or welfare of nearby property owners or other citizens.
- A. Should a nonconforming structure be relocated (i.e., moved) from its original site to a different lot/tract, it shall thereafter conform to the regulations (e.g., setbacks, height, square footage, construction materials, etc.) for the zoning district into which it is moved.

7.8 COMPLETION OF STRUCTURES:

- A. Nothing herein contained shall require any change in the plans, construction or designated use of the following:
 - 1. A building or structure for which a building permit has been issued or a site plan approved prior to the effective date of this Ordinance; or

2. A building or structure for which a substantially complete application for a building permit was accepted by the Building Official on or before the effective date of this Ordinance provided, however, that such building permit shall comply with all applicable ordinances of the City of Lampasas in effect on the date such application was filed and the building permit is issued within thirty (30) days of the effective date of this Ordinance.

SECTION 8

PLANNING AND ZONING COMMISSION

8.1 GENERAL:

The Planning and Zoning Commission (also referred to as the Commission) shall function according to the following criteria which establishes membership and operating procedures. The powers and duties of the Planning and Zoning Commission are further defined in Section 10 of this Ordinance and in the General Ordinance of the City of Lampasas.

8.2 CREATED; MEMBERSHIP; OFFICERS; RULES & BYLAWS:

- A. There is created, in accordance with Subchapter 211.007 of the Texas Local Government Code, and established by Chapter 14 of the General Ordinance of the City of Lampasas the "Planning and Zoning Commission", hereafter sometimes referred to as the "Commission", which shall consist of seven (7) members who are resident citizens, taxpayers and qualified voters of the City of Lampasas.
- B. Members shall be appointed by the City Council of the City of Lampasas, and each person so appointed must be approved by a three-fourths ($\frac{3}{4}$) majority of the City Council before becoming a member of the Commission.
- C. All appointments to the Commission shall be for a term of three (3) years, and expiration of terms shall be staggered so that an overlapping of terms occurs. Terms of office shall begin immediately upon appointment, and shall expire on September 30th of the third year of service by the member.
- D. Any vacancy(s) on the Commission shall be filled for the unexpired term(s) via appointment by the City Council for the remainder of the term.
- E. Members of the Planning and Zoning Commission may be removed from office at any time by a three-fourths ($\frac{3}{4}$) majority vote of the City Council for cause or no cause, or by a three-fourths ($\frac{3}{4}$) vote of the Planning and Zoning Commission, following a public hearing and for a cause(s), if any, assigned in writing. Failure to meet three consecutive scheduled meetings shall be deemed as neglect and cause for removal from office. Members who are serving at the time that a family member, within the second degree of affinity or within the third degree by consanguinity becomes a Council member, the Mayor or the City Manager, shall immediately be considered to have resigned from this office on the date that the member's relative takes the oath of office to hold the Council position or is retained as the City Manager.
- F. The members of the Commission shall serve without compensation.
- G. The Commission shall elect a Chairman and a Vice-Chairman from among its membership, and each officer shall hold office for one (1) year or until replaced by a majority vote of the Commission. The Building Official, or his/her designee, shall act as Secretary for the Commission and shall keep minutes of all meetings held by the Commission and the full record of all recommendations to be made by the Planning and Zoning Commission to the City Council.
- H. The Commission shall have the power to make the rules, regulations and bylaws for its own government, which shall conform as nearly as possible with those governing the City Council, and the rules, regulations and bylaws shall be subject to approval by City Council. Such rules and bylaws shall include, among other items, provisions for:
 - 1. Regular and special meetings, open to the public;
 - 2. A record of its proceedings, to be open for inspection by the public;

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3. Reporting to the governing body and the public, from time to time and annually; and
4. The holding of public hearings on its recommendations.

8.3 **PARLIAMENTARY PROCEDURE; QUORUM; VOTING:**

- A. The Commission is empowered to establish its own parliamentary procedure, provided that such shall not be in conflict with the laws applicable to the Commission on the following:
 1. **Quorum** - A quorum shall consist of a majority of the entire membership of the Commission, and any issue to be voted upon shall be resolved by a majority of those present.
 2. **Voting** - All Commission members, including the presiding Chairman, shall be entitled to one vote each upon any question, a quorum being present.
 3. **Conflict of Interest** - If any member has a conflict of interest regarding any item on the Commission's agenda, he/she shall remove himself/herself from the room and shall refrain from voting only on the item for which a conflict exists.

8.4 **MEETINGS; PUBLIC RECORD:**

- A. The Planning and Zoning Commission shall meet the 3rd Tuesday of each month in the City Council Chamber, or in some other specified location as may be designated by the presiding Chairman, and at such intervals as may be necessary to orderly and properly transact the business of the Commission but not less than once each month.
- B. Meetings shall be open to the public, and minutes shall be kept and shall be treated as public record.

8.5 **ESTABLISHING EXTRATERRITORIAL JURISDICTION:**

- A. Statutes of the State of Texas authorizing and empowering cities to regulate the platting and recording of subdivisions or additions within the corporate limits and establishing extraterritorial jurisdiction are hereby adopted, and the Commission, acting through its duly authorized officials, shall have all the rights, powers, privileges and authority authorized and granted by and through said statutes pertaining to regulation of subdivisions and extraterritorial powers.
- B. The Commission shall have all the rights, powers, privileges and authority authorized and granted by and through the Statutes of the State of Texas authorizing and granting cities the power of zoning as found in Article 1011a through 1011l of the Texas Local Government Code, as amended.

8.6 **POWERS AND DUTIES:**

- A. In general, the Planning and Zoning Commission shall be an advisory body and adjunct to the City Council, and shall make recommendations regarding amendments to the Comprehensive Plan, changes of zoning and zoning to be given to newly annexed areas, and shall make recommendations regarding the approval of plats of subdivisions as may be submitted to it for review and other planning related matters. The Planning and Zoning Commission shall conduct an annual review of the City's Comprehensive Plan and shall be prepared to make recommendations to the City Council as deemed necessary to keep the City's Comprehensive Plan current with changing conditions and trends and with the planning needs of the City. The Planning and Zoning Commission shall serve in an advisory capacity on any planning related item(s) in the City.

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- B. The Commission's specific duties are those outlined in detail within Chapter 90 of the General Ordinance of the City of Lampasas.

8.7 **PROCEDURE ON ZONING HEARINGS:**

- A. The procedure and process for zoning changes/amendments shall be in accordance with Section 10.

SECTION 9

ZONING BOARD OF ADJUSTMENTS (ZBA)

9.1 CREATION:

- A. There is hereby created a Zoning Board of Adjustments (ZBA), hereafter referred to as the "Board", for the purpose, in appropriate cases and subject to appropriate conditions and safeguards, to make special exceptions to the terms of this Ordinance that are consistent with the general purpose and intent of this Ordinance. The Board shall be composed of members who are resident citizens, taxpayers and qualified voters of the City of Lampasas.

9.2 MEMBERS; TERMS OF OFFICE:

- A. The Zoning Board of Adjustment shall consist of five (5) regular members and four (4) alternate members who shall be appointed by a majority vote of the City Council, in accordance with sections 211.008 through 211.011 of the Texas Local Government Code, as amended.
- B. Board members shall serve for a period of two (2) years and until their successors are duly appointed and qualified. Terms of this office shall begin immediately upon appointment and shall expire on September 30th of the second year of service by the member provided that a duly appointed and qualified successor has been named. Three (3) regular board members and two (2) alternate members shall be appointed to serve for the two (2) year term on the odd numbered years, and two (2) regular board members and two (2) alternate board members shall be appointed to serve for the two (2) year term on the even numbered years and on each succeeding year thereafter. The City Council shall appoint replacements for the Board members whose terms have expired.
- C. Members of the Board shall regularly attend meetings and public hearings of the Board, and shall serve without compensation.
- D. Members may be removed by a majority vote of the members of City Council, for cause on a written charge after a public hearing. Board members may be appointed to succeed themselves. Members who are serving at the time that a family member, within the second degree of affinity or within the third degree by consanguinity becomes a Council member, the Mayor or the City Manager, shall immediately be considered to have resigned from this office on the date that the member's relative takes the oath of office to hold the Council position or is retained as the City Manager.
- E. Any vacancy of a regular member shall be filled by appointment of an alternate member by majority vote of the City Council for the unexpired term of a member whose term becomes vacant. Any member absent from three (3) regular consecutive meetings shall be deemed to have vacated such office unless such absences were due to sickness of the member or the member's family with leave being first obtained from the Chairman. Vacancies of an alternate member shall be filled by appointment of the City Council by majority vote.

9.3 MEETINGS:

- A. Meetings of the Zoning Board of Adjustments shall be held at the call of the Chairman and at such other times as the Board may determine. All meetings of the Board shall be open to the public. Four (4) members of the Board shall constitute a quorum for the conduct of business. All cases to be heard by the Board must be heard by a minimum number of four (4) members.
- B. The Board, by majority vote, shall adopt rules in accordance with this Ordinance. The presiding officer or acting officer may administer oaths and compel the attendance of all witnesses.

- C. The Board shall keep minutes of its proceedings that indicate the vote of each member on each question or the fact that a member is absent or fails to vote. The Board shall keep records of its examinations and other official actions. The minutes and records shall be filed immediately in the Board's office, which is deemed to be the City Secretary's Office and are public record.

9.4 **AUTHORITY OF BOARD:**

The Board of Adjustment shall have the authority, subject to the standards established in Sections 211.008 to 211.011 of the Texas Local Government Code and those established herein, to exercise the following powers and perform the following duties:

- A. Hear and decide an appeal that alleges error in an order, requirement, decision or determination made by an administrative official in the enforcement of this Ordinance;
- B. Authorize the expansion or continuation of a nonconforming use or structure; and
- C. Authorize in specific cases a variance (see Section 9.6) from the terms of this Ordinance if the variance is not contrary to the public interest and, due to special conditions, a literal enforcement of the Ordinance would result in unnecessary hardship, and so that the spirit of this Ordinance is observed and substantial justice is done.
- D. In exercising its authority under Subsection A above, the Board may reverse or affirm, in whole or in part, or modify the administrative official's order, requirement, decision or determination from which an appeal is taken and make the correct order, requirement, decision or determination, and for that purpose the Board has the same authority as the administrative official.
- E. The concurring vote of at least four (4) members of the Board is necessary to:
 - 1. Reverse an order, requirement, decision or determination of an administrative official;
 - 2. Decide in favor of an applicant on a matter on which the Board is required to review under this Zoning Ordinance; or
 - 3. Authorize a variance from the terms of this Zoning Ordinance.

9.5 **LIMITATIONS ON AUTHORITY OF BOARD:**

- A. The Board may not grant a variance authorizing a use other than those permitted in the district for which the variance is sought, except as provided in Section 9.7.
- B. The Board shall have no power to grant or modify Specific Use Permits authorized under Section 35 of these regulations.
- C. The Board shall have no power to grant a zoning amendment. In the event that a request for a zoning amendment is pending before the Planning and Zoning Commission or the City Council, the Board shall neither hear nor grant any variances with respect to the subject property until final disposition of the zoning amendment.
- D. The Board shall not grant a variance (except as stated in Subsection E below) for any parcel of property or portion thereof upon which a site plan, preliminary plat or final plat, where required, is pending on the agenda of the Planning and Zoning Commission and, where applicable, by the City Council. All administrative remedies available to the applicant shall have been exhausted prior to hearing by the Zoning Board of Adjustments.
- E. For a nonconforming lot (i.e., a lot that was created and conforming prior to adoption of this Ordinance) -- If a variance(s) from the Zoning Ordinance standards has been requested, the Planning and

Zoning Commission and/or the City Council may defer its actions on any site plan or plat/replat that are pending before that body until the Zoning Board of Adjustments has acted on the variance request(s). The Planning and Zoning Commission and/or City Council may also approve any such site plan or plat/replat subject to (i.e., contingent upon) approval of any variance(s) that would be necessary to bring the site plan or plat/replat into compliance with the Zoning Ordinance.

9.6 **VARIANCES:**

- A. The Zoning Board of Adjustment may authorize a variance from these regulations when, in its opinion, undue hardship will result from requiring strict compliance. In granting a variance, the Board shall prescribe only conditions that it deems necessary for or desirable to the public interest. In making the findings herein below required, the Board shall take into account the nature of the proposed use of the land involved, existing uses of land in the vicinity, the number of persons who will reside or work within the proposed use, and the probable effect such variance will have upon traffic conditions and upon the public health, safety, convenience and welfare of the community.
- B. **Administrative approval of a Variance by the Building Official or Designee.** A variance may be approved administratively by the Building Official or designee under all the following conditions:
- a) The variance is only for side, front and rear yard setbacks.
 - b) The variance can only be approved up to 12 inches.
 - c) All Conditions set forth in this Ordinance must be met
- C. **Conditions Required for Variance** - No variance shall be granted without first having given public notice and having held a public hearing on the variance request in accordance with Section 9.9 of this Ordinance and unless the ZBA finds:
1. That there are special circumstances or conditions affecting the land involved such that the strict application of the provisions of this Ordinance would deprive the applicant of the reasonable use of his land; and
 2. That the variance is necessary for the preservation and enjoyment of a substantial property right of the applicant; and
 3. That the granting of the variance will not be detrimental to the public health, safety or welfare, or injurious to other property within the area; and
 4. That the granting of the variance will not have the effect of preventing the orderly use of other land within the area in accordance with the provisions of this Ordinance.
- Such findings of the ZBA, together with the specific facts upon which such findings are based, shall be incorporated into the official minutes of the ZBA meeting at which such variance is granted. Variances may be granted only when in harmony with the general purpose and intent of this Ordinance so that the public health, safety and welfare may be secured and substantial justice be done.
- D. **Findings of Undue Hardship** - In order to grant a variance, the Board must make written findings that an undue hardship exists, using the following criteria:
1. That literal enforcement of the controls will create an unnecessary hardship or practical difficulty in the development of the affected property; and
 2. That the situation causing the hardship or difficulty is neither self-imposed nor generally affecting all or most properties in the same zoning district; and
 3. That the relief sought will not injure the permitted use of adjacent conforming property; and
 4. That the granting of a variance will be in harmony with the spirit and purpose of these regulations.
- E. A variance shall not be granted to relieve a self-created or personal hardship, nor shall it be based sole-

ly on economic gain or loss, nor shall it permit any person the privilege in developing a parcel of land not permitted by this Ordinance to other parcels of land in the particular zoning district. No variance may be granted which results in undue hardship on another parcel of land.

- F. The applicant bears the burden of proof in establishing the facts justifying a variance.

9.7 **NONCONFORMING USES AND STRUCTURES:**

The Zoning Board of Adjustments shall have the authority to:

- A. Authorize the expansion or enlargement of a nonconforming use, or the expansion, enlargement or structural alternation to a structure containing a nonconforming use, when such an expansion, enlargement or alternation would not tend to prolong the life of the nonconforming use. Upon review of the facts, the ZBA may establish a specific period of time for the occupancy to revert to a conforming use.
- B. Authorize the reconstruction and occupancy of a nonconforming structure, or a structure containing a nonconforming use, where such structure has been damaged by fire or other causes to the extent of more than fifty percent (50%), but less than the total, of the replacement cost of the structure on the date of the damage. Such action by the ZBA shall have due regard for the property rights of the person or persons affected, and shall be considered in regard to the public welfare, the character of the area surrounding such structure, and the conservation, preservation and protection of property.
- C. Authorize the enlargement, expansion or repair of a nonconforming structure in excess of fifty percent (50%) of its current value. In such instance, current value shall be established at the time of application for a hearing before the ZBA.

If such expansion or enlargement is approved by the ZBA, all provisions of the district in which such structure is located shall apply to the new construction on the lot or parcel.

- D. Authorize a change of use from one nonconforming use to another nonconforming use, provided that such change is to a use of a more restrictive classification, the building or structure containing such nonconforming use shall not revert to the former lower or less restricted classification. The ZBA may establish a specific period of time for the conversion of the occupancy to a conforming use. Any change of a nonconforming use consistent with this Section shall be in accordance with the provisions of Section 7 of this Ordinance.
- E. Authorize the occupancy of an abandoned nonconforming structure. Such action by the ZBA shall have due regard for the property rights of the person or persons affected, and shall be considered in regard to the public welfare and safety, character of the area surrounding such structure, and the conservation, preservation and protection of property.

9.8 **APPEALS TO THE ZONING BOARD OF ADJUSTMENTS:**

- A. **Authority** - In addition to the authorization of variances from the terms of this Ordinance, the ZBA shall have the authority to hear and decide an appeal that alleges error in an order, requirement, decision or determination made by an administrative official in the enforcement of this Ordinance; the ZBA may reverse or affirm, in whole or in part, or may modify the administrative official's order, requirement, decision or determination from which an appeal is taken and make the correct order, requirement, decision or determination, and for that purpose, the ZBA has the same authority as the administrative official. The ZBA may also hear and decide other matters authorized by the Subdivision Ordinance and other ordinances regarding land use regulations.
- B. **Who May Appeal** - Any of the following persons may appeal to the ZBA a decision made by an administrative official:

1. A person directly aggrieved by the decision; or
 2. Any officer, department, board or office of the municipality affected by the decision.
- C. **Procedure for Appeal** - The appellant must file with the ZBA and the official from whom the appeal is taken a written notice of appeal specifying the grounds for the appeal. The appeal must be filed within sixty (60) days after the decision has been rendered. On receiving the notice, the official from whom the appeal is taken shall immediately transmit to the ZBA all papers constituting the record of action that is appealed. An appeal stays all proceedings in furtherance of the action that is appealed unless the official from whom the appeal is taken certifies in writing to the ZBA facts supporting the official's opinion that a stay would cause imminent peril to life or property. In that case, the proceedings may be stayed only by a restraining order granted by the ZBA or a court of record on application, after notice to the official, if due cause is shown. The appellant party may appear at the appeal hearing in person or by agent or attorney. The Board shall decide the appeal within four (4) weeks after the written request (i.e., notice of appeal) was received. The Board may reverse or affirm, in whole or in part, or modify the administrative official's order, requirement, decision or determination from which an appeal is taken, and make the correct order, requirement, decision, or determination.

9.9 **PROCEDURES:**

- A. **Application and Fee** - An application for a variance by the Zoning Board of Adjustments shall be made in writing using forms prescribed by the ZBA, and shall be accompanied by an application fee, a site plan and additional information as may be requested in order to properly review the application. Such information may include, but is not limited to, plat plans, site building plans and contour maps.
- B. **Review and Report by the City** - A City Inspector, or a duly authorized City official, shall visit the site where the proposed variance will apply and the surrounding area, and shall report his findings to the ZBA.
- C. **Notice and Public Hearing** - The Zoning Board of Adjustments shall hold a public hearing for consideration of the variance request no later than forty-five (45) days after the date the application for action, or an appeal, is filed. Notice of the public hearing shall be provided to all property owners within two hundred feet (200') of the affected property at least ten (10) days prior to the public hearing, and also published in the official local newspaper at least ten (10) days prior to the public hearing.
- D. **Action by the ZBA** - The ZBA shall not grant a variance unless it finds, based upon the evidence, that each of the conditions in Section 9.6 has been established. The ZBA may impose such conditions, limitations and safeguards as it deems appropriate upon the granting of any variance. Violation of any such condition, limitation or safeguard shall constitute a violation of this Ordinance.
- E. **Action on Denials by the ZBA** - If a request is denied by the Board, the same or similar request cannot be heard or reconsidered for six (6) months.

9.10 **FINALITY OF DECISIONS; JUDICIAL REVIEW:**

- A. All decisions of the ZBA are final and binding. However, any person aggrieved by a decision of the ZBA, a taxpayer, or an officer, department, board or office of the municipality may present a verified petition to a court of record which states that the decision of the ZBA is illegal, in whole or in part, and specifying the grounds of the illegality. Such petition must be presented within ten (10) days after the date the decision is filed in the Board's Office, which is deemed to be the City Secretary's office. Subject to the provisions of Chapter 211.011 of the Texas Local Government Code, only a court of record may reverse, affirm or modify a decision of the ZBA.

SECTION 10 CHANGES AND AMENDMENTS TO ALL ZONING ORDINANCES AND DISTRICTS, AND ADMINISTRATIVE PROCEDURES

10.1 DECLARATION OF POLICY AND REVIEW CRITERIA:

The City declares the enactment of these regulations governing the use and development of land, buildings, and structures as 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:

- A. To correct any error in the regulations or map.
- B. To recognize changed or changing conditions or circumstances in a particular locality.
- C. To recognize changes in technology, the style of living, or manner of conducting business.
- D. To change the property to uses in accordance with the approved Comprehensive Plan.

In making a determination regarding a requested zoning change, the Planning and Zoning Commission and City Council shall consider the following factors:

- E. 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.
- F. 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.
- G. 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 unavailable for development.
- H. 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.
- I. How other areas designated for similar development will be, or are unlikely to be, affected if the proposed amendment is approved.
- J. Any other factors which will substantially affect the public health, safety, morals, or general welfare.

10.2 AUTHORITY TO AMEND ORDINANCE:

The City Council may from time to time, after receiving a final report thereon by the Planning and 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. Any Ordinance regulations or zoning district boundary amendment may be ordered for consideration by the City Council, be initiated by the Planning and Zoning Commission, or be requested by the owner of real property, or the authorized representative of an owner of real property.

Consideration for a change in any district boundary line or special zoning regulation may be initiated only by the property owner or his authorized agent (proof of such authorization must be submitted with the zoning application, per Section 10.3), or by the Planning and Zoning Commission or City Council on its own motion when it finds that public benefit will be derived from consideration of such matter. In the event the ownership stated on an application and that shown in City records are different, the applicant shall submit proof of ownership and/or verification that he is acting as an authorized agent for the property owner.

No person who owes delinquent taxes, delinquent paving assessments, impact fees, or any other delinquent debts or obligations to the City of Lampasas, and which are directly attributable to a piece of property requested for zoning shall be allowed to submit a zoning request until the taxes, assessments, debts, or obligations directly attributable to said property and owed by the owner or previous owner thereof shall have been first fully discharged by payment, or until an arrangement satisfactory to the City has been made for the payment of such debts or obligations. It shall be the applicant's responsibility to provide evidence or proof that the taxes have been paid.

10.3 APPLICATION:

Each application for zoning or for an amendment or change to the existing provisions of this Zoning Ordinance shall be made in writing on an application form available at the City, filed with the City and shall be accompanied by payment of the appropriate fee as established by the City of Lampasas, Texas in Appendix A of the City Code of Ordinances. The application shall also be accompanied by additional information/materials (i.e., plans, maps, exhibits, legal description of property, information about proposed uses, etc.) as deemed necessary by the Building Official in order to ensure that the request is understood.

10.4 PUBLIC HEARING AND NOTICE:

- A. For zoning/rezoning requests involving real property, the Planning and Zoning Commission shall hold at least one public hearing on each zoning application, as per applicable state law (Texas Local Government Code Chapter 211, as may be amended). For proposed changes to zoning district boundaries (including rezoning requests), written notice of the public hearing to occur before the Planning and Zoning Commission shall be sent to all owners of property, as indicated by the most recently approved City tax roll, that is located within the area of application and within two hundred feet (200') of any property affected thereby, said written notice to be sent not less than ten (10) days before such hearing is held. Such notice may be served by using the last known address as listed on the most recently approved tax roll and depositing the notice, postage paid, in the United States mail.
- B. For requests involving proposed changes to the text of the Zoning Ordinance, notice of the P&Z hearing shall be accomplished by publishing the purpose, time and place of the public hearing in the official newspaper of the City not less than fifteen (15) days prior to the date of the public hearing. Changes in the Ordinance text which do not change zoning district boundaries (i.e., which do not involve a specific real property) do not require written notification to individual property owners.

10.5 FAILURE TO APPEAR:

Failure of the applicant or his representative to appear before the Planning and Zoning Commission or City Council for more than one hearing without an approved delay by the City Manager shall constitute sufficient grounds for the Planning and Zoning Commission or the City Council to table or deny the application unless the City is notified in writing by the applicant at least seventy-two (72) hours prior to the hearing.

10.6 PLANNING AND ZONING COMMISSION CONSIDERATION AND REPORT:

The Planning and Zoning Commission shall function in accordance with Section 8 of this Ordinance. The Planning and Zoning Commission, after the public hearing is closed, shall prepare its report and recommendations on the proposed change stating its findings, its evaluation of the request and of the relationship of the request to the Comprehensive Plan. The Planning and Zoning Commission may defer its report for not more than ninety (90) days from the time it was posted on the agenda, or until it has had an opportunity to consider other proposed changes which may have a direct bearing thereon, unless a postponement is requested by the applicant.

- 10.7 (a) If the Planning and Zoning Commission recommends denial of the zoning change request, it shall offer

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reasons to the applicant for the denial, if requested by the applicant. The Planning and Zoning Commission, at its discretion, may also recommend to the City Council that the zoning change request be denied, with prejudice (see Subsection 10.8(C) 2). The Planning and Zoning Chairman shall inform the applicant of the right to receive reasons for the denial.

(b) Alternatively, when an applicant requests a change of zoning on a parcel or parcels that the Planning and Zoning Commission does not approve, the Planning and Zoning Commission may, at its sole discretion, make a recommendation to the City Council that the Council consider and/or approve a zoning designation that is different than the zoning requested by the applicant, which the Commission determines would be appropriate and beneficial for the parcel in question, but such alternative recommendation shall only be made with the consent of the applicant. For example the Planning and Zoning Commission may recommend consideration and approval of "Light Industrial" or "Commercial" zoning on an applicant's denied request for "Industrial" zoning; or, the Commission may recommend the Council consider and approve SF-10 zoning on an applicant's denied request for SF-7.5.

10.8 CITY COUNCIL CONSIDERATION:

- A. Applications Recommended for Approval by the Planning and Zoning Commission** - Every application or proposal which is recommended for approval by the Planning and Zoning Commission, including alternative recommendations by Planning and Zoning Commission for less intensive designation per Section 10.7(b) above, with applicant's consent, shall be automatically forwarded to the City Council for setting and holding of public hearing thereon. No change, however, shall become effective until after the adoption of an ordinance for same and its publication as required by law.
- B. Applications Recommended for Denial by the Planning and Zoning Commission** - When the Planning and Zoning Commission makes a recommendation that a proposal should be denied (either with or without prejudice), then the request is deemed to have been denied and it will not be placed on the City Council agenda for consideration unless the applicant submits a written appeal of the Planning and Zoning Commission's decision within ten (10) days of such action/denial. Upon receipt of a written request (i.e., appeal) for City Council consideration of a denied application, the City Secretary shall cause to be published notice of a public hearing before City Council as described in Subsection E below (also see Subsection F.2 below).
- C. City Council Action on Zoning/Rezoning or Text Amendment Requests** - After a public hearing is held before City Council regarding the zoning application, the City Council may approve the request in whole or in part, deny the request in whole or in part, table the application to a future meeting, or it may refer the application back to the Planning and Zoning Commission for further study.
1. If City Council approves the request, then Subsection 10.8.G would apply.
 2. In considering a motion or upon voting to deny a zoning application, the City Council may further consider whether the application shall be denied with or without prejudice against refiling (i.e., resubmission of the application). If the City Council denies the application and does not clearly state the same as being denied with prejudice, then the application is deemed to be denied without prejudice against refiling and it may be resubmitted by the applicant at any time following the denial. If the City Council denies the application with prejudice, then no other zoning application may be filed for all or part of the subject tract of land (or for that portion of the Zoning Ordinance, in the case of a text amendment request) for a waiting period of six (6) months following the denial.
 - a. The Planning and Zoning Commission or, on appeal, the City Council may waive the six-month waiting period if, after due consideration of the matter at a scheduled and posted meeting, it is determined that denial of the request was based upon erroneous or omitted information, or if substantial new information pertaining to the request is discovered.
 3. In the event that the City Council approves the Planning and Zoning Commission's alternative recommendation for a less intense zoning designation per Section 10.7 (b) above, then Subsec-

tion 10.8 F (3) would apply to the vote required by the Council to adopt the change in the zoning.

- D. Reconsideration of Zoning Applications Previously Denied by City Council** - The City Council may reconsider a zoning application that was previously denied (either with or without prejudice) if a written request to do so is received from the applicant within thirty (30) days following such denial, and if such denial was based upon erroneous or omitted information or if substantial new information pertaining to the request is discovered. Such reconsideration shall only be heard upon a favorable vote by four or more members of the City Council to reconsider the application. No previous denial of the application shall be overturned except by a three-fourths (3/4) vote of the City Council. Written notice of any such reconsideration shall be given to all property owners within two hundred feet (200') of the subject property at least ten (10) days prior to any reconsideration hearing. All costs of such notices shall be paid by the applicant for reconsideration prior to any vote on the matter.
- E. City Council Hearing and Notice for Zoning Changes** - Notice of the City Council public hearing for zoning/rezoning and Zoning Ordinance text amendment requests shall be given by publishing the purpose, time and place of such hearing in the official newspaper of the City not less than fifteen (15) days prior to the date of the public hearing.
- F. Three-Fourths Vote:**
1. A favorable vote of three fourths (3/4) of all members of the City Council shall be required to approve any change in zoning when written objections are received from twenty percent (20%) of the area of the adjacent landowners which comply with the provisions of Section 211.006 of the Texas Local Government Code (commonly referred to as the "twenty percent (20%) rule"). If a protest against such proposed amendment, supplement or change has been filed with the City Secretary, duly signed and acknowledged by the owners of twenty percent (20%) or more, either of the area of the lots included in such a proposed change or those immediately adjacent to the area thereof extending two hundred feet (200') therefrom or of those directly opposite thereto extending two hundred feet (200') from the street frontage of such opposite lots, such amendments shall not become effective except by a three-fourths (3/4) vote of the City Council.
 2. When the Planning and Zoning Commission makes a recommendation(s) that a proposed zoning change or site plan be denied, including alternative recommendations by Planning and Zoning Commission for less intensive designation per Section 10.7(b) above, with applicant's consent, and if denial of the request is appealed to City Council pursuant to the provisions of Subsection 10.8(B) above, then the request shall require a three-fourths (3/4) majority vote from City Council for it to be approved.
 3. If the Planning and Zoning Commission recommends, an alternative of a less intense zoning designation, per Section 10.7 (b) above, at its sole discretion, but the council rejects the alternative suggested and desires to approve the applicant's original request, then a favorable vote of three-fourths (3/4) of the Council is required to approve the applicant's original zoning request.
- G. Final Approval and Ordinance Adoption** - Upon approval of the zoning request by the City Council, the applicant shall submit all related material with revisions, if necessary, to the City for the preparation of the amending ordinance. A metes and bounds description of all property and appropriate exhibits must be submitted with the zoning change request application. The amending ordinance will not be approved until a correct description has been prepared. The zoning request shall be approved at the time the City Council makes a decision to approve the request as submitted or with certain conditions.

10.9 JOINT PUBLIC HEARINGS:

As authorized in Section 211.007 of the Texas Local Government Code, the City Council may, by a two-thirds (2/3) vote, prescribe the type of notice to be given of the time and place of a public hearing held jointly by the City Council and Planning and Zoning Commission. If the notice provisions are different than Section 10.4 above, then the provisions of Section 10.4 do not apply.

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SECTION 11

CERTIFICATES OF OCCUPANCY AND COMPLIANCE

11.1 **Certificates of Occupancy shall be required for any of the following:**

- A. Occupancy and use of a building hereafter erected or structurally altered
- B. Change in use of an existing building to a use of a different classification
- C. Change in the use of land to a use of a different classification

No such use, or change of use, shall take place until a Certificate of Occupancy therefore shall have been issued by the Building Official. A fee shall be established by separate ordinance.

11.2 **Procedure for New or Altered Buildings** - Written application for a Certificate of Occupancy for a new building or for an existing building which is to be altered shall be made at the same time as the application for the Building Permit for such building. Said Certificate shall be issued after the Building Official orders the building or structure inspected and finds no violations of the provisions of this Ordinance or other regulations which are enforced by the Building Official. Said Certificate shall be issued by the Building Official or his agent after the erection or alteration of such building or part thereof has been completed in conformity with the provisions of this Ordinance.

11.3 **Procedure for Vacant Land or a Change in Building Use** - Written application for a Certificate of Occupancy for the use of vacant land, a change in the use of land or a change in the use of a building, or for a change from a nonconforming use to a conforming use, shall be made to said Building Official or his agent. If the proposed use is a conforming use, as herein provided, written application shall be made to said Building Official. If the proposed use is found to be in conformity with the provisions of this Ordinance, the Certificate of Occupancy shall be issued after the application for same has been made and all required inspections are completed and approved by the Building Official.

11.4 **Contents** - Every Certificate of Occupancy shall contain the following: 1) building permit number; 2) the address of the building; 3) the name and address of the owner; 4) a description of that portion of the building for which the Certificate is issued; 5) a statement that the described portion of the building has been inspected for compliance with the requirements of the SBCCI, group and division of occupancy; 6) the name of the Building Official; 7) use (uses) allowed; 8) maximum number of persons/occupants; and 8) issue date of Certificate of Occupancy.

11.5 **Conditional Certificate of Occupancy** - If the Building Official or his agents find that no substantial hazard will result from occupancy of any building or portion thereof before the same is completed, a Conditional Certificate of Occupancy may be issued for a period not to exceed six (6) months, for the use of a portion or portions of a building or structure prior to the completion of the entire building or structure. Such Conditional Certificate of Occupancy shall not be construed as in any way altering the respective rights, duties, or other obligations of the owners/tenants relating to the use or occupancy of the premises or any other provision of this Ordinance.

11.6 **Posting** - The Certificate of Occupancy shall be posted in a conspicuous place on the premises and shall not be removed except by the Building Official or his authorized agent.

11.7 **Revocation** - The Building Official may, in writing, suspend or revoke a Certificate of Occupancy issued under the provisions of this Ordinance whenever the Certificate is issued in error, or on the basis of incorrect information supplied, or when it is determined that the building or structure or portion thereof is in violation of any ordinance or regulation or any of the provision of this Ordinance or the building code and other codes adopted by the City, and any amendments thereto.

III. ZONING DISTRICTS

SECTION 12 ZONING DISTRICTS ESTABLISHED

- 12.1 The City of Lampasas, Texas is hereby divided into the following zoning districts. The use, height and area regulations as set out herein apply to each district. The districts established herein shall be known as:

<u>Abbreviated Designation</u>	<u>Zoning District Name</u>
Base Districts	
AG	Agricultural
SF-20	Single-Family Estate Residential-20 (minimum 20,000 square-foot lots)
SF-10	Single-Family Residential-10 (minimum 10,000 square-foot lots)
SF-8	Single-Family Residential-8 (minimum 8,000 square-foot lots)
SF-7.5	Single-Family Residential-7.5 (minimum 7,500 square foot lots)
SF-6	Single-Family Residential-6 (minimum 6,000 square-foot lots)
SF-PH	Single-Family Residential-Patio Home (zero-lot-line homes)
2F	Two-Family Residential (duplex homes)
SFA	Single-Family Attached Residential (townhomes)
MF-1	Multi-Family Residential-1 (triplex and quadriplex homes)
MF-2	Multi-Family Residential-2 (apartments)
MH	Manufactured Home
O	Office
NR	Neighborhood Retail
R	Retail
CBD	Central Business District
C	General Commercial
LI	Light Industrial
HI	Heavy Industrial
Overlay Districts	
PD	Planned Development
MHO	Manufactured Home Overlay District
HDO	Historic District Overlay
SUP	Specific Use Permit

- 12.2 A summary of the area regulations for the following zoning districts is included in the Appendix (A-5).

- 12.3 Certain terms and definitions used within this Ordinance can be found in the Appendix (A-3).

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SECTION 13 AG -- AGRICULTURAL DISTRICT

13.1 GENERAL PURPOSE AND DESCRIPTION:

The AG, Agricultural, district is designed to permit the use of land for the propagation and cultivation of crops and similar uses of vacant land. Single-family uses on large lots are also appropriate for this district. Territory that has been newly annexed into the City is given the AG classification until it is assigned another more permanent zoning district.

13.2 PERMITTED USES:

- A. 1. Those uses specified in Section 35 (Use Charts).
2. Single-family detached dwelling, including a mobile home or HUD-Code mobile home provided it complies with the Manufactured Home Overlay (MHO) District regulations (Section 32).
3. Farms, barns, nurseries, greenhouses or gardens on parcels five (5) acres or larger, limited to the propagation and cultivation of plants, provided no retail business is conducted on the premises except as provided under home occupation (Appendix A-3, Definitions) and except as may be permitted with a SUP.
4. Municipally-owned facilities and uses.
5. Accessory buildings and uses, customarily incidental to the above uses and located on the same lot therewith, but not involving the conduct of a retail business except as provided herein:
- a. The term accessory use shall include customary home occupations as herein defined.
- b. Accessory buildings, including a private garage, shall not occupy more than fifty percent (50%) of the minimum required rear yard. When the accessory building is directly attached to the main building, it shall be considered an integral part of the main building. See Section 38 for additional accessory use requirements.
- c. A detached private garage used in conjunction with the main building.
- d. Antennae (amateur or CB radio) and/or satellite dish antennae, as specified in Section 41.5.
- e. Detached garages and living quarters above a detached garage, or other accessory buildings such as barns, sheds, and other structures are permitted. Detached servants quarters without a garage shall be permitted by SUP and are required to be on a lot five (5) acres or larger. No such accessory building or quarters shall be used or occupied as a place of abode or dwelling by anyone other than a bona fide servant or farm worker actually and regularly employed by the land owner or occupant of the main building or is a guest or family member. The structure shall not, in any case, be leased or sold.
- f. Private open space or other private recreational amenities as part of a residential subdivision and not for commercial purposes.
6. Swimming Pool (private).
7. Utilities (public).
8. Such uses as may be permitted under the provisions of Specific Use Permits, Section 34.

13.3 HEIGHT REGULATIONS:

A. Maximum Height:

1. Two and one-half (2½) stories or thirty-five feet (35') for the main building and detached garages with living quarters.
2. One (1) story for accessory buildings without garages.
3. Other (see Section 41).

13.4 AREA REGULATIONS:

A. Size of Lots:

1. **Minimum Lot Area** - Five (5) acres
2. **Minimum Lot Width** - Two hundred feet (200')
3. **Minimum Lot Depth** - Two hundred feet (200')

B. Size of Yards:

1. **Minimum Front Yard** - Fifty feet (50')
2. **Minimum Side Yard** - Ten percent (10%) of the lot width but need not exceed fifteen feet (15'); twenty-five feet (25') from a street right-of-way for a corner lot
3. **Minimum Rear Yard** - Ten feet (10') for the main building; twenty feet (20') from a garage or carport to an alley; ten feet (10') from a main building to an accessory building

C. Maximum Lot Coverage: Thirty percent (30%) by main buildings; fifty percent (50%) including accessory buildings, driveways and parking areas

D. Parking Regulations

1. **Single-Family Dwelling Unit** - A minimum of two (2) enclosed (i.e., garage) parking spaces behind the front building line on the same lot as the main structure
2. **Other** - See Section 36, Off-Street Parking and Loading Regulations

E. Minimum Floor Area per Dwelling Unit - Eight hundred (800) square feet

13.5 SPECIAL REQUIREMENTS:

- A. No Recreational Vehicle Park will be allowed without first obtaining a "Special Use Permit", as set forth by Section 34 of the City of Lampasas Comprehensive Zoning Ordinance.
- B. Electrical fencing and barbed wire is prohibited as perimeter fencing except for containment of farm animals on five (5) or more acres.
- C. Open storage is prohibited (except for materials for the resident's personal use or consumption such as firewood, garden materials, etc.).
- D. Single-family homes with side entry garages where lot frontage is only to one street (not a corner lot) shall have a minimum of twenty five feet (25') from the door face of the garage or carport to the side property line for maneuvering.
- E. Swimming pools shall be enclosed by a security fence not less than six (6) feet in height. All swimming pool security fences shall be constructed so as not to have openings, holes or gaps larger than two (2) inches in dimension, except for doors and gates. All doors and gates shall be equipped with self-closing, self-latching devices.
- F. **Other Regulations** - As established by Sections 36 through 44.

SECTION 14

SF-20 -- SINGLE-FAMILY ESTATE RESIDENTIAL-20 DISTRICT

14.1 GENERAL PURPOSE AND DESCRIPTION:

The SF-20, Single-Family Estate Residential-20, district is intended to provide for development of primarily detached, single-family residences on lots of not less than twenty thousand (20,000) square feet.

14.2 PERMITTED USES:

- A. 1. Those uses specified in Section 35 (Use Charts).
2. Single-family detached dwellings.
3. Municipally-owned facilities and uses (no open storage or repair).
4. Real estate sales offices during the development of residential subdivisions in which the office is located until ninety-five percent (95%) of the building permits of the platted lots in the subdivision are issued. Site plan review and approval by the Building Official is required for both permanent (e.g., model home used as a sales office) and non-permanent (e.g., trailer or movable building unit) structures to be used as real estate sales offices (issuance of a temporary structure permit by the Building Official is also required for non-permanent structures).
5. Temporary field or construction office for uses incidental to construction work on the premises, which said buildings shall be removed upon the completion or abandonment of construction work or by order of the Building Official. The specific time period allowed shall be specified by the Building Official upon issuance of a temporary structure permit, and site plan review and approval by the Building Official is also required. The allowed time period may be extended for an additional one (1) year period upon approval of an extension by the Building Official.
6. Accessory buildings and uses, customarily incidental to the above uses and located on the same lot therewith, but not involving the conduct of a retail business except as provided herein:
- a. The term accessory use shall include customary home occupations as herein defined.
- b. Accessory buildings, including a private garage, shall not occupy more than fifty percent (50%) of the minimum required rear yard. When the accessory building is directly attached to the main building, it shall be considered an integral part of the main building. See Section 38 for additional accessory use requirements.
- c. A detached private garage used in conjunction with the main building.
- d. Antennae (amateur or CB radio) and/or satellite dish antennae, as specified in Section 41.5.
- e. Detached garages and living quarters above a detached garage, or other accessory buildings such as barns, sheds, and other structures are permitted. Detached servants quarters without a garage shall be permitted only by SUP and are required to be on a lot five (5) acres or larger. No such accessory building or quarters shall be used or occupied as a place of abode or dwelling by anyone other than a bona fide servant or farm worker actually and regularly employed by the land owner or occupant of the main building or is a guest or family member. The structure shall not, in any case, be leased or sold.
- f. Private open space or other private recreational amenities as part of a residential subdivision and not for commercial purposes.

7. Swimming Pool (private).
8. Utilities (public).
9. Such uses as may be permitted under the provisions of Specific Use Permits, Section 34.

14.3 HEIGHT REGULATIONS:

A. Maximum Height:

1. Two and one-half (2½) stories or thirty-five (35) feet for the main building.
2. One (1) story for accessory buildings without garages.
3. Other (see Section 41)

14.4 AREA REGULATIONS:

A. Size of Lots:

1. **Minimum Lot Area** - Twenty thousand (20,000) square feet
2. **Minimum Lot Width** - One hundred ten feet (110')
3. **Minimum Lot Depth** - One hundred fifty feet (150')

B. Size of Yards:

1. **Minimum Front Yard** - Forty feet (40')
2. **Minimum Side Yard** - Fifteen feet (15'); twenty feet (20') on corner lots adjacent to a street
3. **Minimum Rear Yard** - Ten feet (10') for the main building; twenty feet (20') from a garage or carport to an alley; ten feet (10') from a main building to an accessory building

C. Maximum Lot Coverage: Fifty percent (50%) by main buildings and accessory buildings

D. Parking Regulations:

1. **Single-Family Dwelling Unit** - A minimum of two (2) covered parking spaces behind the front building line and on the same lot as the main structure
2. **Other** - (See Section 36, Off-Street Parking and Loading Requirements)

E. Minimum Floor Area per Dwelling Unit - One thousand eight hundred (1,800) square feet

14.5 SPECIAL REQUIREMENTS:

- A. Recreational vehicles, travel trailers or motor homes may not be used for on-site dwelling purposes.
- B. Electrical fencing and barbed wire is prohibited as perimeter fencing except for containment of farm animals on five (5) or more acres.
- C. Open storage is prohibited (except for materials for the resident's personal use or consumption such as firewood, gardening materials, etc.).
- D. Single-family homes with side entry garages where lot frontage is only to one street (not a corner lot) shall have a minimum of twenty five feet (25') from the door face of the garage or carport to the side property line for maneuvering.
- E. Swimming pools shall be enclosed by a security fence not less than six (6) feet in height. All swimming pool security fences shall be constructed so as not to have openings, holes or gaps larger than two (2) inches in dimension, except for doors and gates. All doors and gates shall be equipped with self-closing, self-latching devices.

F. **Other Regulations** - As established in the Development Standards, Sections 36 through 44.

SECTION 15

SF-10 -- SINGLE-FAMILY RESIDENTIAL-10 DISTRICT

15.1 GENERAL PURPOSE AND DESCRIPTION:

The SF-10, Single-Family Residential-10, district is intended to provide for development of primarily detached, single-family residences on lots of not less than ten thousand (10,000) square feet.

15.2 PERMITTED USES:

- A. 1. Those uses specified in Section 35 (Use Charts).
2. Single-family detached dwellings.
3. All uses allowed in the SF-20 zoning district.
4. Such uses as may be permitted under the provisions of Specific Use Permits, Section 34.

15.3 HEIGHT REGULATIONS:

- A. **Maximum Height:**
 1. Two and one-half (2½) stories or thirty-five (35) feet for the main building.
 2. One (1) story for accessory buildings without garages.
 3. Other (see Section 41)

15.4 AREA REGULATIONS:

- A. **Size of Lots:**
 1. **Minimum Lot Area** - Ten thousand (10,000) square feet
 2. **Minimum Lot Width** - Eighty feet (80')
 3. **Minimum Lot Depth** - One hundred twenty feet (120')
- B. **Size of Yards:**
 1. **Minimum Front Yard** – Twenty Five feet (25')
 2. **Minimum Side Yard** - Six feet (6'); ten feet (10') on corner lots adjacent to a street
 3. **Minimum Rear Yard** - Six feet (6') for the main building; six feet (6') from a garage or carport to an alley; ten feet (10') from a main building to an accessory building
- C. **Maximum Lot Coverage:** Fifty percent (50%) by main buildings and accessory buildings
- D. **Parking Regulations:**
 1. **Single-Family Dwelling Unit** - A minimum of one (1) covered parking spaces behind the front building line and on the same lot as the main structure
 2. **Other** - (See Section 36, Off-Street Parking and Loading Requirements)
- E. **Minimum Floor Area per Dwelling Unit** - One thousand two hundred (1,200) square feet

15.5 SPECIAL REQUIREMENTS:

- A. Recreational vehicles, travel trailers or motor homes may not be used for on-site dwelling purposes.
- B. Electrical fencing and barbed wire is prohibited as perimeter fencing except for containment of farm animals on five (5) or more acres.

- C. Open storage is prohibited (except for materials for the resident's personal use or consumption such as firewood, gardening materials, etc.).
- D. Single-family homes with side entry garages where lot frontage is only to one street (not a corner lot) shall have a minimum of twenty five feet (25') from the door face of the garage or carport to the side property line for maneuvering.
- E. Swimming pools shall be enclosed by a security fence not less than six (6) feet in height. All swimming pool security fences shall be constructed so as not to have openings, holes or gaps larger than two (2) inches in dimension, except for doors and gates. All doors and gates shall be equipped with self-closing, self-latching devices.
- F. **Other Regulations** - As established in the Development Standards, Sections 36 through 44.

SECTION 16

SF-8 -- SINGLE-FAMILY RESIDENTIAL-8 DISTRICT

16.1 GENERAL PURPOSE AND DESCRIPTION:

The SF-8, Single-Family Residential-8, district is designed to provide for development of primarily detached single-family residences on smaller and more compact lots or parcels of land not less than eight thousand (8,000) square feet.

16.2 PERMITTED USES:

- A.
 - 1. Those uses specified in Section 35 (Use Charts).
 - 2. Single-family detached dwellings.
 - 3. All uses allowed in the SF-10 zoning district.
 - 4. Such uses as may be permitted under the provisions of Specific Use Permits, Section 34.

16.3 HEIGHT REGULATIONS:

- A. **Maximum Height:**
 - 1. Two and one-half (2½) stories or thirty five feet (35') for the main building.
 - 2. One (1) story for accessory buildings without garages.
 - 3. Other (see Section 41).

16.4 AREA REGULATIONS:

- A. **Size of Lots:**
 - 1. **Minimum Lot Area** - Eight thousand (8,000) square feet
 - 2. **Minimum Lot Width** - Seventy feet (70')
 - 3. **Minimum Lot Depth** - One hundred ten feet (110')
- B. **Size of Yards:**
 - 1. **Minimum Front Yard** - Twenty-five feet (25')
 - 2. **Minimum Side Yard** - Six feet (6') required; ten feet (10') on corner lots adjacent to a street
 - 3. **Minimum Rear Yard** - Six feet (6') for the main building; six feet (6') from a garage or carport to an alley; ten feet (10') from a main building to an accessory building
- C. **Maximum Lot Coverage:** Fifty percent (50%) by main buildings and accessory buildings
- D. **Parking Regulations:**
 - 1. **Single-Family Dwelling Unit** - A minimum of one (1) covered parking spaces behind the front building line and on the same lot as the main structure
 - 2. **Other** - (See Section 36, Off-Street Parking and Loading Requirements)
- E. **Minimum Floor Area per Dwelling Unit** - One thousand two hundred (1,200) square feet

16.5 SPECIAL REQUIREMENTS:

- A. Recreational vehicles, travel trailers or motor homes may not be used for on-site dwelling purposes.
- B. Electrical fencing and barbed wire is prohibited as perimeter fencing except for containment of farm animals on five (5) or more acres.

- C. Open storage is prohibited (except for materials for the resident's personal use or consumption such as firewood, gardening materials, etc.).
- D. Single-family homes with side entry garages where lot frontage is only to one street (not a corner lot) shall have a minimum of twenty five feet (25') from the door face of the garage or carport to the side property line for maneuvering.
- E. Swimming pools shall be enclosed by a security fence not less than six (6) feet in height. All swimming pool security fences shall be constructed so as not to have openings, holes or gaps larger than two (2) inches in dimension, except for doors and gates. All doors and gates shall be equipped with self-closing, self-latching devices.
- F. **Other Regulations** - As established in the Development Standards, Sections 36 through 44.

SECTION 17-A SF-7.5 -- SINGLE-FAMILY RESIDENTIAL-7.5 DISTRICT

17A.1 GENERAL PURPOSE AND DESCRIPTION:

The SF-7.5, Single-Family Residential-7.5, district is designed to provide for development of primarily detached single-family residences on smaller and more compact lots or parcels of land not less than seven thousand five hundred (7,500) square feet.

17A.2 PERMITTED USES:

- A. 1. Those uses specified in Section 35 (Use Charts).
- 2. Single-family detached dwellings.
- 3. All uses allowed in the SF-8 zoning district.
- 4. Such uses as may be permitted under the provisions of Specific Use Permits, Section 34.

17A.3 HEIGHT REGULATIONS:

- A. **Maximum Height:**
 - 1. Two and one-half (2½) stories or thirty-five feet (35') for the main building.
 - 2. One (1) story for accessory buildings without garages.
 - 3. Other (see Section 41).

17A.4 AREA REGULATIONS:

- A. **Size of Lots:**
 - 1. **Minimum Lot Area** - Seven thousand five hundred (7,500) square feet
 - 2. **Minimum Lot Width** - Sixty five feet (65')
 - 3. **Minimum Lot Depth** - One hundred ten feet (110')
- B. **Size of Yards:**
 - 1. **Minimum Front Yard** - Twenty-five feet (25')
 - 2. **Minimum Side Yard** - Six feet (6'') required; ten feet (10') on corner lots adjacent to a street
 - 3. **Minimum Rear Yard** - Six feet (6') for the main building; six feet (6') from a garage or carport to an alley; ten feet (10') from a main building to an accessory building
- C. **Maximum Lot Coverage:** Fifty percent (50%) by main buildings and accessory buildings
- D. **Parking Regulations:**
 - 1. **Single-Family Dwelling Unit** - A minimum of one (1) covered parking spaces behind the front building line and on the same lot as the main structure
 - 2. **Other** - (See Section 36, Off-Street Parking and Loading Requirements)
- E. **Minimum Floor Area per Dwelling Unit** - One thousand two hundred (1,200) square feet

17A.5 SPECIAL REQUIREMENTS:

- A. Recreational vehicles, travel trailers or motor homes may not be used for on-site dwelling purposes.
- B. Electrical fencing and barbed wire is prohibited as perimeter fencing except for containment of farm animals on five (5) or more acres.

- C. Open storage is prohibited (except for materials for the resident's personal use or consumption such as firewood, gardening materials, etc.).
- D. Single-family homes with side entry garages where lot frontage is only to one street (not a corner lot) shall have a minimum of twenty five feet (25') from the door face of the garage or carport to the side property line for maneuvering.
- E. Swimming pools shall be enclosed by a security fence not less than six (6) feet in height. All swimming pool security fences shall be constructed so as not to have openings, holes or gaps larger than two (2) inches in dimension, except for doors and gates. All doors and gates shall be equipped with self-closing, self-latching devices.
- F. **Other Regulations** - As established in the Development Standards, Sections 36 through 44.

SECTION 17 SF-6 -- SINGLE-FAMILY RESIDENTIAL-6 DISTRICT

17.1 GENERAL PURPOSE AND DESCRIPTION:

The SF-6, Single-Family Residential-6, district is designed to provide for development of primarily detached single-family residences on smaller and more compact lots or parcels of land not less than six thousand (6,000) square feet.

17.2 PERMITTED USES:

1. Those uses specified in Section 35 (Use Charts).
2. Single-family detached dwellings.
3. All uses allowed in the SF-8 zoning district.
4. Such uses as may be permitted under the provisions of Specific Use Permits, Section 34.

17.3 HEIGHT REGULATIONS:

A. Maximum Height:

1. Two and one-half (2½) stories or thirty-five feet (35') for the main building.
2. One (1) story for accessory buildings without garages.
3. Other (see Section 41).

17.4 AREA REGULATIONS:

A. Size of Lots:

1. **Minimum Lot Area** - Six thousand (6,000) square feet
2. **Minimum Lot Width** - Fifty feet (50')
3. **Minimum Lot Depth** - One hundred ten feet (110')

B. Size of Yards:

1. **Minimum Front Yard** - Twenty-five feet (25')
2. **Minimum Side Yard** - Six feet (6') required; six feet (6') on corner lots adjacent to a street
3. **Minimum Rear Yard** - Six feet (6') for the main building; six feet (6') from a garage or carport to an alley; ten feet (10') from a main building to an accessory building

C. Maximum Lot Coverage: Fifty percent (50%) by main buildings and accessory buildings

D. Parking Regulations:

1. **Single-Family Dwelling Unit** - A minimum of one (1) covered parking space behind the front building line and on the same lot as the main structure
2. **Other** - (See Section 36, Off-Street Parking and Loading Requirements)

E. Minimum Floor Area per Dwelling Unit - One thousand (1,000) square feet

17.5 SPECIAL REQUIREMENTS:

- A. Recreational vehicles, travel trailers or motor homes may not be used for on-site dwelling purposes.
- B. Electrical fencing and barbed wire is prohibited as perimeter fencing except for containment of farm animals on five (5) or more acres.

- C. Open storage is prohibited (except for materials for the resident's personal use or consumption such as firewood, gardening materials, etc.).
- D. Single-family homes with side entry garages where lot frontage is only to one street (not a corner lot) shall have a minimum of twenty five feet (25') from the door face of the garage or carport to the side property line for maneuvering.
- E. Swimming pools shall be enclosed by a security fence not less than six (6) feet in height. All swimming pool security fences shall be constructed so as not to have openings, holes or gaps larger than two (2) inches in dimension, except for doors and gates. All doors and gates shall be equipped with self-closing, self-latching devices.
- F. **Other Regulations** - As established in the Development Standards, Sections 36 through 44.

SECTION 18

SF-PH -- SINGLE-FAMILY RESIDENTIAL-PATIO HOME DISTRICT (ZERO-LOT-LINE HOMES)

18.1 GENERAL PURPOSE AND DESCRIPTION:

The SF-PH, Single-Family Residential-Patio Home, district is designed to provide for development of primarily detached single-family residences on more compact lots having one side yard reduced to zero feet (i.e., "zero-lot-line"), and having not less than four thousand five hundred (4,500) square feet. Patio home developments shall be arranged in a clustered lot pattern with a common usable open space system that is an integral part of the development.

18.2 PERMITTED USES:

- A. 1. Those uses specified in Section 35 (Use Charts).
- 2. Single-family detached dwellings.
- 3. All uses allowed in the SF-6 zoning district.
- 4. Such uses as may be permitted under the provisions of Specific Use Permits, Section 34.

18.3 HEIGHT REGULATIONS:

- A. **Maximum Height:**
 - 1. Two and one-half (2½) stories or thirty-five feet (35') for the main building.
 - 2. One (1) story for accessory buildings without garages.
 - 3. Other (see Section 41).

18.4 AREA REGULATIONS:

- A. **Size of Lots:**
 - 1. **Minimum Lot Area** - Four thousand five hundred (4,500) square feet
 - 2. **Minimum Lot Width** - Forty feet (40')
 - 3. **Minimum Lot Depth** - One hundred ten feet (110')
- B. **Size of Yards:**
 - 1. **Minimum Front Yard** - Twenty-five feet (25') with a reduction to twenty feet (20') allowed on a contiguous series of lots located on a block at least two hundred and fifty feet (250') in length and situated between two adjacent public roads or between an adjacent public road and the end of a cul-de-sac road and which are limited to rear entry driveways (as shown on Illustration #14)
 - 2. **Minimum Side Yard** - One side yard reduced to zero feet (0'); other side yard a minimum of ten feet (10') required with fifteen feet (15') required on corner lots adjacent to a street
 - 3. **Minimum Rear Yard** - Ten feet (10') for the main building; twenty feet (20') from a garage or carport to an alley; ten feet (10') from a main building to an accessory building
- C. **Maximum Lot Coverage:** Fifty percent (50%) by main buildings and accessory buildings
- D. **Parking Regulations:**
 - 1. **Single-Family Dwelling Unit** - A minimum of two (2) parking spaces, at least one (1) of which is covered, behind the front building line and on the same lot as the main structure
 - 2. **Visitor Parking** - One half (½) parking space per dwelling unit (off-street) which is located within two hundred and fifty feet (250') of the dwelling unit. No additional visitor parking shall be required for dwelling units that provide at least two (2) covered parking spaces within the build-

ing lines and on the same lot as the main structure.

2. **Other** - (See Section 36, Off-Street Parking and Loading Requirements)

- E. **Minimum Floor Area per Dwelling Unit** - Eight hundred (800) square feet on lots less than five thousand five hundred (5500) square feet in area and twelve hundred (1200) square feet on lots equal to or greater than five thousand five hundred (5500) square feet in area.

18.5 **SPECIAL REQUIREMENTS:**

- A. **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 a minimum of ten feet (10'; fifteen feet for a corner lot on the street side). A minimum six-foot (6') wide maintenance easement shall be placed on the adjacent lot (i.e., the other side of the zero-lot-line) to enable the property owner to maintain that portion of his house which is on the zero-lot-line. Side yards and maintenance easements shall be shown on the subdivision plat. A minimum separation between patio homes of ten feet (10') shall be provided. Roof overhangs will be allowed to project into the maintenance easement a maximum of twenty-four inches (24").
- B. **Maintenance Requirements for Common Areas** - A property owners association is required for continued maintenance of common land and/or facilities.
- C. **Usable Open Space Requirements** - Except as provided below, any patio home subdivision shall provide useable open space which equals or exceeds ten percent (10%) of the gross platted area, excluding rights-of-way for collector and larger sized streets. Useable open space shall not be required for a patio home development if it contains thirty (30) or fewer lots, and if the property contiguous (i.e., abutting or separated only by a residential or collector size street) to the subdivision is either developed for use(s) other than patio homes or is restricted by zoning to not permit patio home development. Properties that are separated by thoroughfares larger than a collector street and/or by drainage/utility easements in excess of sixty feet (60') in width shall not be considered as contiguous.
- D. **Specific Criteria for Usable Open Space** - Areas provided as usable open space shall meet the following criteria:
 1. All residential lots must be located within six hundred feet (600') of a usable open space area as measured along a street. The Planning and Zoning Commission may increase this distance to one thousand two hundred feet (1,200') if the shape of the subdivision is irregular or if existing trees/vegetation on the site can be preserved by increasing the distance.
 2. Individual usable open space areas shall be at least twenty thousand (20,000) square feet in size. Useable open space must be a minimum of fifty feet (50') wide, and must have no slope greater than ten percent (10%). At the time of site plan and/or subdivision plat approval, the Planning and Zoning Commission or City Council may give full or partial credit for open areas that exceed the 10% maximum slope if it is determined that such areas are environmentally or aesthetically significant and that their existence enhances the development and/or the surrounding area.
 3. Pools, tennis courts, walkways, patios and similar outdoor amenities may be located within areas designated as useable open space. Areas occupied by enclosed buildings (except for gazebos and pavilions), driveways, parking lots, overhead electrical transmission lines, drainage channels and antennas may not be included in calculating useable open space.
 4. Within useable open space areas, there shall be at least one (1) tree for every one thousand (1,000) square feet of space. New trees planted to meet this requirement shall be a minimum three-inch (3") caliper.

5. A useable open space area must have street frontage on at least thirty-three percent (33%) of the area's perimeter to ensure that the area is accessible to residents of the subdivision.
 6. Useable open space areas must be easily viewed from adjacent streets and homes.
- E. **Credit for Off-Site Open Space** - At the time of site plan and/or subdivision plat approval, the Planning and Zoning Commission or City Council may allow up to one-third (1/3) of the required open space to be credited for off-site dedicated open space (e.g., park land) that meets the development's needs in terms of adjacency, accessibility, usability, and design integration. The granting of any off-site credit for open space is a discretionary power of the Planning and Zoning Commission and/or City Council. The guidelines below may assist in considering if credit is appropriate:
1. Adjacency - Is at least fifteen percent (15%) of the patio home development's boundary adjacent to park land?
 2. Accessibility - Are there defined pedestrian connections between the development and the park land?
 3. Usability - Is the park land immediately adjacent to the development suitable for use by residents?
 4. Design Integration - Does the design of the development provide a significant visual and pedestrian connection to the park land?
- F. **Landscaped Areas** - Additional common open space and landscaped areas that do not qualify as usable open space may be provided, but shall not be counted toward the usable open space requirement.
- G. The elimination of a garage space by enclosing the garage with a stationary building wall shall be prohibited.
- H. Recreational vehicles, travel trailers or motor homes may not be used for on-site dwelling purposes.
- I. Electrical fencing and barbed wire is prohibited as perimeter fencing except for containment of farm animals on five (5) or more acres.
- J. Open storage is prohibited (except for materials for the resident's personal use or consumption such as firewood, gardening materials, etc.).
- K. Single-family homes with side entry garages where lot frontage is only to one street (not a corner lot) shall have a minimum of twenty five feet (25') from the door face of the garage or carport to the side property line for maneuvering.
- L. Swimming pools shall be enclosed by a security fence not less than six (6) feet in height. All swimming pool security fences shall be constructed so as not to have openings, holes or gaps larger than two (2) inches in dimension, except for doors and gates. All doors and gates shall be equipped with self-closing, self-latching devices.
- M. **Other Regulations** - As established in the Development Standards, Sections 36 through 44.

SECTION 19

2F -- TWO-FAMILY RESIDENTIAL DISTRICT (DUPLEX)

19.1 GENERAL PURPOSE AND DESCRIPTION:

The 2F, Two-Family Residential, district is intended to promote stable, quality multiple-occupancy residential development at slightly increased densities. Individual ownership of each of the two-family or duplex units is encouraged. This district may be included within single-family neighborhoods or, when in accordance with the intent of the Comprehensive Plan, may provide a "buffer" or transition district between lower density residential areas and higher density or non-residential areas or major thoroughfares.

19.2 PERMITTED USES:

- A. 1. Those uses specified in Section 35 (Use Charts).
2. Two-family residence (duplex).
3. All uses allowed in the SF-8 zoning district.
4. Such uses as may be permitted under the provisions of Specific Use Permits, Section 34.

19.3 HEIGHT REGULATIONS:

- A. **Maximum Height**
 1. Two and one-half (2½) stories or thirty-five feet (35') for the main building.
 2. One (1) story for accessory buildings without garages.
 3. Other (Section 41).

19.4 AREA REGULATIONS:

- A. **Size of Lots for Two-Family/Duplex Homes:**
 1. **Minimum Lot Area** - Ten thousand (10,000) square feet per duplex lot (i.e., five thousand (5,000) square feet of lot area per dwelling unit)
 2. **Minimum Lot Width** - Eighty feet (80') for each duplex lot (i.e., forty feet (40') of lot width per dwelling unit)
 3. **Minimum Lot Depth** - One hundred ten feet (110')
- B. **Size of Lots for Single-Family Detached Homes:**
 1. **Minimum Lot Area** - Eight thousand (8,000) square feet
 2. **Minimum Lot Width** - Seventy feet (70')
 3. **Minimum Lot Depth** - One hundred ten feet (110')
- C. **Size of Yards:**
 1. **Minimum Front Yard** - Twenty-five feet (25')
 2. **Minimum Side Yard** - Ten feet (10') required; fifteen feet (15') on corner lot adjacent to street
 3. **Minimum Rear Yard** - Ten feet (10') for the main building; twenty feet (20') from a garage or carport to an alley; ten feet (10') from a main building to an accessory building
- D. **Maximum Lot Coverage:** Fifty percent (50%) by main buildings
- E. **Parking Regulations:**
 1. **Two-Family/Duplex Homes** - A minimum of two (2) parking spaces, at least one (1) of which is covered, for each dwelling unit behind the front building line and on the same lot as each dwelling unit.

2. **Single-Family Detached Homes** - A minimum of two (2) covered parking spaces for each dwelling unit behind the front building line and on the same lot as each dwelling unit.
3. **Other** - (See Section 36, Off-Street Parking and Loading Requirements).

F. **Minimum Floor Area per Dwelling Unit** - Eight hundred (800) square feet.

19.5 **SPECIAL REQUIREMENTS:**

- A. Single-family lots and detached dwellings constructed in this district shall conform to the standards as set forth in the SF-8 district.
- B. The elimination of a garage space by enclosing the garage with a stationary building wall shall be prohibited.
- C. Recreational vehicles, travel trailers, or motor homes may not be used for on-site dwelling purposes.
- D. Electrical fencing and barbed wire is prohibited as perimeter fencing except for containment of farm animals on five (5) or more acres.
- E. Open storage is prohibited (except for materials for the resident's personal use or consumption such as firewood, gardening materials, etc.).
- F. Single-family and two-family homes with side entry garages where lot frontage is only to one street (not a corner lot) shall have a minimum of twenty five feet (25') from the door face of the garage or carport to the side property line for maneuvering.
- G. Swimming pools shall be enclosed by a security fence not less than six (6) feet in height. All swimming pool security fences shall be constructed so as not to have openings, holes or gaps larger than two (2) inches in dimension, except for doors and gates. All doors and gates shall be equipped with self-closing, self-latching devices.
- H. **Other Regulations** - As established in the Development Standards, Sections 36 through 44.

SECTION 20 SFA -- SINGLE-FAMILY ATTACHED RESIDENTIAL DISTRICT (TOWNHOUSE)

20.1 GENERAL PURPOSE AND DESCRIPTION:

The SFA, Single-Family Attached Residential, district is intended to promote stable, quality attached-occupancy residential development on individual lots at slightly increased densities. Individual ownership of each lot is encouraged. This district may be included within certain areas of neighborhoods or, when in accordance with the intent of the Comprehensive Plan, may provide a "buffer" or transition district between lower density residential areas and multi-family or non-residential areas or major thoroughfares.

20.2 PERMITTED USES:

- A. 1. Those uses specified in Section 35 (Use Charts).
- 2. Two-family residence (duplex).
- 3. All uses allowed in the SF-6 zoning district.
- 4. Such uses as may be permitted under the provisions of Specific Use Permits, Section 34.

20.3 HEIGHT REGULATIONS:

- A. **Maximum Height**
 - 1. Two and one-half (2½) stories or thirty-five feet (35') for the main building.
 - 2. One (1) story for accessory buildings without garages.
 - 3. Other (see Section 41).

20.4 AREA REGULATIONS:

- A. **Size of Lots:**
 - 1. **Minimum Lot Area** - Three thousand (3,000) square feet
 - 2. **Minimum Lot Width** - Twenty-five feet (25')
 - 3. **Minimum Lot Depth** - One hundred ten feet (110')
- B. **Size of Yards:**
 - 1. **Minimum Front Yard** - Twenty-five feet (25')
 - 2. **Minimum Side Yard**
 - a. Single-family attached dwellings need not have a side yard, except that a minimum fifteen-foot (15') side yard is required adjacent to a street. The ends of any two adjacent building complexes or row of buildings shall be at least ten feet (10') apart. The required side yards shall be designated upon a plat approved by the City Council. (See Illustration 9).
 - b. A complex of attached single-family dwellings shall have a minimum length of three (3) dwelling units and shall not exceed three hundred feet (300') in length or the width of twelve (12) attached units, whichever is less.
 - 3. **Minimum Rear Yard** - Fifteen feet (15') for the main building; twenty feet (20') from a garage or carport to an alley; ten feet (10') from a main building to an accessory building.
- C. **Maximum Lot Coverage:** Seventy percent (70%) by main and accessory buildings.
- D. **Parking Regulations:**
 - 1. A minimum of two (2) parking spaces, at least one (1) of which is covered, for each dwelling unit behind the front building line and on the same lot as each dwelling unit (see Section 36, Off-

- Street Parking and Loading Requirements).
2. Additional parking shall be required for any recreational uses, club house, office, sales offices and/or visitors.
 3. Designated visitor parking spaces shall be provided in off-street, common areas at a ratio of one (1) guest/visitor space per four (4) units.
- E. **Minimum Floor Area per Dwelling Unit** - Eight hundred (800) square feet.
- F. **Open Space Requirement** - All single-family attached developments shall provide usable open space at the same ratio and conforming to the same criteria as specified in Section 18.5(C, D & E).
- G. All utilities shall be provided separately to each lot within an SFA district so that each unit is individually metered.
- H. Single-family lots and detached dwellings constructed in this district shall conform to the standards as set forth in the SF-6 district.
- 20.5 **SPECIAL REQUIREMENTS:**
- A. The elimination of a garage space by enclosing the garage with a stationary building wall shall be prohibited.
 - B. Recreational vehicles, travel trailers or motor homes may not be used for on-site dwelling purposes.
 - C. Electrical fencing and barbed wire is prohibited as perimeter fencing except for containment of farm animals on five (5) or more acres.
 - D. Open storage is prohibited (except for materials for the resident's personal use or consumption such as firewood, gardening materials, etc.).
 - E. Single-family homes with side entry garages where lot frontage is only to one street (not a corner lot) shall have a minimum of twenty five feet (25') from the door face of the garage or carport to the side property line for maneuvering.
 - F. Swimming pools shall be enclosed by a security fence not less than six (6) feet in height. All swimming pool security fences shall be constructed so as not to have openings, holes or gaps larger than two (2) inches in dimension, except for doors and gates. All doors and gates shall be equipped with self-closing, self-latching devices.
 - G. **Other Regulations** - As established in the Development Standards, Sections 36 through 44.

SECTION 21

MF-1 -- MULTI-FAMILY RESIDENTIAL-1 DISTRICT (TRIPLEX/QUADRIplex)

21.1 GENERAL PURPOSE AND DESCRIPTION:

The MF-1, Multi-Family Residential-1, district is an attached residential district intended to provide a residential density of not more than twelve (12) dwelling units per acre. The principal permitted land uses will include low-rise, three- and four-unit modules of multi-family dwelling units on sites of less than two (2) acres. Recreational, religious, health and educational uses normally located to service residential areas are also permitted in this district. This district should be located adjacent to a major thoroughfare and serve as a buffer between retail/commercial development or heavy automobile traffic and medium or low density residential development.

21.2 PERMITTED USES:

- A. 1. Those uses specified in Section 35 (Use Charts).
2. Multi-family dwelling greater than two (2) units per building, but not more than four (4) units per building.
3. Municipally-owned facilities and uses.
4. Leasing offices for the complex.
5. Temporary field or construction office for uses incidental to construction work on the premises, which said buildings shall be removed upon the completion or abandonment of construction work or by order of the Building Official. The specific time period allowed shall be specified by the Building Official upon issuance of a temporary structure permit, and site plan review and approval by the Building Official is also required. The allowed time period may be extended for an additional one (1) year period upon approval of an extension by the Building Official.
6. Accessory buildings and uses, customarily incidental to the above uses and located on the same lot therewith, but not involving the conduct of a retail business except as provided herein:
- a. The term accessory use shall include customary home occupations as defined in Section 44.
- b. Covered parking areas.
- c. Antennae (amateur or CB radio) and/or satellite dish antennae, as specified in Section 41.5.
7. Swimming Pool (private).
8. Common open space, community center, recreational building, and other facilities or amenities, provided they are for use by the residents and guests of the multi-family complex.
9. Such uses as may be permitted under the provisions of Specific Use Permits, Section 34.

21.3 HEIGHT REGULATIONS:

- A. **Maximum Height** - Two (2) stories for the main building including recreational buildings.
- B. All accessory buildings shall be limited to one (1) story in height.

21.4 AREA REGULATIONS:

A. Size of Lots:

1. **Minimum Lot Area** - Three thousand, three hundred thirty-three (3,333) square feet per dwelling unit, not to exceed twelve (12) dwelling units per acre (calculated on gross acreage). The minimum lot size shall be ten thousand (10,000) square feet
2. **Minimum Lot Width** - One hundred feet (100')
3. **Minimum Lot Depth** - One hundred feet (100')
4. **Maximum Number of Units** - No more than four (4) units per structure

B. Size of Yards:

1. **Minimum Front Yard** - Twenty-five feet (25'). All areas adjacent to a street shall be deemed front yards.
2. **Minimum Side Yard** - Fifteen feet (15')
3. **Minimum Rear Yard** - Twenty feet (20')
4. **Building Separation:**
 - a. One story buildings - Ten feet (10'), for buildings with or without openings
 - b. Two story buildings (or a two-story building adjacent to a one-story building) - Fifteen feet (15'), for buildings with or without openings

C. Minimum Floor Area per Dwelling Unit:

1. Efficiency unit - Five hundred fifty (550) square feet per unit.
2. One-bedroom unit - Six hundred (600) square feet per unit.
3. Two- or more bedroom unit - Eight hundred (800) square feet for the first two bedrooms, plus an additional two hundred (200) square feet for every bedroom over two (e.g., three-bedroom unit must have 1,000 square feet, etc.).

D. Maximum Lot Coverage: Fifty percent (50%) total, including main and accessory buildings

E. Parking Regulations:

1. 1.75 spaces for each efficiency or 1 bedroom unit
2. 2 spaces for each 2 bedroom unit
3. 2.5 spaces for each 3 bedroom unit
4. 3 spaces for each 4 or more bedroom unit
5. All parking areas adjacent to public streets shall be screened from view. Screening may be in the form of live plant materials, berms or brick masonry walls.
6. See Section 36, Off-Street Parking and Loading Requirements, for additional requirements.

21.5 REFUSE FACILITIES:

- A. Every multi-family dwelling unit shall be located within one hundred feet (100') of a refuse facility; measured along the designated pedestrian and vehicular travel way. A refuse facility shall be a dumpster or other similar receptacle designed for receiving garbage in bulk for more than one dwelling. Refuse dumpsters shall be no closer than thirty feet (30') to any adjacent single-family property.
- B. Each refuse facility shall be screened from view on three (3) sides (gate on fourth side is optional) from persons standing at ground level on the site or immediately adjoining property, by a solid screening device constructed of materials approved by the Building Official and not less than six (6) feet in height, or by an enclosure within a building. Refuse containers shall be provided and maintained in a manner to satisfy local public health and sanitary regulations. Each refuse facility shall be located so as to provide safe and convenient pickup by refuse collection agencies. (See Illustration 11 for refuse container enclosure diagrams).

21.6 **SPECIAL REQUIREMENTS:**

- A. Single-family or duplex units constructed in this district shall conform to SF-6 and 2F district standards, respectively.
- B. Recreational vehicles, travel trailers or motor homes may not be used for on-site dwelling purposes.
- C. Open storage is prohibited.
- D. The front door of each dwelling unit shall be no more than one hundred fifty feet (150') from a fire lane (measured by an unobstructed pathway, or route, for fire hoses).
- E. A paved walkway shall connect the front door of each ground floor unit to a parking area.
- F. Buildings shall not exceed two hundred feet (200') in length.
- G. Boats, campers, trailers and other recreational vehicles shall be prohibited unless oversize parking areas are provided as part of the approved site plan. This parking area shall not be used to meet the minimum parking requirements and shall not be visible from a public street.
- H. All buildings containing residential units shall provide signage which clearly identifies the numbers (i.e., addresses) of the units within each building. Signage shall be visible from entrances into the complex and/or from vehicular drive aisles within the complex such that each individual unit is easy to locate by visitors, delivery persons, and/or emergency personnel.
- I. All parking areas shall have appropriate lighting and positioned such that no light adversely impacts adjacent residential areas.
- J. Swimming pools shall be enclosed by a security fence not less than six (6) feet in height. All swimming pool security fences shall be constructed so as not to have openings, holes or gaps larger than two (2) inches in dimension, except for doors and gates. All doors and gates shall be equipped with self-closing, self-latching devices.
- K. **Other Regulations:** As established in the Development Standards, Sections 36 through 44.

21.7 **USABLE OPEN SPACE:**

- A. Each lot or parcel of land which is used for triplex and/or quadriplex uses shall provide landscaping and/or usable open space on at least twenty percent (20%) of the lot area. Required landscaping/open space area shall be located on the same lot or parcel of land upon which the triplex/quadriplex uses are located.

SECTION 22

MF-2 -- MULTI-FAMILY RESIDENTIAL-2 DISTRICT (APARTMENTS)

22.1 GENERAL PURPOSE AND DESCRIPTION:

The MF-2, Multi-Family Residential-2, district is an attached residential district intended to provide the highest residential density of twenty-five (25) dwelling units per acre. The principal permitted land uses will include low-rise multiple-family dwellings and garden apartments. Recreational, religious, health and educational uses normally located to service residential areas are also permitted in this district. This district should be located adjacent to a major thoroughfare and serve as a buffer between retail/commercial development or heavy automobile traffic and medium or low density residential development.

22.2 PERMITTED USES:

- A. 1. Those uses specified in Section 35 (Use Charts).
- 2. Multi-family dwelling greater than four (4) units per building.
- 3. Municipally-owned facilities and uses.
- 4. Leasing offices for the apartment complex.
- 5. Temporary field or construction office for uses incidental to construction work on the premises, which said buildings shall be removed upon the completion or abandonment of construction work or by order of the Building Official. The specific time period allowed shall be specified by the Building Official upon issuance of a temporary structure permit, and site plan review and approval by the Building Official is also required. The allowed time period may be extended for an additional one (1) year period upon approval of an extension by the Building Official.
- 6. Accessory buildings and uses, customarily incidental to the above uses and located on the same lot therewith, but not involving the conduct of a retail business except as provided herein:
 - a. The term accessory use shall include customary home occupations as herein defined.
 - b. Covered parking areas.
 - c. Antennae (amateur or CB radio) or satellite dish antennae, as specified in Section 41.5.
- 7. Swimming Pool (private).
- 8. Common open space, community center, recreational building, and other facilities or amenities, provided they are for use by the residents and guests of the multi-family complex.
- 9. Such uses as may be permitted under the provisions of Specific Use Permits, Section 34.

22.3 HEIGHT REGULATIONS:

- A. **Maximum Height** - Three (3) stories for the main building including recreational buildings.
- B. All accessory buildings shall be limited to one (1) story in height.

22.4 AREA REGULATIONS:

A. Size of Lots:

1. **Minimum Lot Area** - One thousand, seven hundred twenty-five (1,725) square feet per dwelling unit, not to exceed twenty-five (25) dwelling units per acre (calculated on gross acreage). The minimum lot size shall be fifteen thousand (15,000) square feet
2. **Minimum Lot Width** - One hundred feet (100')
3. **Minimum Lot Depth** - One hundred twenty-five feet (125')

B. Size of Yards:

1. **Minimum Front Yard** - Forty feet (40'). All areas adjacent to a street shall be deemed front yards.
2. **Minimum Side Yard** - Fifteen feet (15'); sixty feet (60') when building is in excess of one story in height and adjacent to a Single-Family Zoning District
3. **Minimum Rear Yard** - Twenty feet (20'); eighty feet (80') when the building is in excess of one story and adjacent to a Single-Family Zoning District
4. **Building Separation:**
 - a. One story buildings - Ten feet (10'), for buildings with or without openings
 - b. Two story buildings (or a two-story building adjacent to a one-story building) - Fifteen feet (15'), for buildings with or without openings
 - c. Three story buildings (or a three-story building adjacent to a one- or two-story building) - Twenty feet (20'), for buildings with or without openings

C. Minimum Floor Area per Dwelling Unit:

1. Efficiency unit - Five hundred fifty (550) square feet per unit.
2. One-bedroom unit - Six hundred (600) square feet per unit.
3. Two- or more bedroom unit - Eight hundred (800) square feet for the first two bedrooms, plus an additional two hundred (200) square feet for every bedroom over two (e.g., three-bedroom unit must have 1,000 square feet, etc.).

D. Maximum Lot Coverage: Fifty percent (50%) total, including main and accessory buildings

E. Parking Regulations:

1. 1.75 spaces for each efficiency or 1 bedroom unit
2. 2 spaces for each 2 bedroom unit
3. 2.5 spaces for each 3 bedroom unit
4. 3 spaces for each 4 or more bedroom unit
5. All parking areas adjacent to public streets shall be screened from view. Screening may be in the form of live plant materials, berms or brick masonry walls.
6. See Section 36, Off-Street Parking and Loading Requirements, for additional requirements.

22.5 REFUSE FACILITIES:

- A. Every multi-family dwelling unit shall be located within two hundred and fifty feet (250') of a refuse facility; measured along the designated pedestrian and vehicular travel way. A refuse facility shall be a dumpster or other similar receptacle designed for receiving garbage in bulk for more than one dwelling. Refuse dumpsters shall be no closer than thirty feet (30') to any adjacent single-family property.
- B. Each refuse facility shall be screened from view on three (3) sides (gate on fourth side is optional) from persons standing at ground level on the site or immediately adjoining property, by a solid screening device constructed of materials approved by the Building Official and not less than six (6) feet in height, or by an enclosure within a building. Refuse containers shall be provided and maintained in a manner to satisfy local public health and sanitary regulations. Each refuse facility shall be located so as to provide safe and convenient pickup by refuse collection agencies. (See Illustration 11 for refuse

container enclosure diagrams).

22.6 SPECIAL REQUIREMENTS:

- A. Single-family or duplex units constructed in this district shall conform to SF-6 and 2F district standards, respectively.
- B. Recreational vehicles, travel trailers or motor homes may not be used for on-site dwelling purposes.
- C. Open storage is prohibited.
- D. The front door of each dwelling unit shall be no more than one hundred fifty feet (150') from a fire lane (measured by an unobstructed pathway, or route, for fire hoses).
- E. A paved walkway shall connect the front door of each ground floor unit to a parking area.
- F. Buildings shall not exceed two hundred feet (200') in length.
- G. Boats, campers, trailers and other recreational vehicles shall be prohibited unless oversize parking areas are provided as part of the approved site plan. This parking area shall not be used to meet the minimum parking requirements and shall not be visible from a public street.
- H. All buildings containing residential units shall provide signage which clearly identifies the numbers (i.e., addresses) of the units within each building. Signage shall be visible from entrances into the complex and/or from vehicular drive aisles within the complex such that each individual unit is easy to locate by visitors, delivery persons, and/or emergency personnel.
- I. All parking areas shall have appropriate lighting and positioned such that no light adversely impacts adjacent residential areas.
- J. Swimming pools shall be enclosed by a security fence not less than six (6) feet in height. All swimming pool security fences shall be constructed so as not to have openings, holes or gaps larger than two (2) inches in dimension, except for doors and gates. All doors and gates shall be equipped with self-closing, self-latching devices.
- K. **Other Regulations:** As established in the Development Standards, Sections 36 through 44.

22.7 USABLE OPEN SPACE:

- A. Each lot or parcel of land which is used for multi-family residential uses shall provide usable open space area(s) on at least twenty percent (20%) of the total lot area. Required open space area(s) shall be located on the same lot or parcel of land upon which the multi-family uses are located.

SECTION 23

MH -- MANUFACTURED HOME DISTRICT

23.1 GENERAL PURPOSE AND DESCRIPTION:

The MH, Manufactured Home, district is a detached residential district establishing standards for the development of manufactured, HUD-code mobile home parks and subdivisions. Manufactured/mobile home subdivisions include individually platted lots for sale within the subdivision, for the placement of manufactured/mobile home units. A manufactured, or mobile, home park offers spaces for the placement of manufactured/mobile home units on a lease or rental basis. The Manufactured Home district establishes area and design requirements for parks and subdivisions, as well as yard requirements for individual lots. Both parks and subdivisions provide open space and recreational areas appropriate for the acreages and number of units contained.

23.2 PERMITTED USES:

- A. 1. Those uses specified in Section 35 (Use Charts).
2. Individually owned HUD-code manufactured homes on lots in platted manufactured/mobile home subdivisions.
 3. Mobile, or manufactured, home parks for residential use providing, on a rental basis, lots for placement of mobile homes with utilities. Small offices and washaterias are permitted as incidental uses within the park.
 4. Industrialized housing.
 5. Single-family detached dwellings.
 6. Municipally-owned facilities and uses (no open storage or repair).
 7. Temporary field or construction office for uses incidental to construction work on the premises, which said buildings shall be removed upon the completion or abandonment of construction work or by order of the Building Official. The specific time period allowed shall be specified by the Building Official upon issuance of a temporary structure permit, and site plan review and approval by the Building Official is also required. The allowed time period may be extended for an additional one (1) year period upon approval of an extension by the Building Official.
 8. Accessory buildings and uses, as provided by Section 38, customarily incidental to the above uses and located on the same lot therewith, but not involving the conduct of a retail business except as provided herein:
 - a. The term accessory use shall include customary home occupations as herein defined.
 - b. Accessory buildings, including a private garage, shall not occupy more than fifty percent (50%) of the minimum required rear yard. When the accessory building is directly attached to the main building, it shall be considered an integral part of the main building. See Section 38 for additional accessory use requirements.
 - c. A detached private garage used in conjunction with the main building.
 - d. Antennae (amateur or CB radio) and/or satellite dish antennae, as specified in Section 41.5.

- e. Detached garages and living quarters above a detached garage, or other accessory buildings such as barns, sheds, and other structures are permitted. Detached servants quarters without a garage shall be permitted only by SUP and are required to be on a lot five (5) acres or larger. No such accessory building or quarters shall be used or occupied as a place of abode or dwelling by anyone other than a bona fide servant or farm worker actually and regularly employed by the land owner or occupant of the main building or is a guest or family member. The structure shall not, in any case, be leased or sold.
 - f. Private open space or other private recreational amenities as part of a residential subdivision and not for commercial purposes.
- 9. Swimming Pool (private), including recreation or community areas.
 - 10. Utilities (public or private).
 - 11. Such uses as may be permitted under the provisions of Specific Use Permits, Section 34.

23.3 AREA REGULATIONS:

- A. **Size of Yards** (For each space within Manufactured/Mobile Home Park or Subdivision):
 - 1. **Minimum Front Yard** - Twenty-five feet (25') from a dedicated street; fifteen feet (15') from any private street or drive
 - 2. **Minimum Side Yard** - Seven feet (7'); twenty feet (20') between units; twenty feet (20') from zoning district line
 - 3. **Minimum Rear Yard** - Ten feet (10'); twenty feet (20') from any zoning district line
 - 4. If a garage is provided, the garage shall have a twenty-five-foot (25') setback
- B. **Size of Lot** (For each space within a Manufactured/Mobile Home Park):
 - 1. **Minimum Lot Area** - Five thousand (5,000) square feet per unit
 - 2. **Minimum Lot Width** - Forty-five feet (45')
 - 3. **Minimum Lot Depth** - One hundred ten feet (110')
- C. **Minimum Floor Area per Dwelling Unit:** N/A
- D. **Maximum Lot Coverage:** N/A
- E. **Parking Regulations:** Two (2) spaces per unit (see Section 36, Off-Street Parking and Loading).
- F. **Minimum Area for Manufactured Home Subdivision (one unit on one platted lot)** - Five thousand (5,000) square feet.
- G. **Area for Manufactured Home Park** - Minimum, three (3) acres; maximum, thirty-five (35) acres.
- H. **Maximum Height Limit:** Two (2) stories.

23.4 SPECIAL REQUIREMENTS FOR MANUFACTURED/MOBILE HOME PARKS:

- A. **Tenant Parking** - Each parking space shall be an approved all-weather surface, in accordance with City standards, and shall be located to eliminate interference with access to parking areas provided for other manufactured/mobile homes and for public parking in the park (see Section 36, Off-Street Parking and Loading Requirements).
- B. **Visitor and Supplemental Parking** - In addition to parking spaces required for each manufactured/mobile home unit, there shall be paved parking provided for the manufactured/mobile home communi-

ty in general (see Section 36, Off-Street Parking and Loading Requirements):

1. One (1) visitor parking space for every three (3) manufactured/mobile home spaces.
 2. One (1) supplemental parking or vehicle storage space for the parking or storage of boats, campers and similar vehicles or equipment for every four (4) manufactured/mobile home spaces.
 3. Supplemental spaces may be located anywhere within the manufactured/mobile home community provided that no manufactured/mobile home space shall be situated further than one hundred fifty feet (150') from a visitor space.
 4. Each parking space will be not less than nine feet by eighteen feet (9' X 18'), which is not to be included in the lot size.
- C. **Access** - Each manufactured/mobile home community shall have direct access from a public street or an internal street. Where an internal private street provides access, the same shall be paved, in accordance with City standards, and shall be dedicated to the public as an emergency access or fire lane easement to allow for the rapid and safe movement of vehicles used in providing emergency health or public safety services. Each emergency access easement shall have a clear unobstructed width of twenty-four feet (24'), shall connect to a dedicated public street, and shall have a turning area and radii of a minimum of fifty feet (50') to permit free movement of emergency vehicles. Dead end streets are not allowed. Cul-de-sac streets shall not exceed four hundred feet (400') in length. Fire lane easements shall be maintained by the manufactured/mobile home park.
- D. **Walkways** - Designated concrete walkways four feet (4') in width will be provided on both sides of roadways or streets.
- E. **Street Names and Signs** - Within each manufactured/mobile home park, all streets shall be named, and manufactured/mobile homes numbered in a logical and orderly fashion. Street signs shall be of a color and size contrasting with those on public streets and roadways so that there is no confusion regarding which are private and which are public streets. These signs and numbers shall be of standard size and placement to facilitate location by emergency vehicles. Street names shall be approved by the Planning and Zoning Commission or City Council on the final plat for the subdivision, and dwelling unit numbering shall be assigned by the Building Official.
- F. **Other Signs** - Along all sections of emergency access easements, the owner or agent shall erect metal signs prohibiting parking. The sign type, size, height and location shall be in accordance with the Manual of Uniform Traffic Control Devices and approved by the City.
- G. **Intersections** - Internal streets shall intersect adjoining public streets at approximately ninety degrees (90E) and at locations which will eliminate or minimize interference with traffic on those public streets.
- H. **Street Lighting** - Street lighting within the manufactured/mobile home park shall be provided and maintained by the owners of the manufactured/mobile home park.
- I. **Electric and Telephone Service** - All electrical distribution lines and all telephone lines shall be underground except the primary service lines to the park.
- J. **Drainage and Soil Protection** - The ground surface in all parts of the park shall be graded and equipped to drain all surface water in a safe, efficient manner. Each manufactured/mobile home space shall provide adequate drainage for the placement of a manufactured/mobile home. Exposed ground surfaces in all parts of every manufactured/mobile home park shall be paved and/or covered with stone, brick paving, or other similar solid material, or protected with a vegetative growth (such as

grass) capable of preventing soil erosion and eliminating dust.

K. Fire Fighting:

1. Approaches to all manufactured/mobile homes shall be kept clear for fire fighting.
2. The owner or agent of a manufactured/mobile home park shall be responsible for the instruction of any staff in the use of the park fire protection equipment and in their specific duties in the event of a fire. Owner shall supply standard City fire hydrants located within five hundred feet (500') of all manufactured/mobile home spaces, measured along the drive or street.
3. The owner or agent of a manufactured/mobile home park shall be responsible for maintaining the entire area of the park free of dry brush, leaves and weeds in excess of twelve inches (12").

L. Refuse Handling and Collection - The owner or agent of a manufactured/mobile home park shall provide an adequate system of collection and safe disposal of rubbish, as approved by the City. Storage, collection and handling of refuse shall be conducted so as to create no health hazards, rodent harborage, insect breeding areas, accident or fire hazards, or air pollution. Every dwelling unit shall be located within two hundred fifty feet (250') of a refuse facility measured along the designated pedestrian or vehicular travelway. There shall be available at least six (6) cubic yards of refuse containers per thirty (30) units. If trash dumpsters are used, they shall be screened as prescribed in Section 39.2(E) and as shown in Illustration 11.

M. Anchorage of Manufactured/Mobile Homes - To insure against natural hazards such as tornados, high winds and electrical storms, anchorage for each manufactured/mobile home shall be provided according to the Building Code and State law.

N. Skirting:

1. All manufactured/mobile home units not attached to a permanent foundation shall provide skirting from the top of the unit's frame to grade. Skirting shall totally enclose and secure from view the unit's axles and all required anchors, footings, and piers.
2. All required skirting shall be masonry (or other material approved by the Building Official), and shall be of a color similar to the materials used in the construction of the manufactured/mobile home unit such that it blends with the overall appearance of the unit.

23.5 SPECIAL REQUIREMENTS:

- A. Single-family dwellings constructed in this district shall conform to the standards as set forth in the SF-6 district.
- B. Open storage is prohibited.
- C. **Usable Open Space Requirements** - Each parcel of land, developed under MH standards, shall provide usable open space (as defined in Appendix A-3 and in Section 18.5(C-E)) totaling ten percent (10%) of the area of the MH development.
- D. **Other Regulations** - As established in the Development Standards, Sections 36 through 44.
- E. No Recreational Vehicle Park will be allowed in the Manufactured Home Zoning District without first obtaining a "Specific Use Permit", as set forth by Section 34 of the City of Lampasas Comprehensive Zoning Ordinance.

SECTION 24 0 -- OFFICE DISTRICT

24.1 **GENERAL PURPOSE AND DESCRIPTION:**

The O, Office, district is established to create a flexible district for low intensity office and professional uses. The district can be used as a transition district between more intense uses and residential uses. Permitted uses should be compatible with adjacent residential areas by limiting heights to two (2) stories and utilizing buffers and landscape requirements. Adaptive reuse of existing structures is encouraged. Buildings in this district should be compatible and in similar scale with residential uses and adjacent property.

24.2 **PERMITTED USES:**

- A. 1. Those uses specified in Section 35 (Use Charts).
- 2. Accessory uses to the main use.
- 3. Professional, administrative, and general office uses.
- 4. Uses permitted by Specific Use Permit, according to Section 34.

24.3 **HEIGHT REGULATIONS:**

- A. **Maximum Height** - Two (2) stories (see Subsection 24.4(A)4.).

24.4 **AREA REGULATIONS:**

A. **Size of Yards:**

- 1. **Minimum Front Yard:** Twenty-five feet (25'); all yards adjacent to a street shall be considered a front yard, except that a corner lot may reduce the front yard to fifteen feet (15') provided the lot is not adjacent to a residential lot front yard, in which case the setback shall be the same as the neighboring residential lot.
- 2. **Minimum Side Yard:** Ten feet (10')
- 3. **Minimum Rear Yard:** Twenty feet (20')
- 4. **Adjacent to a Single-Family District:** The side or rear setback, whichever is adjacent to the single-family zoning district, shall observe a sixty-foot (60') setback if the office use is over one story in height.

B. **Size of Lots:**

- 1. **Minimum Lot Size:** Six thousand (6,000) square feet
- 2. **Minimum Lot Width:** Fifty feet (50')
- 3. **Minimum Lot Depth:** One hundred ten feet (110')

- C. **Maximum Lot Coverage:** Fifty percent (50%); including accessory buildings.

24.5 **SPECIAL DISTRICT REQUIREMENTS:**

A. **Parking Requirements:**

- 1. As established by Section 36, Off-Street Parking and Loading Requirements.

- B. Open storage is prohibited.

- C. For site plan requirements, see Section 40.

- D. Recreational vehicles, travel trailers or motor homes may not be used for on-site dwelling or nonresidential purposes.

- E. **Other Regulations** - As established in the Development Standards, Sections 36 through 44.

SECTION 25

NR -- NEIGHBORHOOD RETAIL DISTRICT

25.1 GENERAL PURPOSE AND DESCRIPTION:

The NR, Neighborhood Retail, district is established as a limited retail category intended for the use of nearby neighborhood areas for the purpose of supplying day-to-day needs and personal services. Establishments should include small, free-standing retail structures, and neighborhood oriented personal service establishments. Sites zoned NR should generally utilize an existing or small corner lot within a logical neighborhood area.

25.2 PERMITTED USES:

- A. 1. Those uses specified in Section 35 (Use Charts).
2. Such uses as may be permitted under the provisions of Specific Use Permits, Section 34.

25.3 HEIGHT REGULATIONS:

- A. **Maximum Height** - One (1) story.

25.4 AREA REGULATIONS:

A. **Size of Lot:**

1. **Minimum Lot Area** - Seven thousand (7,000) square feet
2. **Maximum Lot Area** - Three (3) acres
3. **Minimum Lot Width** - Sixty feet (60')
4. **Minimum Lot Depth** - One hundred feet (100')

B. **Size of Yards:**

1. **Minimum Front Yard** - Twenty-five feet (25'); all yards adjacent to a street shall be considered a front yard, except that a corner lot may reduce the front yard to fifteen feet (15') provided the lot is not adjacent to a residential lot front yard, in which case the setback shall be the same as the neighboring residential lot.
2. **Minimum Side Yard** - Ten feet (10'); Twenty-five feet (25') adjacent to a public street or residential lot
3. **Minimum Rear Yard** - Twenty feet (20') or twenty five feet (25') adjacent to a residential lot

- C. **Maximum Lot Coverage:** Forty percent (40%).

D. **Parking Regulations:**

1. As required by Section 36, Off-Street Parking and Loading Requirements.

25.5 SPECIAL REQUIREMENTS:

- A. Open Storage shall not exceed twenty-five (25%) of the inside total floor area of the main structure of the business. Open storage shall not occupy any required parking space(s), or traffic circulation drive aisle, and/or fire lane(s).
- B. For site plan requirements, see Section 40.
- C. Recreational vehicles, travel trailers or motor homes may not be used for on-site dwelling or nonresidential purposes.

D. **Other Regulations** - As established in the Development Standards, Sections 36 through 44.

SECTION 26 R -- RETAIL DISTRICT

26.1 GENERAL PURPOSE AND DESCRIPTION:

The R, Retail, district is established to provide areas for neighborhood, local and regional shopping and service facilities for the retail sales of goods and services. These shopping areas should utilize established landscape and buffering requirements. The R district should be located along or at the intersection of major collectors or thoroughfares to accommodate higher traffic volumes.

26.2 PERMITTED USES:

- A. 1. Those uses specified in Section 35 (Use Charts).
- 2. Such uses as may be permitted under the provisions of Specific Use Permits, Section 34.

26.3 HEIGHT REGULATIONS:

- A. **Maximum Height** - Two (2) stories.

26.4 AREA REGULATIONS:

- A. **Size of Lot:**
 - 1. **Minimum Lot Area** – Eight thousand (8,000) square feet
 - 2. **Minimum Lot Width** - Seventy feet (70')
 - 3. **Minimum Lot Depth** – One hundred feet (100')
- B. **Size of Yards:**
 - 1. **Minimum Front Yard** - Twenty-five feet (25')
 - 2. **Minimum Side Yard** – Fifteen feet (15') adjacent to a street or public right-of-way
 - 3. **Interior Side Yards** – Ten feet (10') when adjacent to existing residential uses or vacant property zoned for residential use. No setback is required when adjacent to existing retail or other non-residential uses or vacant property zoned for retail or non-residential uses, provided structure complies with the building code.
 - 4. **Minimum Rear Yard** - Fifteen feet (15')
- C. **Maximum Lot Coverage:** Forty percent (40%).
- D. **Parking Regulations:**
 - 1. As required by Section 36, Off-Street Parking and Loading Requirements.

26.5 SPECIAL REQUIREMENTS:

- A. For site plan requirements, see Section 40.
- B. No Recreational Vehicle Park will be allowed without first obtaining a “Special Use Permit”, as set forth by Section 34 of the City of Lampasas Comprehensive Zoning Ordinance.
- C. Open Storage shall not exceed twenty-five (25%) of the inside total floor area of the main structure of the business. Open storage shall not occupy any required parking space(s), or traffic circulation drive aisle, and/or fire lane(s).
- D. The minimum size for a permanent structure shall be 1,200 square feet. Any permanent structure less

than 1,200 square feet will require a “Specific Use Permit” as set forth by Section 34 of the City of Lampasas Comprehensive Zoning Ordinance.

- E. No temporary/portable building will be allowed without first obtaining a “Specific Use Permit”, as set forth by Section 34 of the City of Lampasas Comprehensive Zoning Ordinance.
- F. **Other Regulations** - As established in the Development Standards, Sections 36 through 44.

SECTION 27

CBD -- CENTRAL BUSINESS DISTRICT

27.1 GENERAL PURPOSE AND DESCRIPTION:

The development standards in the CBD, Central Business District, are designed to maintain and encourage development and redevelopment within the central section (old downtown) of the City. Standards for vehicle parking, building setbacks, and building height are similar to those existing on developed properties in this section of the City.

27.2 PERMITTED USES:

A. Uses permitted in the CBD district are outlined in Section 35 (Use Charts).

27.3 AREA REGULATIONS:

A. Size of Yards:

1. **Minimum Front Yard** - none specified
2. **Minimum Side Yard** - none specified
3. **Minimum Rear Yard** - none specified

B. Size of Lot: none specified

C. Height Regulations:

1. **Maximum Height** - Three (3) stories

D. Maximum Lot Coverage - none specified

E. Parking Regulations:

1. **For existing structures/uses (in existence prior to the adoption date of this Ordinance)** - Any existing parking, or lack of same, for any existing structure/use within the CBD district shall be considered a conforming parking arrangement. Additional parking, in accordance with Section 36.6, shall only be required for additions to an existing building or for significant expansion of an existing use (as determined by the Building Official). In the event of destruction of an existing structure within the CBD district, said structure may be rebuilt to its pre-destruction size with no requirements for additional parking. If said structure is rebuilt to exceed its pre-destruction size, then it shall provide additional parking only for that portion of the structure that exceeds its original size.
2. **For new structures/uses** - One (1) space per three hundred (300) square feet of gross floor area, and each use shall provide a minimum of two (2) spaces. For any use which cannot provide off-street parking due to the size or location of the lot, such parking may be provided on other property not more than 1,000 feet from the site, in accordance with Section 36.8 of this Ordinance.

F. Other Regulations:

1. Open storage shall not exceed twenty-five percent (25%) of the inside total floor area of the main structure of the business. Open storage shall not occupy any required parking space(s), or traffic circulation drive aisle, and/or fire lane(s).
2. No temporary/portable building will be allowed without first obtaining a "Specific Use Permit", as set forth by Section 34 of the City of Lampasas Comprehensive Zoning Ordinance.
3. As established in the Development Standards, Sections 36 through 44.

SECTION 28

C -- GENERAL COMMERCIAL DISTRICT

28.1 GENERAL PURPOSE AND DESCRIPTION:

The C, General Commercial, district is intended to provide a centrally located and convenient location for small scale service and commercial related establishments, such as wholesale products, welding shops, automotive repair services, upholstery shops, and other similar commercial uses. Uses in this district may utilize open storage areas that are screened from public view (see Section 39). The uses envisioned for the district will typically utilize smaller sites and have operation characteristics which are not compatible with residential uses and some nonresidential uses. Convenient access to thoroughfares and collector streets is also a primary consideration.

28.2 PERMITTED USES:

- A. 1. Those uses specified in Section 35 (Use Charts).
- 2. Such uses as may be permitted under provision of Specific Use Permits, Section 34.

28.3 HEIGHT REGULATIONS:

- A. **Maximum Height** - Three (3) stories.

28.4 AREA REGULATIONS:

A. **Size of Lot:**

- 1. **Minimum Lot Area** - Six thousand (6,000) square feet
- 2. **Minimum Lot Width** - Sixty feet (60')
- 3. **Minimum Lot Depth** - One hundred feet (100')

B. **Size of Yards:**

- 1. **Minimum Front Yard** - Twenty feet (20')
- 2. **Minimum Side Yard** - Fifteen feet (15'); twenty feet (20') if adjacent to a street
- 3. **Minimum Rear Yard** - Twenty feet (20')

C. **Maximum Lot Coverage:**

- 1. Fifty percent (50%) for the main structure

- D. **Parking Regulations:** As established by Section 36, Off-Street Parking and Loading Requirements.

28.5 SPECIAL REQUIREMENTS:

- A. For site plan requirements, see Section 40.
- B. No temporary/portable building will be allowed without first obtaining a "Specific Use Permit", as set forth by Section 34 of the City of Lampasas Comprehensive Zoning Ordinance.
- C. The minimum size for a permanent structure shall be 1,200 square feet. Any permanent structure less than 1,200 square feet will require a "Specific Use Permit" as set forth by Section 34 of the City of Lampasas Comprehensive Zoning Ordinance.
- D. No Recreational Vehicle Park will be allowed without first obtaining a "Special Use Permit", as set forth by Section 34 of the City of Lampasas Comprehensive Zoning Ordinance.
- E. **Other Regulations:** As established in the Development Standards, Sections 36 through 44.

SECTION 29 LI -- LIGHT INDUSTRIAL DISTRICT

29.1 GENERAL PURPOSE AND DESCRIPTION:

The LI, Light Industrial, district is intended primarily for the conduct of light manufacturing, assembling and fabrication, and for warehousing, research and development, wholesaling and service operations that do not typically depend upon frequent customer or client visits. Such uses do require accessibility to major thoroughfares, major highways, and/or other means of transportation.

29.2 PERMITTED USES:

- A. The following uses are permitted in the LI district, provided that such light manufacturing or industrial operations shall not disseminate dust, fumes, gas, noxious odor, smoke, glare, or other atmospheric influence beyond the boundaries of the property upon which such use is located, and which produces no noise exceeding the average intensity of noise of street traffic, as further defined by the Performance Standards (Section 42), at that point, and provided that such use does not create fire or safety hazards on surrounding property.
1. Those uses specified in Section 35 (Use Charts).
 2. Light industrial, fabrication and manufacturing plants, including the assembling of prefabricated parts for the production of finished equipment, where the process of manufacturing or treatment of materials is such that no dust, odor, fumes, gas, smoke or noise is emitted, and not more than ten percent (10%) of the lot or tract is used for the open storage of products, materials, or equipment (see Section 39 for additional screening requirements).
 3. Such uses as may be permitted under provisions of Specific Use Permits, Section 34.

29.3 HEIGHT REGULATIONS:

A. Maximum Height:

1. Occupied structures/buildings - Thirty-five feet (35'), or two (2) stories
2. Unoccupied structures (e.g., grain silos, etc., except communications antennae, see Section 41.5C) - No height limit unless adjacent to a residential zoning district (AG, SF-20, SF-10, SF-8, SF-6, SF-PH, 2F, SFA, MF-1, MF-2 and MH), whereas additional setback (i.e., front, side, rear yard) distance must be provided from the residential zoning district boundary line of one (1) additional foot for each foot that such structures exceed thirty-five feet (35').

29.4 AREA REGULATIONS:

A. Size of Lot:

1. **Minimum Lot Area** - Fifteen thousand (15,000) square feet
2. **Minimum Lot Width** - One hundred feet (100')
3. **Minimum Lot Depth** - One hundred fifty feet (150')

B. Size of Yards:

1. **Minimum Front Yard** - Twenty-five feet (25')
2. **Minimum Side Yard** - Fifteen feet (15'); twenty-five feet (25') on a corner lot
3. **Minimum Rear Yard** - Twenty feet (20'); forty feet (40') if adjacent to single-family uses or zoning district

C. **Maximum Lot Coverage:** Sixty-five percent (65%)

D. **Parking Regulations:** As established by Section 36, Off-Street Parking and Loading Requirements.

29.5 **SPECIAL REQUIREMENTS:**

A. For site plan requirements, see Section 40.

B. No permanent use of temporary buildings or dwellings.

C. **Other Regulations:** As established in the Development Standards, Sections 36 through 44.

SECTION 30

HI -- HEAVY INDUSTRIAL DISTRICT

30.1 GENERAL PURPOSE AND DESCRIPTION:

The HI, Heavy Industrial, district is intended primarily for the conduct of general manufacturing, assembling and fabrication, and for larger-scale warehousing, research and development, wholesaling and service operations that do not typically depend upon frequent customer or client visits. Such uses do require accessibility to major thoroughfares, major highways, and/or other means of transportation.

30.2 PERMITTED USES:

- A. The following uses are permitted in the HI district, provided that such general manufacturing or industrial operations shall not disseminate dust, fumes, gas, noxious odor, smoke, glare, or other atmospheric influence beyond the boundaries of the property upon which such use is located, and which produces no noise exceeding the average intensity of noise of street traffic, as further defined by the Performance Standards (Section 42), at that point, and provided that such use does not create fire or safety hazards on surrounding property.
1. Those uses specified in Section 35 (Use Charts).
 2. General industrial, fabrication and manufacturing plants, including the production of products from raw materials and the assembling of prefabricated parts for the production of finished equipment, where the process of manufacturing or treatment of materials is such that dust, odor, fumes, gas, smoke or noise may be emitted (in compliance with the Performance Standards, Section 42), and not more than twenty percent (20%) of the lot or tract is used for the open storage of products, materials, or equipment (see Section 39 for additional screening requirements).
 3. A "high risk or hazardous industrial use" is permitted by Specific Use Permit only. In this district, "high risk or hazardous industrial use" means any industrial use whose operation, in the opinion of the Building Official, involves a much higher than average risk to public health and safety. These uses include, but are not limited to, facilities where significant amounts of radiation, radioactive materials, highly toxic chemicals or substances, or highly combustible or explosive materials are present, used, produced, stored and/or disposed of.
 4. Such uses as may be permitted under provisions of Specific Use Permits, Section 34.

30.3 HEIGHT REGULATIONS:

A. Maximum Height:

1. Occupied structures/buildings - Forty-five feet (45'), or three (3) stories
2. Unoccupied structures (e.g., grain silos, etc., except communications antennae, see Section 41.5C) - No height limit unless adjacent to a residential zoning district (AG, SF-20, SF-10, SF-8, SF-6, SF-PH, 2F, SFA, MF-1, MF-2 and MH), whereas additional setback (i.e., front, side, rear yard) distance must be provided from the residential zoning district boundary line of one (1) additional foot for each foot that such structures exceed forty-five feet (45').

30.4 AREA REGULATIONS:

A. Size of Lot:

1. **Minimum Lot Area** - Fifteen thousand (15,000) square feet
2. **Minimum Lot Width** - One hundred feet (100')

- 3. **Minimum Lot Depth** - One hundred fifty feet (150')
 - B. **Size of Yards:**
 - 1. **Minimum Front Yard** - Twenty-five feet (25')
 - 2. **Minimum Side Yard** - Fifteen feet (15'); twenty-five feet (25') on a corner lot
 - 3. **Minimum Rear Yard** - Twenty feet (20'); forty feet (40') if adjacent to single-family uses or zoning district
 - C. **Maximum Lot Coverage:** Sixty-five percent (65%)
 - D. **Parking Regulations:** As established by Section 36, Off-Street Parking and Loading Requirements.
- 30.5 **SPECIAL REQUIREMENTS:**
- A. For site plan requirements, see Section 40.
 - B. No permanent use of temporary buildings or dwellings.
 - C. **Other Regulations:** As established in the Development Standards, Sections 36 through 44.

OVERLAY AND SPECIAL DISTRICTS

Overlay and special prefix districts shall be used in conjunction with base zoning districts. In the use of the following overlay zoning classifications, the base district shall remain in effect if it is already in existence unless changed by zoning amendment. New base districts or changes in existing base districts may be requested at the same time overlay or special prefix districts are requested.

SECTION 31 PD -- PLANNED DEVELOPMENT DISTRICT

31.1 GENERAL PURPOSE AND DESCRIPTION:

- A. The City Council of the City of Lampasas, Texas, after public hearing and proper notice to all parties affected and after recommendation from the Planning and Zoning Commission, may authorize the creation of a Planned Development overlay district.
- B. The Planned Development (PD) district is a district which accommodates planned associations of uses developed as integral land use units such as industrial districts, offices, retail, commercial or service centers, shopping centers, residential developments of multiple or mixed housing including attached single-family dwellings or any appropriate combination of uses which may be planned, developed or operated as integral land use units either by a single owner or a combination of owners. A PD district may be used to permit new or innovative concepts in land utilization not permitted by other zoning districts in this Ordinance. While greater flexibility is given to allow special conditions or restrictions which would not otherwise allow the development to occur, procedures are established herein to ensure against misuse of increased flexibility.

31.2 PERMITTED USES:

- A. An application for a PD district shall specify the base district and the use or the combination of uses proposed. Uses which may be permitted in a PD are specified in the Use Charts (Section 35) and must be specified if not permitted in the base district. In the case of residential PD districts for single-family or duplex categories, the proposed lot area shall be no smaller than the lot sizes allowed in the base zoning district except for minor changes in a small percentage of the lots in order to provide improved design. In selecting a base zoning district, the uses allowed in the base district must be similar or compatible with those allowed in the PD. PD designations shall not be attached to SUP requirements. Specific Use Permits allowed in a base zoning district are allowed in a PD only if specifically identified at the time of PD approval.

31.3 PLANNED DEVELOPMENT REQUIREMENTS:

- A. Development requirements for each separate PD district shall be set forth in the amending ordinance granting the PD district and shall include, but may 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, project phasing or scheduling, management associations, and other requirements as the City Council and Planning and Zoning Commission may deem appropriate.
- B. In the PD district, uses shall conform to the standards and regulations of the base zoning district to which it is most similar. The base zoning district shall be stated in the granting ordinance. All applications to the City shall list all requested deviations from the standard requirements set forth throughout this Ordinance (applications without this list will be considered incomplete). The Planned

Development district shall conform to all other sections of the Ordinance unless specifically excluded in the granting ordinance.

C. 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 modifications in each district or districts and general statement citing the reason for the PD request.

D. The minimum acreage for a planned development request shall be three (3) acres.

31.4 In establishing a Planned Development 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 Planned Development district. To facilitate understanding of the request during the review and public hearing process, the Planning and Zoning Commission and City Council shall require a Conceptual Plan of the proposed project. A Detailed Site Plan may be submitted in lieu of the Conceptual Plan.

A. **Conceptual or Concept Plan** - This plan shall be submitted by the applicant at the time of the PD request (for exceptions, see Section 31.5(D)). 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 as may be required, supported by written documentation of proposals and standards for development. The City may prepare application form(s) which further describe and explain the following requirements:

1. **Residential Concept Plan** - A Conceptual Plan for residential land use shall show general use, thoroughfares and preliminary lot arrangements. For residential development (such as multi-family) which does not propose individual 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, project scheduling, and other pertinent development data.

2. **Nonresidential Concept Plan** - 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 or City Council, may include but is not limited to the types of use(s), topography and boundary of PD area, physical features of the site, existing streets, alleys and easements, location of future public facilities, building height and location, parking ratios, project scheduling and other information to adequately describe the proposed development and to provide data for approval which is to be used in drafting the final Detailed Site Plan.

B. **Detailed Site Plan** - This plan shall set forth the final plans for development of the Planned Development district and shall conform to the data presented and approved on the Conceptual Plan. Changes of detail on the Detailed Site Plan, which differ from the original Concept Plan, but do not alter the basic relationship of the proposed development to adjacent property, the uses permitted, or increase the density, building height or coverage of the site, the off-street parking ratio or reduce the yards provided at the boundary of the site, or does not significantly alter the landscape plans as indicated on the approved Conceptual Plan may be authorized by the Building Official. If an agreement cannot be reached regarding whether a Detailed Site Plan conforms to the original Concept Plan, the Planning and Zoning Commission shall review the request and render judgment as to the conformity. Approval of the Detailed Site Plan shall be the basis for issuance of a building permit, but does not release the applicant of the responsibility to submit plans to the Building Official for a building permit.

For any residential district, Agricultural through 2F, a preliminary plat may qualify as the Detailed Site Plan. The Detailed Site Plan may be submitted for the total area of the PD or for any sections or part as approved on the Conceptual Plan.

1. **The Detailed Site Plan shall include:**

- a. A site inventory analysis including a scale drawing showing major 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 shall include a delineation of any flood prone areas.
- b. 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 a topographical contour interval of not more than five feet (5').
- c. A site plan for proposed building complexes showing the location of separate buildings and the minimum distance between buildings, and between building 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.
- d. A landscape plan showing turf areas, screening walls, ornamental planting, wooded areas and trees to be planted.
- e. Architectural drawings (elevations, etc.) 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 City Council if deemed appropriate.
- f. All Detailed Site Plans may have supplemental data describing standards, regulations or other data pertinent to the development of the Planned Development district as appropriate to adequately explain or understand the request and which is to be included in the text of the amending ordinance.

31.5 **Approval Process and Procedure** - The procedure for establishing a Planned Development district shall follow the procedure for zoning amendments as set forth in Section 10. This procedure is further expanded as follows for approval of Conceptual and Detailed Site Plans.

- A. The Planning and Zoning Commission and the City Council may approve the Conceptual Plan or Detailed Site Plan or any section of the plan, separately or jointly, in public hearings. One public hearing at the Planning and Zoning Commission and one at the City Council for the PD request is adequate when:
 1. The applicant submits adequate data with the request for the Planned Development district to fulfill the requirement for a Detailed Site Plan; or
 2. Information on the Concept Plan and attached application is sufficient to determine the appropriate use of the land and the Development Plan will not deviate substantially from it.
- B. If the above two conditions are not met, then another public hearing must be held by the Planning and Zoning Commission and City Council prior to approval of the Detailed Site Plan.

- C. The Ordinance establishing the Planned Development district shall not be approved until the Conceptual and/or Detailed Site Plan is approved.
 - 1. The Detailed Site Plan may be approved in sections. When a Detailed Site Plan is approved in sections, then separate approvals by the Planning and Zoning Commission and City Council for the initial and subsequent sections will be required.
 - 2. A Detailed Site Plan shall be submitted for approval within one (1) year from the approval of the Conceptual Plan for some portion of the Concept Plan. If a partial Site Plan is not submitted within one (1) year, the Concept Plan is subject to review by the Planning and Zoning Commission and City Council. If some portion of the entire project is not started within two (2) years, the Planning and Zoning Commission and City Council may review the original Concept Plan to ensure its continued validity. If the City determines the concept is not valid, a new Concept Plan must be approved prior issuing a building permit for any portion of the PD district.
 - 3. Although a public hearing may not be required for the Detailed Site Plan, approval by the Planning and Zoning Commission and City Council is still required.
 - D. A Planned Development may be submitted and approved without a Conceptual or Detailed Site Plan if, in the amending ordinance, it is stipulated that, 1) Conceptual and Detailed Site Plans are still required, 2) a public hearing in accordance with Section 10 is required at the time the plans are submitted to the City, and 3) no development may occur until a Detailed Site Plan is approved.
- 31.6 When a PD district is being considered, a written report from the Building Official discussing the impact on planning, engineering, water utilities, electric, sanitation, building inspection, tax, police, fire, and traffic, and written comments from the applicable public agencies (such as the school district and utility companies) may be submitted to the Planning and Zoning Commission prior to the Commission making any recommendations to the City Council. In the event written comments are not forthcoming in a reasonable amount of time, the Commission may, at its discretion, make a recommendation to the City Council.
- 31.7 All Planned Development 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 maintained as part of this Ordinance.
- 31.8 **Planned Development Ordinances Continued:**
- Prior to adoption of this Ordinance, the City Council has established various Planned Development districts, some of which are to be continued in full force and effect. The ordinances or parts of ordinances approved prior to this Ordinance, specified in Appendix A-1, shall be carried forth in full force and effect and are the conditions, restrictions, regulations and requirements which apply to the respective Planned Development districts shown on the Zoning District Map as of the effective date of this Ordinance.

SECTION 32

MHO -- MANUFACTURED HOME OVERLAY DISTRICT

32.1 GENERAL PURPOSE AND DESCRIPTION:

The MHO, Manufactured Home Overlay, district is intended to be applied in conjunction with a residential base zoning district to encourage HUD-code manufactured homes in certain areas that are already platted or partially developed.

32.2 PERMITTED USES:

- A. Those uses allowed in the base zoning district as prescribed in Section 35 (Use Charts) of this Ordinance.

32.3 AREA REGULATIONS:

- A. All development standards as stated for the base zoning district shall apply, except as follows:
 - 1. No minimum dwelling size is required
 - 2. All units shall be at least twenty-five feet (25') wide (e.g., "double-wide")
 - 3. A pitched roof is required
 - 4. At least one (1) covered parking space is required for each unit, to be placed behind the front building line and to be upon the same lot as the dwelling unit (i.e., on-site).
 - 5. All parking surfaces and driveways shall be an approved all-weather surface.
 - 6. All manufactured home units shall provide skirting from the top of the unit's frame to grade on all sides of the unit. Skirting shall totally enclose under portions of the unit, including all required anchors, footings, and piers. All required skirting shall be masonry or factory designed material (or other material approved by the Building Official, but not corrugated metal), and shall be of a color similar to the materials used in the construction of the manufactured/mobile home unit such that it blends with the overall appearance of the unit.
 - 7. Porches, patios and decks shall be constructed on-site, and shall not encroach into front, side or rear yard setbacks.
 - 8. Axles and tongues shall be removed, such that the manufactured housing unit becomes permanently placed upon the site.
 - 9. Any siding or sheathing used on housing units (or on buildings added onto housing units) shall be compatible with materials used on surrounding structures.
 - 10. Each housing unit shall have a minimum six-inch (6") roof overhang.

32.4 SPECIAL AND SUPPLEMENTAL REQUIREMENTS:

- A. All dwelling units shall be HUD-code manufactured home units or industrialized (modular) housing units.
- B. To insure against natural hazards such as tornados, high winds and electrical storms, anchorage to an approved, permanent foundation shall be provided for each manufactured/mobile home in accordance with local and Building Code requirements.

SECTION 33 HDO -- HISTORIC DISTRICT OVERLAY

33.1 GENERAL PURPOSE AND DESCRIPTION:

The HDO, Historic District Overlay is intended to be used in conjunction with non-overlay (i.e., base) zoning districts to further identify areas and tracts of land that have been deemed historically significant and important to the history of the City of Lampasas and/or the State of Texas, by an agency of State or Federal government or the City Council. To the largest extent possible, the Historic overlay district shall identify such areas and shall indicate by appropriate symbols whether the particular tract in question is designated historically significant by a State, Federal or local authority. The district is for informational purposes only, and may be used by the City to identify properties for purposes of providing future incentive programs for the preservation of historic buildings and structures.

33.2 PERMITTED USES:

- A. Those uses allowed in the base zoning district as prescribed in Section 35 (Use Charts) of this Ordinance.

33.3 AREA REGULATIONS:

- A. The site and minimum off-street parking requirements of the base district shall apply.

33.4 SPECIAL AND SUPPLEMENTAL REQUIREMENTS:

- A. Lots or tracts that have been zoned with the Historic district overlay shall be identified on the City's official Zoning District Map with an "H" designation.
- B. In making a Historic ("H") designation, the Planning and Zoning Commission and City Council shall consider one or more of the following criteria:
 - 1. Character, interest or value as a part of the development, heritage or cultural characteristics of the City of Lampasas, Lampasas County, the State of Texas, or the United States.
 - 2. Location as the site of a significant historic event.
 - 3. Identification of a person (or persons) who significantly contributed to the culture and development of the City or region.
 - 4. Exemplifications of the cultural, economic, social or historical heritage of the City or region.
 - 5. Portrayal of the environment or a group of people in an era of history characterized by a distinctive architectural style.
 - 6. Embodiment of distinguishing characteristics of an architectural type or specimen.
 - 7. Identification as the work of an architect or master builder whose individual work has influenced the development of the City or region.
 - 8. Embodiment of elements of architectural design, detail, materials or craftsmanship.
 - 9. Relationship to other distinctive buildings, sites or areas which are eligible for preservation according to a plan that is based upon historic, cultural or architectural motif.

10. Unique location having physical characteristics representing an established and familiar visual feature of a neighborhood community, the City or the region.
 11. Archaeological value in that it has produced, or can be expected to produce, data affecting theories of historic or prehistoric interest.
 12. Value as an aspect of community sentiment or public pride.
- 33.5 In making the Historic designation, the Planning and Zoning Commission and City Council may modify the requirements of the Building Code and may reduce, increase or otherwise revise the height, yard, area, coverage, parking and/or any other development standards, if such action is determined to be necessary for the preservation or protection of the Historic designated property, and provided that such action in not detrimental to the overall public health, safety or welfare.

SECTION 34 SUP -- SPECIFIC USE PERMITS

34.1 SPECIFIC USES:

The purpose of this overlay district is to allow certain uses within base zoning districts that, under most circumstances, would not be compatible with other permitted uses but with certain conditions and development restrictions may be compatible.

The City Council by an affirmative vote may, after public hearing and proper notice to all parties affected, and after recommendations from the Planning and Zoning Commission that the uses are in general conformance with the intent of the Comprehensive Plan and with general objectives of the City, and containing such requirements and safeguards as are necessary to protect adjoining property, authorize certain uses by a Specific Use Permit (SUP). As a zoning action, issuance of an SUP shall only apply to real property (i.e., shall not be attached to any person, business entity, etc.), shall not be transferred from one property to another (i.e., shall not move if a business operation relocates), and shall not expire without proper zoning action to rescind the SUP (i.e., change the zoning to remove the SUP, with appropriate public notification, public hearing, etc.).

A zoning application for an SUP shall be accompanied by a legal (i.e., metes and bounds, or County plat records reference if a platted lot) description of the property for which the SUP is being requested, and by a site plan (see Section 40) drawn to scale and showing the general arrangement of the project, together with essential requirements such as off-street parking facilities; size, height, construction materials, and locations of buildings and the uses to be permitted; location and construction of signs; means of ingress and egress to public streets; the type of visual screening such as walls, plantings and fences; and the relationship of the intended use to all existing properties and land uses in all directions to a minimum distance of two hundred feet (200'). The City shall make available application forms specifying drawing requirements. The Building Official, Planning and Zoning Commission or City Council may require additional information or drawings (such as building floor plans), operating data and expert evaluation or testimony concerning the location, function and characteristics of any building or use proposed.

34.2 SPECIFIC USE PERMIT REGULATIONS:

A. In recommending that a Specific Use Permit for the premises under consideration be granted, the City shall determine that such uses are harmonious and adaptable to building structures and uses of abutting 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 ingress and egress to public streets, provisions for drainage, adequate off-street parking, screening and open space, heights of structures, and compatibility of buildings. In approving a requested SUP, the Planning and Zoning Commission and City Council may consider the following:

1. The use is harmonious and compatible with surrounding existing uses or proposed uses;
2. The activities requested by the applicant are normally associated with the permitted uses in the base district;
3. The nature of the use is reasonable;
4. Any negative impact on the surrounding area has been mitigated;
5. That any additional conditions specified ensure that the intent of the district purposes are being upheld.

- B. In granting a Specific Use Permit, the Planning and Zoning Commission and City Council may impose conditions which shall be complied with by the owner or grantee before a certificate of occupancy may be issued by the Building Official for use of the building on such property pursuant to such Specific Use Permit and such conditions precedent to the granting of the certificate of occupancy. Any special conditions shall be set forth in writing by the City Council prior to issuance of the Certificate of Occupancy, and shall be incorporated into the amending ordinance establishing the SUP.
 - C. 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 or conditions of the Specific Use Permit, as attached to the site plan drawing (or drawings), as incorporated into the amending ordinance establishing the SUP, and as reviewed by the Planning and Zoning Commission and approved by the City Council.
 - D. A building permit or certificate of occupancy shall be applied for and secured within one (1) year from the time of granting the Specific Use Permit, provided however, that the City Council may authorize an extension. After one (1) year from the date of approval has elapsed, the Planning and Zoning Commission and City Council may review the site plan for compliance. If the site plan is determined to be invalid, the property owner(s) must submit a new or revised site plan for approval prior to any construction or application for building permit for the area designated for the Specific Use Permit. A public hearing is required for consideration of the new site plan. If building construction/use of an SUP has not commenced within a reasonable amount of time after one (1) year, then the City Council, at its option, may initiate proceedings to rescind said SUP for lack of use.
 - E. No building, premise, or land used under a Specific Use Permit may be enlarged, modified, structurally altered, or otherwise significantly changed unless an amended Specific Use Permit is granted for such enlargement, modification, structural alteration, or change.
- Minor changes or alterations may be approved by the Building Official.
- F. The Zoning Board of Adjustments shall not have jurisdiction to hear, review, reverse, or modify any decision, determination, or ruling with respect to the specific land use designated by any Specific Use Permit.
 - G. When the City Council authorizes granting of a Specific Use Permit, the Zoning District Map shall be amended according to its legend to indicate that the affected area has conditional and limited uses, and said amendment is to indicate the appropriate zoning district for the approved use and prefixed by a "SUP", or "S" designation.

34.3 **USE REGULATIONS:**

- A. Uses permitted by SUP are specified in Section 35 (Use Charts).

34.4 **PRIOR CUP ORDINANCES REMAINING IN EFFECT:**

Prior to adoption of this Ordinance, the City Council had established various "Conditional Use Permits" (CUPs; as of the effective date of this Ordinance, these shall be known as "Specific Use Permits", or SUPs), some of which are to be continued in full force and effect. The permits or parts of permits approved prior to this Ordinance, and specified in Appendix A-2, shall be carried forth in full force and effect and are the conditions, restrictions, regulations and requirements which apply to the respective Specific Use Permits shown on the Zoning District Map as of the effective date of this Ordinance.

IV. USE REGULATIONS

SECTION 35 USE REGULATIONS (CHARTS)

- 35.1 A. The use of land and/or buildings shall be in accordance with those listed in the following Use Charts. 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 it is located. The legend for interpreting the permitted uses in the Use Charts is:

Designates use permitted in the zoning district indicated

Designates use prohibited in district indicated

Designates use may be approved by Specific Use Permit (also see Section 34)

See Definitions in the Appendix (A-3) for further description of uses identified with an asterisk (*).

- B. If a use is not listed, it is not allowed in any zoning district.

C. **Use Chart Organization:**

1. Primary Residential Uses (Use Chart 35.2)
2. Accessory and Incidental Uses (Use Chart 35.3)
3. Utility and Service Uses (Use Chart 35.4)
4. Recreational and Entertainment Uses (Use Chart 35.5)
5. Education, Institutional, Public, and Special Uses (Use Chart 35.6)
6. Transportation Related Uses (Use Chart 35.7)
7. Automobile and Related Uses (Use Chart 35.8)
8. Office and Professional Uses (Use Chart 35.9)
9. Retail and Related Service Uses (Use Chart 35.10)
10. Commercial Uses (Use Chart 35.11)
11. Light Industrial and Related Uses (Use Chart 35.12)

- D. **Classification of New/Unlisted Uses** - It is recognized that new types of land use will develop and forms of land use not presently anticipated may seek to locate in the City of Lampasas. In order to provide for such changes and contingencies, a determination as to the appropriate classification of any new or unlisted form of land use in the Use Charts (Sections 35.2 through 35.12) shall be made as follows:

1. **Initiation**

- a. A person, City department, the Planning and Zoning Commission, or City Council may propose zoning amendments to regulate new and previously unlisted uses.
 - b. A person requesting the addition of a new or unlisted use shall submit to the Director of Planning all information necessary for the classification of the use, including but not limited to:
 - (1) The nature of the use and whether the use involves dwelling activity, sales, services, or processing;
 - (2) The type of product sold or produced under the use;
 - (3) Whether the use has enclosed or open storage and the amount and nature of the storage;
 - (4) Anticipated employment typically anticipated with the use;
 - (5) Transportation requirements;
 - (6) The nature and time of occupancy and operation of the premises;
 - (7) The off-street parking and loading requirements;
 - (8) The amount of noise, odor, fumes, dust, toxic materials and vibration likely to be generated; and
 - (9) The requirements for public utilities such as sanitary sewer and water and any special public services that may be required.
2. The Building Official shall refer the question concerning any new or unlisted use to the Planning and Zoning Commission requesting a recommendation as to the zoning classification into which such use should be placed. The referral of the use interpretation question shall be accompanied by the statement of facts in "b" above. An amendment to this Ordinance shall be required as prescribed by Section 10.
 3. The Planning and Zoning Commission shall consider the nature and described performance of the proposed use and its compatibility with the uses permitted in the various districts and determine the zoning district or districts within which such use is most similar and should be permitted.
 4. The Planning and Zoning Commission shall transmit its findings and recommendations to the City Council as to the classification proposed for any new or unlisted use. The City Council shall approve or disapprove the recommendation of the Planning and Zoning Commission or make such determination concerning the classification of such use as is determined appropriate based upon its findings. If approved, the new or unlisted use shall be amended in the use charts of the Zoning Ordinance according to Section 10.
 5. Standards for new and unlisted uses may be interpreted by the Building Official as those of a similar use. When a determination of the appropriate zoning district cannot be readily ascertained, the same criteria outlined above ("b") shall be followed for determination of the appropriate district. The decision of the Building Official may be appealed according to the process outlined in "2" through "4" above.

SECTION 35.2
Adopted June 14, 1999 (Ord. #878)

[illegible]

 Designated use permitted in District indicated
 Designates use prohibited in District indicated
 Indicates use may be approved as Specific Use Permit

* SEE APPENDIX A-3 FOR DEFINITIONS

 must add 2 additional parking spaces

SECTION 35.4
Adopted June 14, 1999 (Ord. #878)

UTILITY, SERVICE AND OTHER USES

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[illegible]

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USE CHART

CITY OF LAMPASAS, TEXAS

ZONING ORDINANCE

Legend for Interpreting Schedule of Use



Designated use permitted in District indicated



Designates use prohibited in District indicated



Indicates use may be approved as Specific Use Permit

SECTION 35.5

Adopted June 14, 1999 (Ord. #878)

RECREATIONAL AND ENTERTAINMENT USES

	AG	SF-20	SF-10	SF-8	SF-6.5	SF-PH	2F	SF-A	MF-1	MF-2	MH	O	NR	R	CBD	C	LI	HI	PD	M
	AG	SF-20	SF-10	SF-8	SF-6.5	SF-PH	2F	SF-A	MF-1	MF-2	MH	O	NR	R	CBD	C	LI	HI	PD	MHO
AMUSEMENT ARCADE *															S	●	●	●	●	
AMUSEMENT, COMMERCIAL (INDOOR) *														S	S	●	●	●	●	
AMUSEMENT, COMMERCIAL (OUTDOOR) *														S	S	S	●	●	●	
BALLROOM DANCING *																●	●	●	●	
CARNIVAL, CIRCUS OR TENT SERVICE (TEMPORARY) *	SUBJECT TO TEMPORARY PERMIT ISSUED BY CITY OF LAMPASAS																			
COUNTRY CLUB (PRIVATE) *	●	S	S	S	S	S	S	S	S	S	S	S	●	●	●	●	●	●	●	●
DAY CAMP FOR CHILDREN *	●	S	S	S	S	S	S	S	S	S	S	S	S	S	●	●	●	S	●	S
GOLF COURSE (COMMERCIAL) *	●	S	S	S	S	S	S	S	S	S	S	S		S	S	●	●	●	●	S
PARK OR PLAYGROUND (PRIVATE) NON COMMERCIAL *	●	●	●	●	●	●	●	●	●	●	●	●	S	S	S	S	●	●	●	●
PARK OR PLAYGROUND (PUBLIC)	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●
PLAYFIELD OR STADIUM (PUBLIC) *	S	S	S	S	S	S	S	S	S	S	S	S	S	S	●	●	●	●	●	S
PRIVATE CLUB *														S	S	S	S	●		
RODEO GROUNDS	S															S	S	●		
ROLLER OR ICE RINK													●			●	●	●		
RV PARK	S										S	S		S				●	S	
STABLE (PRIVATE) *	●	S																●		
STABLE (COMMERCIAL) *	●	S	S												S	S	S	●		
SWIMMING POOL (COMMERCIAL) *										S	S	S	S	●	●	●	●	●	●	
SWIM, TENNIS OR HANDBALL CLUB	S	S	S	S	S	S	S	S	S	S	S	S	●	●	●	●	●	●	●	S
THEATER (OPEN DRIVE-IN) *															S	●	●	●		
THEATER OR PLAYHOUSE (INDOOR) *									S	S	●	●	●	●	●	●	●	●		
ZOO (PRIVATE) *	S														S	S	●			
ZOO (PUBLIC) *	S														S	S	●			

* SEE APPENDIX A-3 FOR DEFINITIONS

USE CHART

CITY OF LAMPASAS, TEXAS

ZONING ORDINANCE

SECTION 35.6

Adopted June 14, 1999 (Ord. #878)

EDUCATIONAL, INSTITUTIONAL AND SPECIAL USES

Legend for Interpreting Schedule of Use



Designated use permitted in District indicated



Designates use prohibited in District indicated



Indicates use may be approved as Specific Use Permit

		AG	SF-20	SF-10	SF-8	SF-6.5	SF-6.5	SF-6.5	SF-6.5	SF-6.5	2F	SF-A	MF-1	MF-2	MH	O	NR	GR	CBD	C	LI	HI	PD	MHO
		AG	SF-20	SF-10	SF-8	SF-6.5	SF-6.5	SF-6.5	SF-6.5	SF-6.5	2F	SF-A	MF-1	MF-2	MH	O	NR	GR	CBD	C	LI	HI	PD	MHO
ART GALLERY OR MUSEUM	*																							
ASSISTED LIVING FACILITY	*																							
CEMETERY, ANIMAL	*	S																						
CEMETERY OR MAUSOLEUM	*	S	S	S	S	S	S	S	S	S		S	S	S	S	S	S	S	S	S	S	S	S	S
CHILD CARE CENTER/ DAY CARE CENTER	*	S	S	S	S	S	S	S	S	S		S	S	S	S	S	S	S	S	S	S	S	S	S
CHURCH, RECTORY OR TEMPLE	*																							
COLLEGE OR UNIVERSITY	*	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S
COMMUNITY CENTER (PUBLIC)	*	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S
CONTINUING CARE RETIREMENT COMMUNITY	*																							
CONVENT OR MONASTERY		S	S	S	S	S	S	S	S	S		S	S	S	S	S	S	S	S	S	S	S	S	S
FAIRGROUNDS OR EXHIBITION AREA	*	S																						
FAMILY HOME (CHILD CARE)	*																							
FRATERNAL ORGANIZATION, LODGE UNION HALL OR CIVIC CLUB	*	S																						
GROUP DAY CARE HOME	*	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S
HOSPITAL, ACUTE CARE	*	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S
HOSPITAL, CHRONIC CARE	*	S																						
INSTITUTION FOR ALCOHOLIC, NARCOTIC OR PSYCHIATRIC PATIENTS	*	S																						
INSTITUTION OF RELIGIOUS, CHARITABLE OR PHILANTHROPIC NATURE		S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S
KINDERGARTEN OR NURSERY SCHOOL (PRIVATE)	*	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S
NON-PROFIT ACTIVITIES BY A CHURCH	*																							
REHABILITATION CARE FACILITY (HALFWAY HOUSE)	*																							
RETIREMENT HOUSING FOR THE ELDERLY	*																							
SCHOOL, BUSINESS	*																							
SCHOOL, COMMERCIAL TRADE	*																							
SCHOOL, DRIVING/DEFENSIVE DRIVING																								
SCHOOL, PRIVATE (PRIMARY OR SECONDARY)	*	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S
SCHOOL, PUBLIC OR PAROCHIAL	*																							
SEASONAL USES (TEMPORARY)	*																							
SKILLED NURSING FACILITY	*																							

* SEE APPENDIX A-3 FOR DEFINITIONS

SECTION 35.7
Adopted June 14, 1999 (Ord. #878)

TRANSPORTATION RELATED
USES

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[illegible]

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USE CHART

CITY OF LAMPASAS, TEXAS

ZONING ORDINANCE

SECTION 35.10
Adopted June 14, 1999 (Ord. #878)

RETAIL AND SERVICE TYPE USES

Legend for Interpreting Schedule of Use



Designated use permitted in District indicated



Designates use prohibited in District indicated



Indicates use may be approved as Specific Use Permit

	AG	SF-20	SF-10	SF-8	SF-6.5	SF-2F	SF-A	MF-1	MF-2	MH	O	NR	GR	CBD	C	LI	HI	PD	MHO
	AGRICULTURAL	SINGLE-FAMILY RESIDENTIAL 20,000 S.F. LOTS	SINGLE-FAMILY RESIDENTIAL 10,000 S.F. LOTS	SINGLE-FAMILY RESIDENTIAL 8,000 S.F. LOTS	SINGLE-FAMILY RESIDENTIAL 6,500 S.F. LOTS	TWO-FAMILY RESIDENTIAL PATIO HOME	SINGLE-FAMILY RESIDENTIAL DUPLEX	MULTI-FAMILY RESIDENTIAL (TRIPLEX/QUADRAPLEX)	MULTI-FAMILY RESIDENTIAL - 1 (APARTMENTS)	MANUFACTURED HOME	OFFICE	NEIGHBORHOOD RETAIL	GENERAL RETAIL	CENTRAL BUSINESS DISTRICT	GENERAL COMMERCIAL	LIGHT INDUSTRIAL	HEAVY INDUSTRIAL	PLANNED DEVELOPMENT	MANUFACTURED HOME OVERLAY
	AG	SF-20	SF-10	SF-8	SF-6.5	SF-2F	SF-A	MF-1	MF-2	MH	O	NR	GR	CBD	C	LI	HI	PD	MHO
ANIMAL HUMANE SOCIETY																			
ANTIQUE SHOP, SALES INDOORS *									S										
APPLIANCE RENTAL																			
ART SUPPLY STORE									S										
BAKERY OR CONFECTIONERY SHOP (RETAIL)																			
BANKING, AUTOMATIC TELLER ONLY																			
BOOK OR STATIONERY SHOP OR NEWSSTAND																			
BUILDING MATERIALS, HARDWARE OR HOME IMPROVEMENT CENTER (INDOOR) *																			
BUILDING MATERIALS, HARDWARE OR HOME IMPROVEMENT (OUTDOOR) *												S	S						
CELLULAR PHONE/PAGER SALES (INDOOR)																			
CLEANING SHOP OR LAUNDRY PICK-UP AND SELF-SERVICE (SMALL SHOP) *																			
CLEANING PLANT (COMMERCIAL OR WHOLESALE) *															S				
COMPUTER SALES									S										
CONSIGNMENT STORE																			
COPY SHOP *																			
CUSTOM PERSONAL SERVICE SHOP *																			
DISCOUNT OR DEPARTMENT STORE												S							
DONUT SHOP									S										
DRAPERY, NEEDLEWORK OR WEAVING SHOP																			
DRUG STORE OR PHARMACY									S										
FLORIST SHOP *									S										
FOOD AND BEVERAGE SALES STORE WITH GASOLINE SALES (CONVENIENCE STORE) *									S			S							
FOOD AND BEVERAGE SALES STORE WITHOUT GASOLINE SALES (CONVENIENCE STORE)																			
FOOD STORE *																			
FUNERAL HOME OR MORTUARY *																			
FURNITURE, HOME FURNISHINGS & APPLIANCE STORE *																			
GARDEN SHOP *																			
GREENHOUSE OR PLANT NURSERY W/OUTSIDE DISPLAY OF PLANTS (RETAIL SALES)									S										
HANDCRAFT SHOP AND ART OBJECTS SALES																			

* SEE APPENDIX A-3 FOR DEFINITIONS

USE CHART

CITY OF LAMPASAS, TEXAS

ZONING ORDINANCE

Legend for Interpreting Schedule of Use

-  Designated use permitted in District indicated
-  Designates use prohibited in District indicated
-  Indicates use may be approved as Specific Use Permit

SECTION 35.10

Adopted June 14, 1999 (Ord. #878)

RETAIL AND SERVICE TYPE USES (CONT.)

ZONING ORDINANCE																							
SECTION 35.10																							
Adopted June 14, 1999 (Ord. #878)																							
RETAIL AND SERVICE TYPE USES (CONT.)																							
	AG	SF-20	SF-10	SF-8	SF-6.5	SF-PH	2F	SF-A	MF-1	MF-2	MH	O	NR	GR	CBD	C	LI	HI	PD	MHO			
	AGRICULTURAL	SINGLE-FAMILY RESIDENTIAL 20,000 S.F. LOTS	SINGLE-FAMILY RESIDENTIAL 10,000 S.F. LOTS	SINGLE-FAMILY RESIDENTIAL 8,000 S.F. LOTS	SINGLE-FAMILY RESIDENTIAL 6,500 S.F. LOTS	SINGLE-FAMILY RESIDENTIAL PATIO HOME	TWO-FAMILY RESIDENTIAL DUPLEX	SINGLE-FAMILY RESIDENTIAL (ATTACHED) (TRIPLEX/QUADRAPLEX)	MULTI-FAMILY RESIDENTIAL - 1 (APARTMENTS)	MANUFACTURED HOME	OFFICE	NEIGHBORHOOD RETAIL	GENERAL RETAIL	CENTRAL BUSINESS DISTRICT	GENERAL COMMERCIAL	LIGHT INDUSTRIAL	HEAVY INDUSTRIAL	PLANNED DEVELOPMENT	MANUFACTURED HOME OVERLAY				
HARDWARE SHOP																							
HOBBY SHOP													S										
HOUSEHOLD APPLIANCE SERVICE OR REPAIR *																							
ICE CREAM/YOGURT SALES										S													
INCIDENTAL OR ACCESSORY RETAIL OR SERVICE USES										S													
KEY SHOP																							
KIOSK *										S	S	S	S	S	S	S	S						
LAUNDROMAT (OR SELF-SERVICE WASHATERIA) *										S													
MEDICAL APPLIANCES, FITTING, SALES OR RENTAL																							
MINI-WAREHOUSE *															S								
PAWN SHOP *																							
PET SHOP & GROOMING *										S													
RECYCLING KIOSK *												S											
RESTAURANT WITH DRIVE THRU SERVICE *										S													
RESTAURANT OR CAFETERIA (NO DRIVE-THRU SERVICE) *										S													
RESTAURANT OR EATING PLACE (DRIVE-IN SERVICE) *											S												
RETAIL SHOP, APPAREL, GIFT, ACCESSORY AND SIMILAR ITEMS *										S													
SECURITY SYSTEMS INSTALLATION COMPANY																							
SILK SCREENING STUDIO OR TEE SHIRT SHOP															S								
STUDIO, DECORATOR, ARTIST, PHOTOGRAPHER										S													
STUDIO, HEALTH/REDUCING/FITNESS OR SIMILAR SERVICE/ESTABLISHMENT *										S													
STUDIO, MUSIC, DANCE OR DRAMA										S													
TEMPORARY OUTDOOR RETAIL SALES / COMMERCIAL PROMOTION *											S												
TOOL AND LIGHT EQUIPMENT RENTAL (INDOOR)											S												
TRAVEL BUREAU OR TRAVEL CONSULTANT																							
TROPHY SALES AND ENGRAVING											S												
USED MERCHANDISE OR SECOND-HAND THRIFT STORE *											S			S									
USED MERCHANDISE OR SECOND-HAND THRIFT STORE (NON-PROFIT) *												S		S									
VACUUM CLEANER SALES AND REPAIR																							

* SEE APPENDIX A-3 FOR DEFINITIONS

SECTION 35.10
Adopted June 14, 1999 (Ord. #878)

* SEE APPENDIX A-3 FOR DEFINITIONS

 Designated use permitted in District indicated
 Designates use prohibited in District indicated
 Indicates use may be approved as Specific Use Permit

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USE CHART

CITY OF LAMPASAS, TEXAS

ZONING ORDINANCE

Legend for Interpreting Schedule of Use

-  Designated use permitted in District indicated
-  Designates use prohibited in District indicated
-  Indicates use may be approved as Specific Use Permit

SECTION 35.11

Adopted June 14, 1999 (Ord. #878)

COMMERCIAL TYPE USES

		AG	SF-20	SF-10	SF-8	SF-6.5	SF-10	SF-8	SF-6.5	SF-PH	2F	SF-A	MF-1	MF-2	MH	O	NR	GR	CBD	C	LI	HI	PD	MHO
		AGRICULTURAL	SINGLE-FAMILY RESIDENTIAL 20,000 S.F. LOTS	SINGLE-FAMILY RESIDENTIAL 10,000 S.F. LOTS	SINGLE-FAMILY RESIDENTIAL 8,000 S.F. LOTS	SINGLE-FAMILY RESIDENTIAL 6,500 S.F. LOTS	SINGLE-FAMILY RESIDENTIAL PATIO HOME	TWO-FAMILY RESIDENTIAL DUPLEX	SINGLE-FAMILY RESIDENTIAL (ATTACHED)	TRIPLEX/QUADRAPLEX	MULTI-FAMILY RESIDENTIAL - 1 (APARTMENTS)	MANUFACTURED HOME	OFFICE	NEIGHBORHOOD RETAIL	GENERAL RETAIL	CENTRAL BUSINESS DISTRICT	GENERAL COMMERCIAL	LIGHT INDUSTRIAL	HEAVY INDUSTRIAL	PLANNED DEVELOPMENT	MANUFACTURED HOME OVERLAY			
AMBULANCE SERVICE *	*																		S					
BAKERY OR CONFECTIONARY (WHOLESALE OR COMMERCIAL) *	*														S									
BOOK BINDING																		S						
BOTTLING WORKS																		S						
CABINET SHOP																		S						
CLOTHING OR SIMILAR LIGHT MANUFACTURING																								
CONTRACTOR SHOP W/OUTSIDE STORAGE YARD *	*																	S						
DISTRIBUTION CENTER *	*																							
DRAPERY OR FURNITURE UPHOLSTERY SHOP *	*																							
DYEING OR LAUNDRY PLANT (COMMERCIAL)																								
EQUIPMENT RENTAL (HEAVY)																		S						
EQUIPMENT SALES (NEW OR USED)																		S						
FEED AND GRAIN STORE *	*	S													S									
FLEA MARKET (INDOOR) *	*																	S	S					
FOOD PROCESSING PLANT																		S	S					
FURNITURE MANUFACTURE AND REFINISHING SHOP																		S						
HEATING AND AIR CONDITIONING SALES																								
HEAVY MACHINERY SALES STORAGE *	*																	S						
KENNEL (INDOOR PENS) *	*	S												S										
KENNEL (OUTDOOR PENS) *	*	S																S	S	S				
LABORATORY EQUIPMENT MANUFACTURING *	*																	S	S					
LABORATORY, SCIENTIFIC OR RESEARCH *	*																							
LANDSCAPING SERVICE/CONSTRUCTION		S																S						
LIGHT MANUFACTURING AND ASSEMBLY PROCESSES																		S						
LITHOGRAPHIC OR PRINT SHOP *	*																							
MAINTENANCE AND REPAIR SERVICE FOR BUILDINGS																								
MANUFACTURED OR INDUSTRIALIZED HOME SALES (NEW)																		S	S					
MANUFACTURED OR INDUSTRIALIZED HOME SALES (USED)																		S	S					
MILK DEPOT, DAIRY OR ICE CREAM PLANT																		S	S					

* SEE APPENDIX A-3 FOR DEFINITIONS

COMMERCIAL USES (CONT.)

Legend for Interpreting Schedule of Use

-  Designated use permitted in District indicated
 Designates use prohibited in District indicated
 Indicates use may be approved as Specific Use Permit

[illegible]

* SEE APPENDIX A-3 FOR DEFINITIONS

V. DEVELOPMENT STANDARDS

SECTION 36 OFF-STREET PARKING AND LOADING REQUIREMENTS

36.1 PURPOSE:

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

36.2 RESIDENTIAL DISTRICTS -- SPECIAL OFF-STREET PARKING PROVISIONS:

- A. Required off-street parking shall be provided on the same site as the use it is to serve.
- B. All vehicle parking shall be on a suitably paved parking surface. All driveways and approaches to parking spaces shall be similarly paved, except in the AG district.
- C. No required parking space, garage, carport, or other automobile storage space shall be used for the storage of any heavy load vehicle (see definitions for heavy load vehicle).

36.3 NONRESIDENTIAL AND MF DISTRICTS -- SPECIAL OFF-STREET PARKING PROVISIONS:

- A. To prevent nuisance situations, all parking area lighting shall be designed and operated so as not to reflect or shine on adjacent properties and in accordance with the standards established in Section 43.
- B. For safety and fire-fighting purposes, free access through to adjacent nonresidential parking areas shall be provided in accordance with Section 36.10.
- C. All off-street parking, maneuvering, loading and storage areas shall be paved in accordance with the parking lot paving requirements in the City's Code of Ordinances (i.e., no parking shall be permitted on grass, within landscaped areas, or on other unimproved surfaces).

Parking spaces shall be permanently and clearly identified by stripes, buttons, tiles, curbs, barriers, or other approved methods. Non-permanent type marking, such as paint, shall be regularly maintained to ensure continuous clear identification of the space.

- D. Each standard off-street surface parking space size shall be in accordance with the design standards as shown on Illustration 10 for space size and design. Specific parking space sizes, exclusive of aisles, driveways and maneuvering areas shall be in accordance with the following minimum sizes:
 - 1. Standard: Nine feet (9') by eighteen feet (18')
 - 2. Compact: Nine feet (9') by sixteen feet (16'); limited to a maximum of ten percent (10%) of the required number of parking spaces; must be clearly designated with appropriate signage.
 - 3. Parallel: Eight feet (8') by twenty-two feet (22')
- E. All parking and loading spaces, and vehicle sales areas on private property shall have a vehicle stopping device installed so as to prevent parking of motor vehicles in any required landscaped areas, to

prevent vehicles from hitting buildings, and to prevent any parked vehicle from overhanging a public right-of-way line, public sidewalk, or adjacent private property. An extra-wide sidewalk on private property may be permitted so as to allow encroachment of vehicle overhang while maintaining an unobstructed three-foot (3') minimum sidewalk width. The requirement shall apply only where spaces are adjacent to the walks, right-of-way, and required landscaping. Parking shall not be permitted to encroach upon the public right-of-way in any case. For new construction only, all vehicle maneuvering shall take place on-site. No public right-of-way shall be used for backing or maneuvering into or from a parking space, or for circulation within the parking lot.

- F. In all nonresidential and multi-family zoning districts, the perimeter of all parking lots and driveways shall be provided with concrete curbs or other means to control traffic.
- G. Refuse storage facilities placed in a parking lot shall not be located in a designated parking or loading space. Each refuse facility shall be located so as to facilitate pickup by refuse collection agencies.
- H. Handicap parking space(s) shall be provided according to building codes, State laws, and requirements of the Americans with Disabilities Act (ADA).
- I. In all nonresidential and multi-family zoning categories, designated parking and loading areas shall not be used for the repair, storage, dismantling or servicing (except for normal maintenance of a private vehicle) of vehicles or equipment; or for the storage of materials or supplies, or for any other use in conflict with the designated parking and loading areas (i.e., advertising or open storage of raw materials).
- J. To ensure that all requirements set forth in this Section are carried forward, it will be the responsibility of the owner of the parking area to adequately maintain the facility. All off-street parking areas shall be kept free of trash, debris, vehicle repair operation or display and advertising uses. At no time after initial approval of the parking area layout can changes be made in the location and number of provided spaces without approval of the Building Official.
- K. Off-street stacking requirements for drive-through facilities:
 - 1. A stacking space shall be an area on a site measuring eight feet (8') by twenty feet (20') with direct forward access to a service window or station of a drive-through facility which does not constitute space for any other circulation driveway, parking space, or maneuvering area. An escape lane, of at least eight (8) feet in width and with negotiable geometric design, must be provided to allow vehicles to get out of stacking lane in the event of a stalled vehicle, emergency, accidental entry, etc.
 - 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. One escape lane shall be provided.
 - 3. For each service window of a drive-through restaurant, a minimum of six (6) spaces shall be provided for the first vehicle stop (usually the menu/order board), and two (2) spaces shall be provided for each additional vehicle stop (order/pick-up windows, etc.). One escape lane shall be provided from the beginning of the stacking lane to the first stop (e.g., menu/order board).
 - 4. For kiosks, a minimum of three (3) stacking spaces for each service window shall be provided.
 - 5. For a full-service car wash, each vacuum or gas pump lane shall be provided with a minimum of three (3) stacking spaces. For the finish/drying area, adequate stacking space must be provided to keep finished vehicles out of circulation aisles, access easements, fire lanes, streets, etc.

6. For each automated self-service (drive-through/rollover) car wash bay, a minimum of three (3) stacking spaces, in addition to the wash bay itself, shall be provided. One stacking space shall be provided at the exit end of each wash bay for window-drying and other detailing.
7. For each wand-type self-service (open) car wash bay, a minimum of two (2) stacking spaces, in addition to the wash bay itself, shall be provided. One stacking space shall be provided at the exit end of each wash bay for window-drying and other detailing, unless a separate area/shade structure is provided (outside of circulation aisles) for these activities.
8. For automobile quick-lube type facilities, a minimum of three (3) stacking spaces shall be provided for each service bay in addition to the service bay(s) itself.

36.4 OFF-STREET LOADING SPACE -- ALL DISTRICTS:

- A. All retail, commercial, industrial and service structures shall provide and maintain off-street facilities for receiving and loading merchandise, supplies and materials within a building or on the lot or tract. All drives and approaches shall provide adequate space and clearances to allow for the maneuvering of trucks off-street. Each site shall provide a designated on-site maneuvering area for trucks (see Illustration 2). Such off-street loading space may be adjacent to a public alley or private service drive or may consist of a truck berth within the structure. Such off-street loading space or truck berth shall consist of a minimum area of ten by forty-five feet (10' x 45'), and such spaces or berths shall be provided in accordance with the following schedule:

<u>Total Square Feet of Gross Floor Area in Structure</u>			<u>Minimum Required Spaces or Berths</u>
0	to	10,000 square feet	None
10,001	to	50,000 square feet	1
50,001	to	100,000 square feet	2
100,001	to	200,000 square feet	3
Each additional 100,000 square feet			1 additional

- B. Along major thoroughfares, loading docks or overhead rolling steel doors shall not be constructed facing the front of the lot, unless such loading dock or overhead rolling steel doors are set back a minimum of seventy-five feet (75') from the right-of-way line of the street or highway on which said loading dock fronts and is visually screened from "line of sight" measured from a vertical height of five feet (5') from such major thoroughfare. Screening shall be subject to the following standards:
 1. Screening shall be equivalent to a brick masonry wall six feet (6') in height.
 2. A living screen or living screen and berm of equal height may be substituted upon approval of the Planning and Zoning Commission. Living screen materials shall be in accordance with the City of Lampasas' approved plant list (see Appendix A-4).
 3. Screening shall be provided for a linear distance equal to the length of the area where the loading docks are exposed to the public street.
- C. Loading docks on streets other than major thoroughfares shall not be constructed facing the front of the lot, unless a minimum setback of seven-five feet (75') is provided from the right-of-way line of the street or highway on which said loading dock fronts (see Illustration 2).
- D. 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 enclose the loading operation on three sides, in order to reduce the effects of the noise of the operation

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on adjacent residences.

- E. Kindergartens, elementary schools, day schools, and similar child training and care establishments shall provide one (1) paved off-street pedestrian loading and unloading space for an automobile on a through "circular" drive for each ten (10) students cared for excluding child care in a residence. An additional lane shall also be required to allow passby or through traffic to move while automobiles waiting or parked to pick up children occupy loading/unloading areas.

36.5 **PARKING ACCESS FROM A PUBLIC STREET -- ALL DISTRICTS:**

- A. In the approval of a Detailed Site Plan, design consideration shall be given to providing entrance/exit drives which extend into the site to provide adequate queuing of vehicles on the site.
- B. In all Districts (except all Single-Family and Duplex zoning districts) building plans shall provide for entrance/exit drive(s) appropriately designed and located to minimize traffic congestion or conflict within the site and with adjoining public streets as approved by the Building Official or designated representative.
 - 1. Based upon analysis by the City, if projected volumes of traffic entering or leaving a development are likely to interfere with the projected peak traffic flow volumes on adjoining streets, additional right-of-way and paving in the form of a deceleration lane or turn lane may be required of a developer in order to reduce such interference.
 - 2. The determination of additional right-of-way or paving requirements shall be made at the time the final site plan is submitted for approval.
- C. Vehicular access to non-residential uses shall not be permitted from alleys serving residential areas.
- D. Parking space configuration, location, arrangement, size and circulation in all Districts shall be constructed according to Illustration 10.

36.6 **PARKING REQUIREMENTS BASED ON USE:**

- A. In all districts, there shall be provided at the time any building or structure is erected or structurally altered, or change of use, off-street parking spaces in accordance with the following requirements:
 - 1. **Automobile parts sales (indoors):** One (1) space per five hundred (500) square feet of indoor floor area plus one (1) space for each 2,000 square feet of outside sales area.
 - 2. **Automobile sales or service:** See Motor-Vehicle Sales
 - 3. **Bank, savings and loan, or similar institution:** One (1) space per two hundred (200) square feet of gross floor area
 - 4. **Bed and breakfast facility:** One (1) space per guest room in addition to the requirements for a normal residential use
 - 5. **Bowling alley or center:** Six (6) parking spaces for each alley or lane
 - 6. **Bus or truck repair, storage area, or garage:** One (1) space for each five hundred (500) square feet of floor area and repair garage with a minimum of five (5) spaces
 - 7. **Business or professional office (general):** One (1) space per three hundred (300) square feet of gross floor area except as otherwise specified herein

8. **Car wash (self-serve):** One (1) space per washing bay or stall in addition to the washing area or stall themselves; **Car wash (full service):** One (1) space per one hundred fifty (150) square feet of floor area
9. **Church, rectory, or other place of worship:** One (1) parking space for each three (3) seats in the main auditorium/sanctuary (see Subsection 36.7(B))
10. **College or university:** One (1) space per three (3) day students (based upon maximum occupancy and/or enrollment numbers)
11. **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 a part of the building, its floor area shall be deducted from the total and additional parking provided on the basis of one (1) space for each four (4) seats that it contains (see Subsection 36.7(B))
12. **Commercial amusement (indoor):** One (1) space per one-hundred (100) square feet of gross floor area, or as follows:
 - a. Racquetball or handball courts - Three (3) spaces for each court
 - b. Indoor tennis courts - Six (6) spaces for each court
 - c. Gymnasium, skating rinks, and martial arts schools - One (1) space for each three (3) seats at a maximum seating capacity (based upon maximum occupancy), plus one (1) space for each two hundred (200) square feet
 - d. Swimming pool - One (1) space for each one hundred (100) square feet of gross water surface and deck area
 - e. Weight lifting or exercise areas - One (1) space for each one hundred (100) square feet
 - f. Bingo parlors - One (1) space for each three (3) seats (see Subsection 36.7(B)), or one (1) per one hundred (100) square feet of total floor area, whichever is greater
 - g. Indoor jogging or running tracks - One (1) space for each one hundred (100) linear feet
 - h. Motion picture theaters (which do not include live performances): a) one (1) space per three and one-half (3½) seats for single-screen theaters; b) one (1) space per five (5) seats for motion picture theaters with two (2) or more screens (see Subsection 36.7(B))
 - i. Amusement Center - One (1) space for each game table and one (1) space for each amusement device
 - j. All areas for subsidiary uses not listed above or in other parts of this Section (such as restaurants, office, etc.), shall be calculated in with the minimum specified for those individual uses
13. **Commercial amusement (outdoor):** Ten (10) spaces plus one (1) space for each five hundred (500) square feet over five thousand (5000) square feet of building and recreational area
14. **Commercial use:** One (1) space per two hundred fifty (250) square feet of floor area

15. **Convenience store (with gasoline pumps):** One (1) space per two hundred (200) square feet of floor area, plus one (1) space for each gasoline pump unit (a unit may have up to six (6) nozzles for gasoline disbursement). Spaces within pump areas qualify as spaces for the parking requirement. If no gasoline sales are provided, then the parking requirements shall be the same as for a retail store. Adequate space shall be provided for waiting, stacking, and maneuvering automobiles for refueling. (See also Section 41.2(E))
16. **Dance hall, aerobics, assembly or exhibition hall without fixed seats:** One (1) parking space for each one hundred (100) square feet of floor area thereof
17. **Day nursery:** One (1) space per ten (10) pupils (based upon maximum occupancy and/or licensing capacity), plus one (1) space per teacher, plus one (1) space for each bus or van
18. **Defensive driving school/class:** One (1) space for each classroom seat (see Subsection 36.7(B))
19. **Flea market:** One (1) space for each two hundred (200) square feet of floor or sales area. Dirt or gravel parking lots are not permitted.
20. **Fraternity, sorority or dormitory:** One (1) parking space for each two (2) beds on campus, and one and one-half (1½) spaces for each two beds in off-campus projects
21. **Furniture or appliance store, hardware store, wholesale establishments, clothing or shoe repair or service:** Two (2) parking spaces plus one (1) additional parking space for each three hundred (300) square feet of floor area over one thousand (1,000) square feet
22. **Gasoline station:** One (1) space per two hundred (200) square feet of floor area, plus one (1) space for each gasoline pump unit (a unit may have up to six (6) nozzles for gasoline disbursement). Spaces within pump areas qualify as spaces for the parking requirement. Adequate space shall be provided for waiting, stacking, and maneuvering automobiles for refueling. (See also Section 41.2(E))
23. **Golf course:** Four (4) parking spaces per hole or green plus requirements for retail, office, and club house areas and one (1) space per each two (2) employees
24. **Golf driving range:** One and one-half (1½) spaces for each driving tee
25. **Health club, health spa or exercise club:** One (1) space per one hundred fifty (150) square feet of floor area
26. **Hospital:** One (1) space for each two (2) beds or examination room whichever is applicable
27. **Hotel:** One (1) space per room for the first two hundred fifty (250) rooms and .75 space per room for each room over two hundred fifty (250), plus one (1) space per five (5) restaurant/lounge area seats (based upon maximum occupancy), plus one (1) space per one hundred twenty-five (125) square feet of meeting/conference areas.
 - a. One and one-tenth (1.1) spaces per room which contains kitchenette facilities, plus parking for restaurant and meeting areas per ratio stated in this paragraph.
 - b. Two (2) spaces per guest room provided with full kitchen facilities plus parking for restaurant and meeting areas per the ratio stated in this paragraph.
28. **Industrial (light) uses:** One (1) space for each one thousand (1,000) square feet of floor area

29. **Institutions of a philanthropic nature:** Ten (10) spaces plus one (1) space for each employee
30. **Library or museum:** Ten (10) spaces plus one (1) space for every three hundred (300) square feet
31. **Lodge or fraternal organization:** One (1) space per two hundred (200) square feet
32. **Lumber yard:** One (1) space per four hundred (400) square feet display area, plus one (1) space per one thousand (1,000) square feet of warehouse
33. **Machinery or heavy equipment sales:** One (1) space per five hundred (500) square feet of gross floor area
34. **Manufacturing, processing or repairing:** 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
35. **Medical or dental office:** One (1) space per two hundred (200) square feet of floor area. Facilities over 20,000 square feet shall use the parking standards set forth for hospitals.
36. **Mini-warehouse:** Four (4) spaces per establishment plus (1) one additional space per ten thousand (10,000) square feet of storage area
37. **Manufactured/mobile home or manufactured/mobile home park:** Two (2) spaces for each manufactured/mobile home plus additional spaces as required herein for accessory uses
38. **Mortuary or funeral home:** One (1) parking space for each two hundred (200) square feet of floor space in slumber rooms, parlors or individual funeral service rooms, or one (1) space for each three (3) seats in the auditorium/sanctuary (see Subsection 36.7(B)), whichever is greater. Adequate on-site stacking spaces shall also be provided for the organization and forming of processions such that these activities do not cause excessive or extended traffic congestion/delays on a public roadway.
39. **Motel:** One (1) parking space for each sleeping room or suite plus one (1) additional space for each two hundred (200) square feet of office or retail floor area contained therein
40. **Motor-vehicle sales and new or used car lots:** One (1) parking space for each five hundred (500) square feet of sales floor/office and other indoor uses, plus one (1) parking space for each one thousand (1,000) square feet of exterior lot area used for storage, sales and parking areas, plus one (1) parking space per repair bay in service areas (indoors or outdoors), plus one (1) parking space per service/towing vehicle to be stored on-site.
41. **Nursing home, convalescent home, or home for the aged:** One (1) space per six (6) beds and one (1) parking space for each three hundred (300) square feet of floor area devoted to offices, cafeterias, exercise/therapeutic rooms, and other similar ancillary uses
42. **Office (administrative or professional):** One (1) space for each three hundred (300) square feet of floor area
43. **Outdoor display:** One (1) space for each six hundred (600) square feet of open sales/display area
44. **Places of public assembly not listed:** One (1) space for each three (3) seats provided (see Subsection 36.7(B))
45. **Race track, horses or dogs:** One (1) for each three (3) seats plus one (1) space for each employee. Stable areas shall provide storage areas for horse trailers

46. **Real estate office:** One (1) space for each two hundred (200) square feet
47. **Retail or personal service establishment, except as otherwise specified herein:** One (1) space per two hundred (200) square feet of gross floor area
48. **Retirement home:** One and one-half (1.5) spaces for each dwelling unit
49. **Restaurant, private club, night club, cafe or similar recreation or amusement establishment:** One (1) parking space for each one hundred (100) square feet of seating or waiting area or one (1) space for every three (3) seats under maximum seating arrangement (i.e., occupancy), whichever is greater
50. **Rooming or boarding house:** One (1) parking space for each sleeping room
51. **Sanitarium or similar institution:** One (1) parking space for each six (6) beds
52. **School, elementary (grades K-6):** One (1) parking space for each fifteen (15) students (design capacity)
53. **School, secondary or middle (grades 7-8):** One (1) parking space for each twelve (12) students (design capacity)
54. **School, high school (grades 9-12):** One space for each three (3) students, faculty and staff (design capacity)
55. **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
56. **Telemarketing:** One (1) space for each 250 square feet of space
57. **Theater, indoor or outdoor (live performances), sports arena, stadium, gymnasium or auditorium (except school auditorium):** One (1) parking space for each three (3) seats or bench seating spaces (see Subsection 36.7(B))
58. **Truck stops:** One (1) truck parking space for each ten thousand (10,000) square feet of site area plus one (1) vehicle parking space per two hundred (200) square feet of building area
59. **Veterinarian clinic:** One (1) space per three hundred (300) square feet of gross floor space.
60. **Warehouse or wholesale type uses:** One (1) space for five thousand (5,000) square feet of gross floor area.

36.7 **RULES FOR COMPUTING NUMBER OF PARKING SPACES:**

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

- A. **"Floor Area"** shall mean the gross floor area of the specific use.
- B. **"Seat"** shall be interpreted as follows:
 1. For fixed (e.g., church pews, grandstands, benches, etc.) seating, one seat equals 1.75 feet of length;
 2. For flexible (e.g., folding chairs, etc.) seating areas, one seat equals eight (8) square feet of floor area occupied by such seating area (includes aisles).

- C. Where fractional spaces result, the parking spaces required shall be constructed up to the next whole number.
- D. The parking space requirements for a new or unlisted use not specifically mentioned herein shall be the same as required for a use of similar nature. If the proposed use is not similar to any of the uses listed herein, a determination shall be made by the Building Official in accordance with the requirements for the most closely related use specified in this Section.
- E. Whenever a building or use 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 percent (10%) or more in the number of existing parking spaces, such spaces shall be provided on the basis of the enlargement or change.
- F. For buildings which have mixed uses within the same structure (such as retail and office), the parking requirement shall be calculated for the most intensive use. In cases where the design of the interior of the structure is not practical for alteration, the parking requirement may be calculated for each use within a structure for buildings over 40,000 square feet.
- G. **Shared parking** may be allowed in the case of mixed uses (different buildings) under the following conditions. Up to fifty percent (50%) of the parking spaces required for a theater or other place of evening entertainment (after 6:00 p.m.), or for a church, may be provided and used jointly by banks, offices, and similar uses not normally open, used, or operated during evening hours. Shared parking must be on the same parking lot. Reduction due to shared parking shall be determined by the Building Official. To assure retention of the shared parking spaces, each property owner shall properly draw and execute a document expressing the same and shall file this agreement with the City of Lampasas.
- H. **Compact Car Spaces** - In the O, LI and HI districts, compact car parking spaces may be permitted when approved as part of a detailed site plan by the Planning and Zoning Commission, providing one of the following conditions apply:
 - 1. Where it is necessary to preserve the natural landscape and native trees, a maximum of ten percent (10%) of required parking may be designed for compact cars.
 - 2. On parking lots larger than fifty (50) spaces involving large industrial buildings or large offices and where there is only one tenant, a maximum of ten percent (10%) of the required parking may be for compact cars.
 - 3. On parking lots larger than fifty (50) spaces involving a shopping center, a maximum of ten percent (10%) of the required parking may be for compact cars.

36.8 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 (2) or more buildings or establishments, the required spaces may be located not to exceed six hundred (600) feet from any nonresidential building served.
- B. 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, approval by the Planning and Zoning Commission and City Council is required according to the following criteria:

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1. Off-site parking may be permitted on an immediately contiguous lot or tract, or on a lot or tract within one hundred fifty feet (150'), or one thousand feet (1,000') within the CBD zoning district, of such building or structure providing:
 - a. That a permanent easement of the parking facilities in favor of the premises to be benefitted shall be dedicated and recorded as a condition of such use, or
 - b. That a long-term Remote Parking Lease Agreement be provided upon approval by the City as a condition of such use.

36.9 USE OF REQUIRED PARKING SPACES, NON-RESIDENTIAL DISTRICTS:

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

36.10 FIRE LANES:

- A. Fire lanes shall be provided in all multi-family and nonresidential areas as required by the adopted Fire Code of the City.

SECTION 37 LANDSCAPE REQUIREMENTS

37.1 PURPOSE:

Landscaping is accepted as adding value to property and is in the interest of the general welfare of the City. Therefore, landscaping is hereafter required of new development, except single-family and agricultural uses, adjacent to public streets. Single-family uses are generally not required to provide extensive landscaping at the time of development because they rarely fail to comply with the requirements set forth herein.

37.2 SCOPE AND ENFORCEMENT:

The standards and criteria contained within this Section are deemed to be minimum standards and shall apply to all new, or altered (exceeding thirty percent (30%) of the original floor area), construction occurring within the City, except that single-family or duplex dwellings shall be exempt. Additionally, any use requiring a Specific Use Permit or a PD zoning designation must comply with these landscape standards. The provisions of this Section shall be administered by the Building Official or his designee. The landscape standards in this Section apply only to nonresidential and multi-family parcels.

If at any time after the issuance of a certificate of occupancy, the approved landscaping is found to be in nonconformance to the standards and criteria of this Section, the Building Official or his designee shall issue notice to the owner, citing the violation and describing what action is required to comply with this Section. The owner, tenant or agent shall have thirty (30) days from date of said notice to restore the landscaping as required. If the landscaping is not restored within the allotted time, such person shall be in violation of this Ordinance.

37.3 PERMITS:

No permits shall be issued for building, paving, grading or construction until a detailed landscape plan is submitted and approved by the Building Official. A conceptual or generalized landscape plan shall be shown as part of the site plan as required in Section 40. Prior to the issuance of a certificate of occupancy for any building or structure, all screening and landscaping shall be in place in accordance with the landscape plan.

In any case in which a certificate of occupancy is sought at a season of the year in which the Building Official determines that it would be impractical to plant trees, shrubs or grass, or to lay turf, a temporary certificate of occupancy may be issued provided a letter of agreement from the property owner is provided stating when the installation shall occur. All landscaping required by the landscaping plan shall be installed within six (6) months of the date of the issuance of the certificate of occupancy.

37.4 LANDSCAPE PLAN:

Prior to the issuance of a building, paving, grading or construction permit for any use other than single-family detached or duplex dwellings, a landscape plan shall be submitted to the department of Planning. The Building Official or his designee shall review such plans and shall approve same if the plans are in accordance with the criteria of these regulations. If the plans are not in accord, they shall be disapproved and shall be accompanied by a written statement setting forth the changes necessary for compliance.

Landscaping plans shall be prepared by a person knowledgeable in plant material usage and landscape design (e.g., landscape architect, landscape contractor, landscape designer, etc.) and shall contain the following minimum information:

- A. Minimum scale of one inch (1") equals fifty feet (50');

- B. Location, size and species of all trees to be preserved (do not use "tree stamps" unless they indicate true size and location of trees).
- C. Location of all plant and landscaping material to be used, including plants, paving, benches, screens, fountains, statues, earthen berms, ponds (to include depth of water), topography of site, or other landscape features
- D. Species of all plant material to be used
- E. Size of all plant material to be used
- F. Spacing of plant material where appropriate
- G. Layout and description of irrigation, sprinkler, or water systems including placement of water sources
- H. Description of maintenance provision
- I. Person(s) responsible for the preparation of the landscape plan
- J. Mark indicating North
- K. Date of the landscape plan

37.5 **GENERAL STANDARDS:**

The following criteria and standards shall apply to landscape materials and installation:

- A. All required landscaped open areas shall be completely covered with living plant material. Landscaping materials such as wood chips and gravel may be used under trees, shrubs and other plants.
- B. Plant materials shall conform to the standards of the approved plant list for the City of Lampasas (see Appendix A-4 for the approved plant list) and the American Standard for Nursery Stock. Grass seed, sod and other material shall be clean and reasonably free of weeds and noxious pests and insects.
- C. Trees shall have an average spread of crown of greater than fifteen feet (15') at maturity. Trees having a lesser average mature crown of fifteen feet (15') may be substituted by grouping the same so as to create the equivalent of fifteen feet (15') crown of spread. Large trees shall be a minimum of two inches (2") in caliper (measured six inches (6") above the ground) and seven feet (7') in height at time of planting. Small trees shall be a minimum of one inch (1") in caliper and five feet (5') in height.
- D. Shrubs not of the dwarf variety shall be a minimum of two feet (2') in height when measured immediately after planting. Hedges, where installed for screening purposes, shall be planted and maintained so as to form a continuous, unbroken, solid visual screen which will be three feet (3') high within two (2) years after time of planting.
- E. Vines not intended as ground cover shall be a minimum of two feet (2') in height immediately after planting and may be used in conjunction with fences, screens, or walls to meet landscape screening requirements as set forth.
- F. Grass areas shall be sodded, plugged, sprigged, hydro-mulched or seeded except that solid sod shall be used in swales, earthen berms or other areas subject to erosion.
- G. Ground covers used in lieu of grass in whole and in part shall be planted in such a manner as to present a finished appearance and reasonably completed coverage within one (1) year of planting.

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- H. All required landscaped open space shall be provided with adequate and inconspicuous irrigation systems. Areas totaling less than ten (10) square feet may be irrigated by other methods.
- I. Any trees preserved on a site meeting the herein specifications may be credited toward meeting the tree requirement of any landscaping provision of this Section according to the following table:

<u>Circumference of Existing Tree</u>	<u>Credit Against Tree Requirement</u>
6" to 8"	1.0 tree
9" to 30"	1.5 trees
31" to 46"	2.0 trees
47" or more	3.0 trees

Due to their limited height and size, mesquite trees will receive only fifty percent (50%) of the above credit for tree preservation. All other existing trees may receive credit if they are not on the City's approved plant material list but approved by the Building Official or his designee. Should any required tree designated for preservation in the landscape plan die, the owner shall replace the tree with a two inch (2") minimum caliper tree in accordance with the credits listed above. Tree circumference shall be measured four and one-half feet (4½') above natural grade. No living trees greater than eight inches (8") in caliper may be cut, destroyed or damaged on the development site until approved as part of the site plan requirements in this Ordinance.

- J. Earthen berms shall have side slopes not to exceed 33.3 percent (three feet (3') of horizontal distance for each one foot (1') of height). All berms shall contain necessary drainage provisions as may be required by the City's engineer.

37.6 **MINIMUM LANDSCAPING REQUIREMENTS FOR NONRESIDENTIAL AND MULTI-FAMILY:**

- A. For all nonresidential and multi-family parcels with less than two hundred fifty feet (250') of frontage adjacent to a dedicated public right-of-way, at least fifteen percent (15%) of the street yard shall be permanent landscape area. Nonresidential and multi-family parcels having two hundred fifty feet (250') or more of frontage shall have at least twenty percent (20%) of the street yard in permanent landscape area (see Illustration 13 for example). The street yard shall be defined as the area between the building front and the front property line. For gasoline service stations, a requirement of a minimum fifteen percent (15%) landscape area for the entire site, including a six hundred (600) square foot landscape area at appropriate intersection corners, which can be counted toward the fifteen percent (15%) requirement.
- B. A minimum ten-foot (10') landscape buffer (interior parkway) adjacent to right-of-way of any major thoroughfare street is required. Corner lots fronting two (2) major thoroughfares shall be required to observe the ten-foot (10') buffer on both street frontages. All other street frontages shall observe a minimum five-foot (5') landscape buffer. Developers shall be required to plant one (1) large tree per forty (40) linear feet or portion thereof of street frontage. Trees may be grouped or clustered to facilitate site design. The landscaped portion of interior parkways may be included in the required landscape area percentage. The interior parkway is defined as that area on private property between the street right-of-way line and the curb of the parking area or building area.
- C. Landscape areas within parking lots should generally be at least one parking space in size, with no landscape area less than fifty (50) square feet in area. Landscape areas shall be no less than five feet (5') wide and shall equal a total of at least sixteen (16) square feet per parking space. There shall be a landscaped area with at least one (1) tree within sixty feet (60') of every parking space. There shall be a minimum of one (1) tree planted in the parking area for every ten (10) parking spaces within parking lots with more than twenty (20) spaces. Within parking lots, landscape areas should be located to de-

fine parking areas and assist in clarifying appropriate circulation patterns. A landscape island shall be located at the terminus of all parking rows, and should contain at least one tree. All landscape areas shall be protected by a monolithic curb or wheel stops and remain free of trash, litter, and car bumper overhangs.

- D. All existing trees which are to be preserved shall be provided with a permeable surface under the existing dripline of the tree. All new trees shall be provided with a permeable surface under the dripline a minimum of four feet (4') by four feet (4').
- E. A minimum of fifty percent (50%) of the total trees required for the property shall be large trees as specified on the approved plant list. Small trees shall be used under existing or proposed overhead utility lines.
- F. Necessary driveways from the public right-of-way shall be permitted through all required landscaping in accordance with City regulations.

37.7 TREE PRESERVATION:

During any construction or land development, the developer shall clearly mark all trees to be maintained and may be required to erect and maintain protective barriers around all such trees or groups of trees. The developer shall not allow the movement of equipment or the storage of equipment, materials, debris or fill to be placed within the drip line of any trees.

During the construction stage of development, the developer shall not allow cleaning of equipment or material under the canopy of any tree or group of trees to remain. Neither shall the developer allow the disposal of any waste material such as, but not limited to, paint, oil, solvents, asphalt, concrete, mortar, etc., under the canopy of any tree or groups of trees to remain.

No attachment or wires of any kind, other than those of a protective nature, shall be attached to any tree.

37.8 SIGHT DISTANCE AND VISIBILITY:

Rigid compliance with these landscaping requirements shall not be such as to cause visibility obstructions and/or blind corners at intersections. Whenever an intersection of two (2) or more public rights-of-way occurs, a triangular visibility area, as described below, shall be created. Landscaping within the triangular visibility area shall be designed to provide unobstructed cross-visibility at a level between three (3) and six (6) feet. Trees may be permitted in this area provided they are trimmed in such a manner that no limbs or foliage extend into the cross-visibility area. The triangular areas are:

- A. The areas of property on both sides of the intersection of an alley accessway and public right-of-way shall have a triangular visibility area with two (2) sides of each triangle being a minimum of ten feet (10') in length from the point of intersection and the third side being a line connecting the ends of the other two (2) sides.
- B. The areas of property located at a corner formed by the intersection of two (2) or more public rights-of-way shall have a triangular visibility area with two (2) sides of each triangle being a minimum of twenty-five feet (25') in length from the point of the intersection and the third side being a line connecting the ends of the other two (2) sides. (See Illustration 12 also)

Landscaping, except required grass and low ground cover, shall not be located closer than three feet (3') from the edge of any accessway pavement.

In the event other visibility obstructions are apparent in the proposed landscape plan, as determined by the Building Official, the requirements set forth herein may be reduced to the extent to remove the conflict.

37.9 MAINTENANCE:

The owner, tenant and/or their agent, if any, shall be jointly and severally responsible for the maintenance of all landscaping. All required landscaping shall be maintained in a neat and orderly manner at all times. This shall include, but not to be limited to, mowing (of grass of six inches (6") or higher), edging, pruning, fertilizing, watering, weeding, and other such activities common to the maintenance of landscaping. Landscaped areas shall be kept free of trash, litter, weeds, and other such material or plants not a part of the landscaping. All plant material shall be maintained in a healthy and growing condition as is appropriate for the season of the year. Plant materials which die shall be replaced with plant material of similar variety and size, within ninety (90) days. Trees with a trunk diameter in excess of six inches (6") measured twenty-four inches (24") above the ground may be replaced with ones of similar variety having a trunk diameter of no less than three inches (3") measured twenty-four inches (24") above the ground. A time extension may be granted by the Building Official if substantial evidence is presented to indicate abnormal circumstances beyond the control of the owner or his agent.

Failure to maintain any landscape area in compliance with this Section is considered a violation of this Section and may be subject to penalties of Section 47.

SECTION 38

ACCESSORY BUILDING AND USE REGULATIONS

- 38.1 In a single-family or multi-family district, an accessory building is a subordinate or incidental building, attached to or detached from the main building, not used for commercial purposes and not rented. Accessory buildings shall be located toward the rear portion of the property. If structure meets the definition of “Carport” (see Section A.3 definition), has a permanent foundation, and is primarily used as a carport, the structure may be built in front of the main structure. The structure must meet all front and side yard setbacks set forth in each zoning district. If the carport is constructed other than in the rear of the main structure, i.e. side or front, the carport must be constructed with similar material as the main structure.
- 38.2 In nonresidential districts, an accessory building is a subordinate building, the use of which is secondary to and supportive of the main building. Accessory buildings shall not be permitted without a main building or primary use being in existence. Accessory buildings should, wherever possible, be located toward the rear portion of the property.
- 38.3 Accessory dwelling units in the "AG" district shall be allowed as an incidental residential use of a building on the same lot as the main dwelling unit and used by the same person or persons of the immediate family, and meet the following standards:
- A. The accessory dwelling unit must be constructed to the rear of the main dwelling, separate from the main dwelling.
 - B. The accessory dwelling unit may be constructed only with the issuance of a Building Permit and shall be constructed out of the same material as the main structure.
 - C. The accessory dwelling unit may not be sold separately from sale of the entire property, including the main dwelling unit, and shall not be sublet.
 - D. Setback requirements shall be the same as for the main structure.
 - E. Accessory dwellings are not permitted without the main or primary structure.
- 38.4 Accessory dwellings and units constructed over a garage are permitted by SUP in accordance with the Use Charts, Section 35, and shall conform to the height limitations of the main structure.
- 38.5 **AREA REGULATIONS FOR ACCESSORY BUILDINGS IN RESIDENTIAL AND MULTI-FAMILY DISTRICTS:**
- A. **Size of Yards:**
 - 1. **Front Yard:** Detached front accessory buildings shall be prohibited in front of the main building. Carports must meet criteria in section 38.1. (See Section A.3 Definition)
 - 2. **Side Yard:** There shall be a side yard not less than three feet (3') from any side lot line, or alley line for any accessory building provided that such building is separated from the main building by a minimum distance of ten feet (10'). In the case of an accessory building being closer than ten feet (10') to the main building, the minimum side yard requirements for the main building shall be observed. Accessory buildings adjacent to a side street shall have a side yard not less than fifteen feet (15'). Garages or carports located and arranged so as to be entered from the side yard shall have a minimum distance of twenty feet (20') from the side lot line, alley line, or alley easement line. Carports or garages arranged to be entered from the side yard, facing a public street, shall have a minimum distance equal to the required front yard for the main building.
 - 3. **Rear Yard:** There shall be a rear yard not less than three feet (3') from any lot line or alley line,

or alley easement line, except that; a) where apartments are permitted, the main building and all accessory buildings shall not cover more than sixty percent (60%) of that portion of the lot lying to the rear of a line erected joining the midpoint of one side lot line with the midpoint of the opposite side lot line; b) carports, garages, or other accessory buildings, located within the rear portion of a lot as heretofore described, constructed closer than ten feet (10') to the main building, shall have a rear yard equivalent to the rear yard requirement for the main building; or c) accessory buildings constructed ten feet (10') or more from the main building shall have a rear yard of three feet (3'). If an alley exists, accessory buildings may be located within three feet (3') of a rear lot line if the maximum (e.g., ridge) height of the building is no greater than eight feet (8') and if a solid fence or wall of the same height is built on the rear lot line to screen the building from property located to the rear. Garages or carports that are arranged so as to be entered by a motor vehicle from an alley or rear alley easement shall be set back from the rear property line or alley easement line a minimum distance of twenty feet (20').

4. Carports shall be measured from the posts supporting the roof nearest to the street or alley. (See Illustration 4).
5. Accessory buildings are not permitted without a main structure.
6. All accessory buildings shall not exceed one story in height. Garage apartments are allowed up to two (2) stories in the "AG" district. Garage apartments up to two (2) stories may be permitted in certain districts (see Section 35) by SUP if there is no adverse impact on adjacent properties.
7. Metal accessory buildings less than 240 square feet are permitted but shall not be used as an enclosed parking area or garage.

SECTION 39

FENCING, WALLS AND SCREENING REQUIREMENTS

39.1 PURPOSE:

To encourage the most appropriate use of land and conserve and protect the privacy and value of adjacent permitted uses. Regulations are prescribed for the location and type of various screening devices to be used when required in the various zoning districts or in this Section in accordance with the following standards.

39.2 SCREENING OF NONRESIDENTIAL, MULTI-FAMILY AREAS AND MANUFACTURED/MOBILE HOME PARKS:

- A. In the event that multi-family, non-residential uses, or manufactured/mobile home parks side or back upon a single-family, two-family or residential PD District, or in the event that any non-residential district sides or backs to a multiple-family District, a solid brick or masonry screening wall of not less than eight feet (8') 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.
 - 1. The owner of the multi-family property shall be responsible for and shall build and maintain the required wall on the property line dividing the property from the single-family or duplex residential district. This construction requirement applies only when multi-family is adjacent to residential uses.
 - 2. When screening is required between nonresidential and residential uses, it shall be the responsibility of the nonresidential use to construct and maintain the screening wall.
 - 3. 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 other similar suitable permanent materials which do not contain openings. All wall or fence openings shall be equipped with gates equal in height and screening characteristics to the wall or fence.
 - 4. Alternative equivalent screening may be approved through the site plan approval process, Section 40.
- B. All required screening walls shall be equally finished on both sides of the wall.
- C. Reserved.
- D. In districts permitting open storage, in circumstances in which outside storage is permitted and exceeds twenty-five percent (25%) of the total floor area of the main structure of the business, screening shall be required only for those areas used for open storage. A six-foot (6') screening fence or wall shall be provided and maintained at the property line adjacent to the area to be screened by one or a combination of the following methods:
 - 1. Solid masonry (brick, concrete block or concrete panels)
 - 2. Chain link with solid landscape screening
 - 3. Wrought iron with solid landscape screening
 - 4. Alternate equivalent screening may be approved through the site plan approval process under Section 40.

No outside storage may exceed the height of the fence. Outside storage exceeding eight feet (8') shall require a Specific Use Permit.

- E. Refuse storage areas which are not within a screened rear service area and which are visible from a public right-of-way for all nonresidential, multi-family and manufactured/mobile home park uses shall be visually screened by a minimum six-foot (6') solid masonry wall on at least three sides (see Illustration 11 for refuse container enclosure diagrams). The fourth side, which is to be used for garbage pickup service, may provide an optional gate to secure the refuse storage area. Alternate equivalent screening methods may be approved through the site plan approval process, Section 40. Each refuse facility shall be located so as to facilitate pickup by refuse collection agencies. Adequate reinforced paved areas shall be provided for refuse facilities and their approaches for loading and unloading.

39.3 FENCES IN RESIDENTIAL AREAS:

- A. Any fence or wall located to the rear of the minimum required front yard line shall not exceed eight feet (8') in height.
- B. Except as provided by (C) below, no fence or wall shall be permitted in front of any single-family or duplex structure except platted lots within the Agriculture district where the fence may be constructed to the front property line. No fence shall be erected in any front yard or side yard which is adjacent to a public street. No residential fence shall be closer than twenty feet (20') to a public street except in cases where the side or rear building line of the yards on continuous corner lots adjoin the fence may be constructed out to the property line of said side yard.
- C. Decorative, chain link, opaque, picket or rock fences not exceeding three feet (3') in height are allowed in the front yards or residentially zoned districts.
- D. All fences require permits.
- E. No barbed wire or electrical fencing shall be allowed except as used for farm or ranching purposes on undeveloped land over five (5) acres in size.
- F. Gates designed for vehicular access shall be set back from the property line a minimum of twenty feet (20').
- G. Fences around swimming pools shall comply with the Standard Swimming Pool Code.
- H. See Section 41 for sight visibility requirements.
- I. Special purpose fencing, such as fencing around tennis courts, is permitted.
- J. Temporary Wildlife Fencing
 - 1. Temporary Wildlife Fencing shall only be allowed with a Specific Use Permit
 - 2. Temporary Wildlife Fencing shall be made of the following material
 - a. Inconspicuous poly propylene material or other inconspicuous material
 - 3. Temporary Wildlife Fencing shall be no higher than 8 feet and shall not be placed within the twenty-five foot (25') front yard setback.
 - a. When possible fencing should be placed around plants instead of the entire property.
 - 4. Temporary Wildlife Fencing shall only be allowed for a period of two (2) growing seasons.

SECTION 40 SITE PLAN REVIEW

40.1 SITE PLAN REVIEW:

- A. **Purpose** - This Section establishes a site plan review process for proposed developments. The purpose of the review is to ensure efficient and safe land development, harmonious use of land, compliance with appropriate design standards, safe and efficient vehicular and pedestrian circulation, parking and loading, and adequate water supply, drainage and storm water management, sanitary facilities, and other utilities and services.
- B. **Applicability** - Site plan review and approval shall be required for the following:
1. Any nonresidential development
 2. Any multi-family development or manufactured/mobile home park
 3. Any development with two (2) or more buildings per platted lot
 4. Any Planned Development District or Specific Use Permit (public hearings may also be required, see Sections 31 and 34).

No building permit shall be issued for any of the above developments unless a site plan is first approved by the City. No certificate of occupancy shall be issued unless all construction and development conform to the site plan as approved by the City. A public hearing on a site plan is not required unless a site plan is prepared in conjunction with a Planned Development or SUP.

- C. **Exemptions and exceptions** - Site plan review shall be conducted through the Building Inspection Department for any detached one or two dwelling unit buildings or any accessory uses incidental thereto, except as provided in (B.4.) above.
- D. **Site plan details** - The site plan shall contain sufficient information relative to site design considerations, including but not limited to the following:
1. Location of proposed building(s) and structures
 2. On- and off-site circulation (including truck loading and pickup areas) and fire lanes
 3. Parking
 4. Grading
 5. Landscaping design
 6. Placement of utilities
 7. Screening
 8. Engineering for streets and utilities
 9. Drainage
 10. Building elevations

Provision of the above items shall conform to the principles and standards of this Ordinance. To ensure the submission of adequate site plan information, the City is hereby empowered to maintain and distribute a list of specific requirements for site plan review applications. Upon periodic review, the Building Official shall have the authority to update such requirements for site plan details.

- E. **Supplemental requirements** - The staff may require other information and data for specific site plans. This data may include but is not limited to geologic information, water yields, flood data, environmental information, traffic analysis, road capacities, market information, economic data for the proposed development, hours of operation, elevations and perspective drawings, lighting, and similar information. Approval of a site plan may establish conditions for construction based on such information.
- F. **Principles and standards for site plan review** - The following criteria have been set forth as a guide for evaluating the adequacy of proposed development in the City of Lampasas. The City staff shall review the site plan for compliance with all applicable Ordinances and the Plan; for harmony with surrounding uses and the overall plan for development of the City of Lampasas; for the promotion of the health, safety, order, efficiency, and economy of the City; and for the maintenance of property values and the general welfare.

Based upon its review, the staff may approve, conditionally approve, request modifications, or deny the site plan based on evaluation of the site plan details with respect to:

1. The site plan's compliance with all provisions of the Zoning Ordinance and other ordinances of the City of Lampasas including but not limited to off-street parking and loading, lighting, open space, and the generation of objectionable smoke, fumes, noise, odors, dust, glare, vibration, or heat.
2. The impact of the development relating to the preservation of existing natural resources on the site and the impact on the natural resources of the surrounding properties and neighborhood.
3. The relationship of the development to adjacent uses in terms of harmonious design, setbacks, maintenance of property values, and negative impacts.
4. The provision of a safe and efficient vehicular and pedestrian circulation system.
5. The design and location of off-street parking and loading facilities to ensure that all such spaces are usable and are safely and conveniently arranged.
6. The sufficient width and suitable grade and location of streets designed to accommodate prospective traffic and to provide access for fire fighting and emergency equipment to buildings.
7. The coordination of streets so as to arrange a convenient system consistent with the Thoroughfare Plan of the City of Lampasas.
8. The use of landscaping and screening (1) to provide adequate buffers to shield lights, noise, movement, or activities from adjacent properties when necessary, and (2) to complement the design and location of buildings and be integrated into the overall site design.
9. Exterior lighting to ensure safe movement and for security purposes, which shall be arranged so as to minimize glare and reflection on adjacent properties.
10. The location, size, and configuration of open space areas to ensure that such areas are suitable for intended recreation and conservation uses.
11. Protection and conservation of soils from erosion by wind or water or from excavation or grading.
12. Protection and conservation of water courses and areas subject to flooding.

13. The adequacy of water, drainage, sewerage facilities, garbage disposal, and other utilities necessary for essential services to residents and occupants.

40.2 **APPROVAL PROCESS:**

- A. The Building Official or his designee shall review and approve, approve with conditions, or deny all site plans except for PD, SUP or other districts requiring public hearings. Any decision on a site plan with which the applicant disagrees may be appealed to the Planning and Zoning Commission as set forth in (B) below.
- B. The City staff shall place the site plan on the regular agenda of the Planning and Zoning Commission within thirty (30) days after the request for appeal. If recommended for approval by the Planning and Zoning Commission, the site plan shall be deemed approved by the City. If the site plan is recommended for denial by the Planning and Zoning Commission, the applicant must request the site plan be placed on the City Council's agenda. The City Council shall have final approval or disapproval on all site plans which are appealed.
- C. **Effect of site plan approval** - If development of a lot with an approved site plan has not commenced within one year of the date of final approval of the site plan, the site plan shall be deemed to have expired. Said review and approval shall be evaluated according to the standards F above, taking into account all changes to applicable ordinances which have occurred subsequent to the prior approval of the site plan.

It is recognized that final architectural and engineering design may necessitate minor changes in the approved site plan. In such cases, the Building Official shall have the authority to approve minor modifications of an approved site plan, provided that such modifications do not materially change the circulation and building location on the site, or any conditions specifically attached as part of a City Council approval.

SECTION 41 SUPPLEMENTAL REGULATIONS

41.1 All setback measurements shall be made in accordance with Illustrations 6, 7, and 8.

41.2 FRONT YARD:

- A. On all corner lots, the front yard setback shall be observed along the frontage of both intersecting streets, unless approved specifically otherwise on a final plat. Where single-family and duplex lots have double frontage, extending from one street to another, or are on a corner, a required front yard shall be provided on both streets unless a side or rear yard building line has been established along one frontage on the plat, in which event only one required front yard need be observed. The side and/or rear yards in the case of single-family and duplex uses shall be identified and the front of the structure shall not face the side or rear yard (see Illustration 9).
- B. Where the frontage on one side of a street between two intersecting streets is divided by two or more zoning districts, the front yard shall comply with the requirements of the most restrictive district for the entire frontage (see Illustration 3).
- C. The front yard shall be measured from the property line to the front face of the building, to the nearest supporting member of a covered porch or terrace, or to any attached accessory building. Eaves and roof extensions or a porch without posts or columns may project into the required front yard for a distance not to exceed four feet (4'), and subsurface structures, platforms or slabs may not project into the front yard to a height greater than thirty inches (30") above the average grade of the yard (see Illustration 4).
- D. Minimum lot widths for lots with predominate frontage on the curved radius of a street (e.g., cul-de-sac or "eyebrow" portion of a street) shall be measured as the linear distance of the curved front building line, and shall be shown on the subdivision plat. Lot widths for all lots shall be as set forth in the respective zoning district for each lot.
- E. Gasoline service station pump islands that parallel a public street may be located a minimum of eighteen feet (18') to the property line adjacent to a public street. For pump islands that are perpendicular or diagonal to a public street, the setback shall be thirty feet (30') in order to prevent vehicles stacking out into the street while waiting for a pump position. Pump islands may extend beyond the front building line as described above (provided that all other requirements of this Ordinance are met), but shall not be closer than fifteen feet (15') to any property line that is not adjacent to a public street.
- F. Where a future right-of-way line has been established for future widening or opening of a street or thoroughfare, upon which a lot abuts, then the front, side, or rear yard shall be measured from the future right-of-way line.

41.3 SIDE YARDS:

- A. On a corner lot used for one or two-family dwellings, both street exposures shall be treated as front yards on all lots platted after June 14, 1999, except that where one street exposure is designated as a side yard and separated from the adjacent lot by an alley. In such case, a building line shall be designated on an approved plat with a minimum side yard of fifteen feet (15') or more. On lots which were official lots of record prior to the effective date of this Ordinance, the minimum side yard adjacent to a side street shall comply with the minimum required side yard for the respective district.
- B. Every part of a required side yard shall be open and unobstructed except for the ordinary projections of window sills, belt courses, cornices, and other architectural features not to exceed twelve inches (12") into the required side yard, and roof eaves projecting not to exceed thirty-six inches (36") into the required side yard. Air conditioning compressors and similar equipment are permitted in the side yard.

- C. Where a future right-of-way line has been established for future widening or opening of a street or thoroughfare, upon which a lot abuts, then the front, side, or rear yard shall be measured from the future right-of-way line.

41.4 SPECIAL HEIGHT REGULATIONS:

- A. In the districts where the height of buildings is restricted to two (2) or two and one-half (2½) stories, cooling towers may extend for an additional height not to exceed fifty feet (50') above the average grade line of the building. Water stand pipes and tanks, church steeples, domes and spires, school buildings, and institutional buildings may be erected to exceed three (3) stories in height, provided that one (1) additional foot shall be added to the width and depth of front, side, and rear yards for each foot that such structures exceed three (3) stories.

41.5 COMMERCIAL COMMUNICATIONS ANTENNAE AND COMMERCIAL ANTENNAE SUPPORT STRUCTURES/TOWERS:

- A. In all residential zoning districts (AG, SF-20, SF-10, SF-8, SF-7.5, SF-6, SF-PH, 2F, SFA, MF-1, MF-2 and MH), all commercial antennae and commercial antenna support structures/towers are prohibited, except as otherwise specified within this Section.
 - 1. No stand-alone commercial antennae and/or antennae support structures/towers are allowed to be constructed in any of the above-enumerated zoning districts within the City, except as noted in provision "I" below.
 - 2. Commercial antennae and their support structures/towers are allowed in the above-enumerated zoning districts so long as they are attached to public utility structures that exceed 50 feet in height (e.g., electrical transmission/ distribution tower, elevated water storage tank, etc.), provided, however, that no commercial antenna may extend more than 10 feet above the height of the public utility structure to which it is attached. (see 41.5(C) below)
 - 3. Commercial antennae are allowed in the above enumerated zoning districts if they are located wholly within a building that is permitted in the zoning district and the commercial antennae and supporting structures are not visible from outside the buildings housing them. (see 41.5(C) below)
 - 4. Commercial antennae are allowed in the above enumerated zoning districts if mounted flush (i.e., are attached to or are semi-attached to or are designed and aligned in a way to make the antennae appear to be a part of the building) to the exterior of buildings/structures that are permitted in the zoning district and if the commercial antennae are painted and/or otherwise designed in a way that integrates them into the overall architectural design of the buildings, so that they are not obtrusively visible/identifiable as commercial antennae, when viewed from public roadways or neighboring residential properties.
- B. In the following nonresidential zoning districts only (LI and HI), commercial antennae and their related commercial antennae support structures/towers are allowed, by right, as follows:
 - 1. No stand-alone commercial antennae and/or antennae support structures/towers are allowed to be constructed in the O, NR, R, CBD or C zoning districts within the City, except as set forth below in provision I (2), pertaining to FCC licensed antenna.
 - 2. Commercial antennae and commercial antennae support structures/towers are allowed in the LI and HI zoning districts if they do not exceed the maximum building height allowed for the zoning district in which they are located. Commercial antennae, support structures/towers in excess of the height allowed in the zoning district may be allowed by Specific Use Permit (SUP). In the nonres-

idential zoning districts noted above, where commercial antennae and commercial antennae support structure/towers are permitted, all such structures shall meet the setback requirements required by the City's regulations, from any residential districts.

3. Commercial antennae and commercial antennae support structures/towers in all non-residential zoning districts may be attached to a public utility structures, so long as they exceed 50 feet in height (e.g., electrical transmission/ distribution tower, elevated water storage tank, etc.), provided, however, that no commercial antenna may extend more than 10 feet above the height of the public utility structure to which it is attached. (see 41.5(C) below)
 4. Commercial antennae are allowed in all non-residential zoning districts if they are located wholly within a building that is permitted in the zoning district and the commercial antennae and support structures are not visible from outside the buildings housing them. (see 41.5(C) below).
 5. Commercial antennae and their supporting structures may be mounted flush (i.e., is attached to or is semi-attached, or is designed and aligned in a way to make the antennae appear to be a part of the building) to the exterior of buildings/structures that are permitted in the zoning district and if the commercial antennae are painted and/or otherwise designed in a way that integrates them into the overall architectural design of the buildings, so that they are not obtrusively visible/identifiable as commercial antennae, when viewed from public roadways or neighboring residential properties.
- C. No commercial antenna support structure shall be closer to any residential district boundary line or residential dwelling property line than a distance equal to twice the height of the taller of either the commercial antenna or the antenna's support structure. Such setback/distance shall be measured as the shortest possible distance in a straight line from the antenna/antenna support structure to the closest point of a residential district boundary line or residential dwelling property line. Setbacks from residentially zoned property do not apply to commercial antennae attached to public utility structures exceeding 50 feet in height, or to commercial antennae placed wholly within or mounted flush with a building.
- D. No amateur or commercial antennae, antennae support structures, microwave reflector/antennae, or associated foundations or support wires, towers or appurtenances shall be located within any required setback area for the front, side or rear yards (see Illustration 8).
- E. Antennae (amateur and commercial) shall not interfere with radio, Ethernet, cellular, cable, optic, telephone, television reception and similar types of transmissions and uses of adjoining property owners, and shall comply with all regulations of the Federal Communications Commission (FCC). In no manner shall the use of such equipment infringe upon adjoining property owners.
- F. Commercial and privately owned and operated satellite dishes and other similar antennae shall be permitted on the roof of a building (commercial and residential), as long as the satellite dish does not exceed three feet (3') in diameter and the antenna does not extend over twelve feet (12') above the roof of the building upon which it is located. Any parabolic or satellite dish antenna over three feet (3') in diameter, but not exceeding twelve feet (12') in diameter, may be mounted on the roof of a commercial building located in a non-residential zoning district, if a letter (written and sealed by a registered architect or engineer) stating that the building has sufficient structural stability to hold the satellite dish is submitted to the Building Official. Roof-mounted commercial satellite dishes that comply with the above stated rules, do not require additional setbacks from residential properties. Stand-alone or ground mounted satellite or parabolic dishes up to twelve feet (12') in diameter are allowed in all non-residential zoning districts, as an accessory to the primary use of the tract providing a primary structure exists on the tract. No stand-alone or ground mounted satellite or parabolic dish are allowed without a primary structure, except as noted for FCC licensed antenna, as set forth below in provision I (2).
- G. Satellite dishes in any residential district shall not exceed three (3') feet in diameter.

- H. 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 FCC, shall be prohibited on any commercial antenna or antenna support structure/tower, regardless of location or zoning district.
- I. EXCEPTIONS FOR GOVERNMENTAL AND BROADCASTING USES:
 - 1. All governmental owned and operated antennae or antenna support structures/towers shall be permitted in any zoning district (e.g., public safety communications, etc.), inasmuch as these are operated for the health, safety and welfare of the Citizens of the City of Lampasas.
 - 2. Commercial antennae and commercial antennae support structures/towers which are used solely for television and/or radio broadcasting and which are currently licensed by the Federal Communications Commission (FCC) are allowed to be installed and operated in all non-residential zoning districts, so long as the structures comply with Section 41, Subsection 41.5 (D) (E) and (H) above. All commercial antennae and their related support structures/towers that are located adjacent to or that abut any residential zoning district shall be designed by an architect or and the owner shall provide the City with sealed design plans from such licensed professional prior to the construction of the antennae and/or support structure. Commercial antenna structures/towers and stand-alone or ground mounted satellite or parabolic dishes up to twelve feet (12") in diameter which are used only for television and/or radio broadcasting and which are currently licensed by the FCC, are allowed to be installed and operated in the non-residential districts noted herein and are not required to be on lots or otherwise constructed with a primary structure.
- J. All City regulations related to the construction, location and operation of privately owned and operated antennae are found in Section 35 "Use Charts" and as defined in Section A.3 "Definitions" of the City of Lampasas Zoning Ordinance.

41.6 MINIMUM DWELLING UNIT AREA:

Minimum dwelling unit areas specified in this Ordinance shall be computed exclusive of breezeways, garages, open porches, carports and accessory buildings.

41.7 OPEN STORAGE AREAS:

Open storage of materials, commodities or equipment shall be located behind the front building line and observe all setback requirements for the main structure or building. This standard does not apply to outside display (see definition of outside display in Appendix A-3).

41.8 SIGHT VISIBILITY:

Visual clearance shall be provided in all zoning districts so that no fence, wall, architectural screen, earth mounding or landscaping three feet (3') or higher above the street center line obstructs the vision of a motor vehicle driver approaching any street, alley, or driveway intersection as follows:

- A. At a street intersection, clear vision must be maintained for a minimum of twenty-five feet (25') across any lot measured from the corner of the property line in both directions (see Illustration 12).
- B. At an intersection with an alley, this clearance must be maintained for ten feet (10') (see Illustration 12).
- C. Shrubs and hedges three feet (3') or less in height, as measured from the centerline of the street, may be located in the visual clearance areas of all districts.

41.9 WIND ENERGY UNIT/DISTRIBUTION GENERATION:

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- A. Allowed in all zoning districts, with Specific Use Permit (SUP), and allowed as an accessory use to a building or structure requiring energy. A building permit is required.
- (1) One building or structurally-mounted unit is permitted for every 1,500 sq. ft. of a building requiring energy, not to exceed a height of 15 feet above the highest point of the structure, excluding chimneys, with a fall radius that falls within the property lines.
 - (2) In addition to building or structurally-mounted units, one small free-standing unit is permitted on any platted lot; the total unit height may not exceed Forty-five feet (45') to tip of blade at highest point above the natural grade.
- B. Additional Setbacks, Clearance, and Height Requirements. All wind energy units must be located under the following setback and clearance requirements, measured from the center of the supporting structure base:
- (1) No wind energy unit may be located in any required front yard, located between a principal building and a required front yard, or located in front of the front building line of the principal residential, commercial, agricultural, rural, or industrial building on the lot served by the wind energy unit.
 - (2) The blade tip of any wind energy unit at its lowest point, must have a ground clearance of no less than 12 feet for a vertical axis wind energy unit, and 25 feet for a horizontal axis wind energy unit, as measured at the lowest point of the turbine unit for a vertical axis unit, or lowest point of the arc of the blades for a horizontal axis unit.
 - (3) Communication and Electrical Lines. Each wind energy unit must be set back a minimum distance of 100% of the total unit height from any right-of-way, or public or private easement where above ground structures or utility lines exist, or are likely to exist, without proof of the lawful consent of the easement owners.
 - (4) The wind energy unit will be pre-certified from the manufacturer listed with UL or EEEEC. With any non-pre-certified unit, the maximum height of any structurally-mounted or freestanding wind energy unit will be dependent upon the results of the electrical engineering study, performed by a registered Texas State Engineer.
 - (5) Maximum heights for all wind energy units may not exceed the manufacturer's height recommendations for the unit
 - (6) Experimental, homebuilt, prototype models, or any model not listed on the City's list of approved manufacturers and models are not permitted.
 - (7) The bottom of a freestanding tower or mounting structure, measured from ground level to 15 feet above ground level, must be designed in a manner to discourage unauthorized climbing.
 - (8) All access doors to wind turbine towers and electrical equipment must be lockable.
 - (9) Any wind energy unit found to be unsafe by the local Building Official or designee must be repaired or removed by the owner within 30 days of the Building Official's notice to meet Federal, State, Local and manufacturer safety standards, and the standards of this section. The owner shall be solely responsible for the compliance of this section.
- (C) Additional consideration when granting a Specific Use Permit (SUP). In addition to consideration required in Section 34.2 (A), the Planning and Zoning Commission and City Council shall, prior to the issuance of an SUP for a Wind Generation Unit, consider the following:

- 1) The density of residential units in the immediate vicinity of the proposed wind generation unit.
- 2) The construction type and structural integrity of the unit and base.
- 3) The color and reflectivity of the proposed unit.
- 4) The possible future development in the immediate vicinity of the unit.

41.10 SOLAR ENERGY SYSTEMS:

- A. Roof –top mounted Solar Energy Systems are allowed in all zoning districts and allowed as an accessory use to a building or structure requiring energy.
- B. Ground or pole-mounted Solar Energy Systems are allowed in all zoning districts, with a Specific Use Permit (SUP), and allowed as an accessory use to a building or structure requiring energy.
- C. A building permit is required for all Solar Energy Systems and must comply with the following requirements/guidelines:
 - 1) An Interconnection and Parallel Operation of Distributed Generation in the City of Lampasas Electric System Application/Agreement is required.
 - 2) When installed, a building- or roof-mounted solar energy system shall not cause the height of the structure, including the solar energy system, to exceed the maximum allowed height in the applicable zoning district where the structure is located.
 - 3) Ground- or pole-mounted solar systems shall not exceed fifteen feet (15') in height when oriented at maximum tilt.
 - 4) In addition to the building setback, the collector surface and mounting devices for building- or roof-mounted solar energy systems shall not extend beyond the exterior perimeter of the building on which the system is mounted or built. Exterior piping for solar energy systems which produce hot water shall be allowed to extend beyond the perimeter of the building on a side yard exposure.
 - 5) Ground-mounted solar energy systems may not extend into the side-yard or rear setback when oriented at minimum design tilt.
 - 6) Active solar energy systems shall be designed to blend into the architecture of the primary structure. The color of the solar collector is required to be consistent with other roofing materials.
 - 7) Wall-mounted and ground-mounted solar collectors shall be screened from public view.
 - 8) Building- or roof-mounted solar energy systems, excluding building-integrated systems, shall not cover more than eighty percent (80%) of the flat roof upon which the panels are mounted, and shall be set back from the roof edge by a minimum of one foot (1').
 - 9) No Storage tank, including water tanks, shall be located within any required front, side or back yard setbacks, nor shall they be visible from any public right-of-way.
 - 10) Any solar energy system found to be unsafe by the local Building Official or designee must be repaired or removed by the owner within 30 days of the Building Official's notice to meet Federal, State, Local and manufacturer safety standards, and the standards of this section. The owner shall be solely responsible for the compliance of this section.

SECTION 42 PERFORMANCE STANDARDS

- 42.1 In all zoning districts, any use indicated in the permitted use list shall conform in operation, location, and construction to the performance standards as administered by County, State, or Federal agencies. All uses, including those which may be allowed by PD or SUP, shall conform in operation, location, and construction to appropriate performance standards for noise, smoke, and particulate matter, odorous matter, fire, or explosive hazard material, toxic and noxious matter, vibration, and glare.
- 42.2 All Federal and State pollution, noise, and requirements for toxic waste disposal shall be observed.
- 42.3 **NOISE:**

At no point at the bounding property line of any use shall the sound pressure level of any operation or plant exceed the decibel limits specified in the Octave Band groups designated in the following table:

- A. Maximum Permissible Daytime* Octave Band:

Decibel Limits at the Bounding Property Line**

Octave Band	37	75	150	300	600	1200	2400	4800	A
(cps)	75	150	300	600	1200	2400	4800	9600	Scale
Decibel Band Limit (db re 0.0002 Microbar)	86	76	70	65	63	58	55	53	65

Note -- "A scale" levels are provided for monitoring purposes only and are not applicable to detailed sound analysis.

* "Daytime" shall refer to the hours between sunrise and sunset on any given day.

** "Bounding Property Line" shall be interpreted as being at the near side of any street, alley, stream, or other permanently dedicated open space from the noise source when such open space exists between the property line of the noise source and adjacent property. When no such open space exists, the common line between two parcels of property shall be interpreted as the bounding property line.

- B. The following corrections shall be made to the table of octave band-decibel limits in determining compliance with the noise level standards.

When noise is present at nighttime, subtract (-7db.)

When noise contains strong pure-tone components or is impulsive, that is when meter changes at 10 decibels or more per second, subtract (-7db.)

When noise is present for not more than the following, add (+10db):

- ½ minute in any ½ hour period
- 1 minute in any 1 hour period
- 10 minutes in any 2 hour period
- 20 minutes in any 4 hour period

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- C. Measurement of noise shall be made with a sound level meter on octave band analyzer meeting the standards prescribed by the American Standards Association.
- D. Exemptions - The following uses and activities shall be exempt from the noise level regulations herein specified.
 - 1. Noises not directly under control of the property user.
 - 2. Noises emanating from construction and maintenance activities between the hours of 7:00 a.m. and 7:00 p.m. (daylight hours).
 - 3. Noises of safety signals, warning devices and emergency pressure relief valves.
 - 4. Transient noise of moving sources such as automobiles, trucks, and airplanes.

42.4 **SMOKE AND PARTICULATE MATTER:**

No operation or use shall cause, create, or allow the emission for more than three minutes in any one hour of air contaminants which at the emission point or within the bounds of the property are:

- A. Of such opacity as to obscure an observer's view to a degree equal to or greater than does smoke or contaminants in the standard prescribed by the ASTM except that, when the presence of uncombined water is the only reason for failure to comply or when such contaminants are emitted inside a building which prevents their escape into the atmosphere, the standards specified in 3-1302-1 and 3-1302-2 shall not apply.
- B. The emission of particulate matter from all sources shall not exceed 0.5 pounds per acre of property within the plant site per any one hour.
- C. Open storage and open processing operations, including on-site transportation movements which are the source of wind or air borne dust or other particulate matter; or which involves dust or other particulate air contaminants, generating equipment such as used in paint spraying, grain handling, sand or gravel processing or storage or sand blasting shall be so conducted that dust and other particulate matter so generated are not transported across the boundary line of the tract on which the use is located in concentrations exceeding four grains per 1000 cubic feet of air.

42.5 **ODOROUS MATTER:**

- A. No use shall be located or operated which involves the emission of odorous matter from a source of operation where the odorous matter exceeds the odor threshold at the bounding property line or any point beyond the tract on which such use or operation is located.
- B. The odor threshold as herein set forth shall be determined by observation by a person or persons. In any case, where uncertainty may arise or where the operator or owner of an odor emitting use may disagree with the enforcing officer or where specific measurement of odor concentration is required, the method and procedures specified by American Society for Testing Materials A.S.T.M.D. 1391-57 entitled "Standard Method for Measurement of Odor in Atmospheres" shall be used and a copy of A.S.T.M.D. 1391-57 is hereby incorporated by reference.

42.6 FIRE OR EXPLOSIVE HAZARD MATERIAL:

- A. No use involving the manufacture or storage of compounds or products which decompose by detonation shall be permitted except that chlorates, nitrates, perchlorates, phosphorus, and similar substances and compounds in small quantities for use by industry, school laboratories, druggists or wholesalers may be permitted when approved by the Fire Marshal of the City of Lampasas.
- B. The storage and use of all flammable liquids and materials such as pyroxylin plastics, nitrocellulose film, solvents, and petroleum products shall be permitted only when such storage or use conforms to the standards and regulations of the City of Lampasas Fire Code or are approved by the Fire Marshall.

42.7 TOXIC AND NOXIOUS MATTER:

- A. No operation or use shall emit a concentration across the bounding property line of the tract on which such operation or use is located of toxic or noxious matter which will exceed 10 percent of the concentration (exposure) considered as the threshold limit for an industrial worker as such standards are set forth by the Texas State Department of Health in "Threshold Limit Values Occupational Health Regulation No. 3," a copy of which is hereby incorporated by reference.

42.8 VIBRATION:

- A. No operation or use shall at any time create earthborne vibrations which when measured at the bounding property line of the source operation exceed the limits of displacement set forth in the following table in the frequency ranges specified:

<u>Frequency Cycles Per Second</u>	<u>Displacement in Inches</u>
0 to 10	0.0010
10 to 20	0.0008
20 to 30	0.0005
30 to 40	0.0004
40 and over	0.0003

SECTION 43 LIGHTING AND GLARE STANDARDS

43.1 PURPOSE:

Standards for controlling lighting and glare are set forth to reduce the annoyance and inconvenience to property owners and traffic hazards to motorists. These standards are intended to allow reasonable enjoyment of adjacent and nearby property by their owners and occupants while requiring adequate levels of lighting of parking areas.

43.2 NONRESIDENTIAL SITE LIGHTING AND GLARE STANDARDS:

- A. Any use shall be operated so as not to produce obnoxious and intense glare or direct illumination across the bounding property line from a visible source of illumination of such intensity as to create a nuisance or detract from the use or enjoyment of adjacent property. All outside lights shall be made up of a light source and reflector so selected that acting together, the light beam is controlled and not directed across any bounding property line above a height of three (3) feet. The allowable maximum intensity measured at the property line of a residential use in a residential district shall be 0.25 foot candles. Light poles shall be placed on the site a setback equal to its height from all adjacent residential property.
- B. All off-street parking areas for non-residential uses in non-residential districts which are used after dark shall be illuminated beginning one-half ($\frac{1}{2}$) hour after sunset and continuing throughout the hours of business operation. If only a portion of a parking area is offered for use after dark, only that part is required to be illuminated in accordance with these standards. However, the portion offered for use shall be clearly designated. Lighting within the parking areas shall meet the following minimum requirements:

1. Intensity:

- a. Minimum at any point on the parking area surface to be at least 0.6 foot candles initial, and at least 0.3 foot candles maintained or one-third ($\frac{1}{3}$) of the average, whichever is greater.
- b. Illumination shall not exceed an average of one (1) foot candle at ground level and shall distribute not more than 0.25 foot candles of light upon any adjacent residentially zoned area.

2. Height:

- a. On tracts or lots over three (3) acres in size, the maximum height for poles with lights is thirty feet (30').
- b. On tracts or lots less than three (3) acres, the maximum height of poles with lights is twenty feet (20').
- c. Special lighting or lighting higher than thirty feet (30') may be approved as specifically noted on a site plan.

43.3 RESIDENTIAL LIGHTING AND GLARE STANDARDS:

- A. Residential lighting for security and night recreation use is permitted in all residential districts provided the following requirements are met:
 - 1. Direct lighting over ten feet (10') in height is shielded from adjacent property.

2. No light source shall exceed thirty feet (30') in height. Street lights and other traffic safety lighting are exempt from this standard.
3. Lighting shall not directly shine on adjacent dwellings.

43.4 LUMINAIRES:

- A. Light sources shall be of a down-light type, indirect, diffused, or shielded type luminaires installed and maintained so as to reduce glare effect and consequent interference with use of adjacent properties and boundary streets. Bare bulbs above seventy-five (75) watts and strings of lamps are prohibited, except for temporary lighting as provided in 42.5 below.

43.5 SPECIAL OR TEMPORARY LIGHTING -- LOW WATTAGE:

- A. Bare bulbs or strings of lamps are prohibited, except during holidays special lighting shall be permitted for a maximum time period of forty-five (45) days for each holiday used.

SECTION 44 HOME OCCUPATION REGULATIONS

44.1 PURPOSE:

Standards for controlling home occupations are set forth to minimize annoyance and inconvenience to neighboring property owners within residential areas. These standards are intended to allow reasonable and comfortable enjoyment of adjacent and nearby property by their owners and by occupants of neighboring residential dwellings, while providing opportunities for the pursuit of home-based businesses.

44.2 SPECIAL PROVISIONS FOR HOME OCCUPATIONS:

- A. Home occupations shall be permitted as accessory use in single-family residential zoning districts (i.e., AG, SF-20, SF-10, SF-8, SF-6, SF-PH, 2F, SFA and MH) provided that they comply with all restrictions herein;
- B. The occupation shall produce no alteration or change in the character or exterior appearance of the principal building from that of a residential dwelling, and performance of the occupation activity shall not be visible from the street;
- C. Such use shall be incidental and secondary to the use of the premises for residential purposes, and shall not utilize floor area exceeding twenty percent (20%) of the combined gross floor area of dwelling unit and any accessory building(s) that are used for the home occupation (in no case shall the combined floor area utilized for a home occupation exceed 500 square feet);
- D. The occupation shall not employ more than one (1) person who is not a member of the household in which the home occupation occurs;
- E. Not more than two (2) patron or business-related vehicles shall be present at one time, and the proprietor shall provide adequate off-street parking on the property where the use is located;
- F. The operation of such an occupation shall be between the hours of 8:00 a.m. and 6:00 p.m. for outdoor activities, and between 8:00 a.m. and 10:00 p.m. for indoor activities;
- G. One commercial vehicle, capacity of one ton or less (according to the manufacturer's classification), may be used or parked on the property in connection with the home occupation, but said vehicle may not be parked in the street;
- H. The occupation activity shall not increase vehicular traffic flow beyond what normally occurs within a residential district, and shall not require regular and frequent deliveries by large delivery trucks or vehicles with a rated capacity in excess of one and one-half tons, according to the manufacturer's classification;
- I. There shall be no outside storage, including trailers, or outside display related to the home occupation use;
- J. No mechanical or electrical equipment shall be employed on the premises other than that which is customarily found in a home environment, and that which is customarily associated with a hobby or avocation which is conducted solely for pleasure and not for profit or financial gain;
- K. The home occupation shall not generate noise, vibration, glare, fumes/odors, heat or electrical interference beyond what normally occurs within a residential district;
- L. The occupation shall not require the use of chemicals on the property that are obnoxious or hazardous

to the welfare of the neighborhood;

- M. The home occupation shall not involve the use of advertising signs or window displays, or any other device that calls attention to the business use of the premises through audio and/or visual means;
- N. The occupation shall not offer a ready inventory of any commodity for sale on the premises unless the commodity is made/assembled on-site (e.g., arts and crafts items, handmade clothing, etc.); and
- O. The occupation shall not be harmful or detrimental to the health, welfare and safety of the neighborhood, nor shall it interfere with the comfortable enjoyment of life, property and recreation by residents of the area.

44.3 APPLICABILITY OF OTHER REGULATIONS:

Home occupations shall also be subject to any and all other provisions of local, State and Federal regulations and laws that govern such uses.

44.4 USES ALLOWED AS HOME OCCUPATIONS:

Subject to the provisions of Section 44.2 above, home occupations may include the following uses:

- A. Office facility of an accountant, architect, landscape architect, attorney, engineer, consultant, insurance agent, realtor, broker, or similar profession;
- B. Author, artist or sculptor;
- C. Dressmaker, seamstress or tailor;
- D. Music/dance teacher, or similar types of instruction, provided that instruction shall be limited to no more than one pupil at a time;
- E. Individual tutoring;
- F. Millinery;
- G. Office facility of a minister, rabbi, priest or other clergyman;
- H. Home crafts, such as rug weaving, model making, etc.;
- I. Office facility of a salesman, sales or manufacturer's representative, etc., provided that no retail or wholesale transactions or provision of services are personally and physically made on the premises;
- J. Repair shop for small electrical appliances, cameras, watches/clocks, and other small items, provided that the items can be carried by one person without using special equipment, and provided that the items are not equipped with an internal combustion engine;
- K. Food preparation establishments such as cake making/decorating or catering, provided that there is no on-premises consumption by customers, and provided that all aspects of the business comply with all State and local health regulations;
- L. Registered Family Homes (see definition in Appendix A-3), in compliance with applicable State laws, which are incorporated herein by reference, with no more than six (6) children;
- M. Barber shop/beauty salon or manicure studio, provided that no more than one customer is served at a time;

- N. Swimming lessons and water safety instruction, provided that such instruction involves no more than six (6) pupils at any one time; and
- O. Bed and Breakfast Facility (see definition in Appendix A-3), provided that no more than five (5) guests are accommodated/served at a time.
- P. Licensed Massage or Licensed Massage therapy, provided that no more than one customer is served at a time.
- Q. Drapery or furniture upholstery shops;

44.5 USES PROHIBITED AS HOME OCCUPATIONS:

Home occupations shall not, in any event, be deemed to include the following uses:

- A. Animal hospitals or clinics, commercial stables, or kennels;
- B. Schooling or instruction, except swimming/water safety classes, with more than one pupil at a time;
- C. Restaurants or on-premises food or beverage (including Private Clubs) consumption of any kind;
- D. Automobile, boat or trailer paint or repair shop; small engine or motorcycle repair shop; welding shop; large household appliance repair shop; or other similar type of business;
- E. Office facility for a doctor, dentist, veterinarian or other medical-related profession;
- F. On-premises retail or wholesale sales of any kind, except for items that are produced entirely on the premises in conformance with this Ordinance, and except for occasional garage sales;
- G. Commercial clothing laundering or cleaning;
- H. Mortuaries or funeral homes;
- I. Trailer, vehicle, tool or equipment rentals;
- J. Repair shops or services, except as specifically provided in Section 44.4 above;
- K. Antique, gift or specialty shops;
- L. Repair shops for any items having internal combustion engines; and
- M. Any use that would be defined by the Building Code as an Assembly, Factory/Industrial, Hazardous, Institutional or Mercantile occupancy.

44.6 HOME OCCUPATION USES NOT CLASSIFIED:

- A. Any use that is not either expressly allowed nor expressly prohibited by Sections 44.4 and 44.5, respectively, is considered prohibited, unless and until such use is classified by amendment to this Ordinance by the Lampasas City Council, subsequent to an affirmative recommendation by the Planning and Zoning Commission.

44.7 EFFECT OF SECTION 44 UPON EXISTING HOME OCCUPATIONS:

- A. Any home occupation that was legally in existence as of the effective date of this Ordinance and that is

not in full conformity with the provisions herein shall be deemed a legal nonconforming use, and is subject to the provisions of Section 7 provided that the owner/proprietor of such home occupation register his business with the City within ninety (90) days of the effective date of this Ordinance, and provided that the home occupation use was not in violation of any other local, State or Federal law or regulation on that date. Proof of the existence of such home occupation use prior to the effective date of this Ordinance shall be required upon registration.

- B. Any home occupation that was legally in existence as of the effective date of this Ordinance and that conforms with (i.e., is not in violation of) the provisions herein shall be hereby authorized to continue, provided that the home occupation use is registered with the City as described in Subsection A above.

VI. PENALTIES AND NONCONFORMITIES

SECTION 45 EFFECT OF INTERPRETATION

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

SECTION 46 PRESERVING RIGHTS IN PENDING LITIGATION AND VIOLATIONS UNDER EXISTING ORDINANCES

- 46.1 By the passage of this Ordinance, no presently illegal use shall be deemed to have been legalized unless specifically such use falls within a use district where the actual use is a conforming use. Otherwise, such uses shall remain nonconforming uses where recognized, or an illegal use, as the case may be. It is further the intent and declared purpose of this Ordinance that no offense committed, and no liability, penalty, or forfeiture, either civil or criminal, incurred prior to the time the exiting Zoning Ordinance was repealed and this Zoning Ordinance adopted, shall be discharged or affected by such repeal; but prosecutions and suits for such offenses, liabilities, penalties, or forfeitures may be instituted or causes presently pending proceeded with in all respects as if such prior ordinance had not been repealed.

SECTION 47 PENALTY FOR VIOLATIONS

- 47.1 Any person or corporation violating any of the provisions of this Ordinance shall, upon conviction, be fined any sum not exceeding two thousand dollars (\$2,000.00) 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.

SECTION 48 VALIDITY

- 48.1 If any section, paragraph, subdivision, clause, phrase, or provision of this Ordinance shall be adjudged invalid or held unconstitutional, the same shall not affect the validity of this Ordinance as a whole or any part or provision thereof other than the part so decided to be invalid or unconstitutional.

PASSED AND APPROVED by the City Council of the City of Lampasas, Texas on the 14th day of June, 1999.

MAYOR

ATTEST:

City Secretary

APPROVED AS TO FORM AND LEGALITY:

City Attorney

Zoning Ordinance -- City of Lampasas, Texas

A-1 PLANNED DEVELOPMENT DISTRICTS

The following Planned Developments are included within this ordinance as originally approved except as noted. For specific requirements or restrictions for each individual Planned Development, refer to the original amending ordinance for each Planned Development.

An asterisk (*) specifies the new base zoning district that existing Planned Developments are now converted to under this ordinance.

A-2 SPECIFIC USE PERMITS

The following Specific Use Permits (originally identified as "Conditional Use Permits" in the previous Zoning Ordinance, Ordinance No. 727, as passed and approved on the 27th day of March, 1995, as amended) are included within this Ordinance as originally approved. For specific requirements or restrictions for each SUP, refer to the original amending ordinance.

*Indicates reference number on the Zoning District Map.

A-3 DEFINITIONS

For the purpose of these regulations, certain terms and words are to be used and interpreted as defined hereinafter. Words used in the present tense shall also include the future tense; words used in the masculine gender shall also include the feminine gender; words used in the singular number shall also include the plural number; and words in the plural number shall also include the singular number, except where the natural construction of the writing indicates otherwise. The word "shall" is mandatory and not directory. For any term or use not defined herein, Webster's Dictionary (latest edition) shall be used.

1. **ACCESSORY BUILDING (RESIDENTIAL)** - In a residential district, a subordinate building that is attached or detached and is used for a purpose that is customarily incidental to the main structure but not involving the conduct of a business. Examples may include, but are not limited to, the following: a private garage for automobile storage, tool shed, greenhouse as a hobby (no business), home workshop, children's playhouse, storage building, garden shelter, etc.
2. **ACCESSORY BUILDING (BUSINESS OR INDUSTRY)** - In the nonresidential districts, a subordinate building to the main building that does not exceed the height of the main building and does not exceed fifty percent (50%) of the floor area of the main building, and that is used for purposes directly accessory and incidental to the main use.
3. **ACCESSORY USE** - A use that is customarily incidental, appropriate and subordinate to the principal use of land or building(s) and that is located upon the same lot therewith.
4. **AIRPORT OR LANDING FIELD** - A place where aircraft can land and take off that is usually equipped with hangars, facilities for aircraft refueling and repair, and various accommodations for passengers.
5. **ALLEY** - A minor right-of-way that is dedicated to public use and which affords a secondary means of vehicular access to the back or side of properties otherwise abutting a street, and which may be used for public utility purposes.
6. **AMBULANCE SERVICE** - Provision of private (not operated by the City of Lampasas) emergency transportation which may include medical care, and which may include storage and maintenance of vehicles.
7. **AMUSEMENT ARCADE (ALSO VIDEO ARCADE)** - Any building, room, place or establishment of any nature or kind, and by whatever name called, where more than ten percent (10%) of the public floor area is devoted to three (3) or more amusement devices that are operated for a profit, whether the same is operated in conjunction with any other business or not, including but not limited to such amusement devices as coin-operated pinball machines, video games, electronic games, shuffle boards, pool tables or other similar amusement devices. However, the term "amusement device", as used herein, shall not include musical devices, billiard tables which are not coin-operated, machines that are designed exclusively for small children, and devices designed to train persons in athletic skills or golf, tennis, baseball, archery or other similar sports.
8. **AMUSEMENT, COMMERCIAL (INDOOR)** - An amusement enterprise that is wholly enclosed within a building which is treated acoustically so that noise generated by the enterprise is not perceptible at the bounding property line, and that provides activities, services and/or instruction for the entertainment of customers or members, but not including amusement arcades. Uses may include, but are not limited to, the following: bowling alley, skating rink, bingo parlor, martial arts club, racquetball/handball club, indoor tennis courts/club, indoor swimming pool or scuba diving facility, pool/billiards parlor, and other similar types of uses.

9. **AMUSEMENT, COMMERCIAL (OUTDOOR)** - An amusement enterprise offering entertainment and/or games of skill to the general public for a fee wherein any portion of the activity takes place outdoors and including, but not limited to, a golf driving range, archery range, miniature golf course, batting cages, go-cart tracks, amusement parks, and other similar types of uses.
10. **ANTENNA, MICROWAVE REFLECTOR & ANTENNA SUPPORT STRUCTURE** - An antenna is the arrangement of wires or metal rods used in transmission, retransmission and/or reception of radio, television, electromagnetic or microwave signals (includes microwave reflectors/antennae). A microwave reflector is an apparatus constructed of solid, open mesh, bar-configured, or perforated materials of any shape/configuration that is used to receive and/or transmit microwave signals from a terrestrial or orbitally located transmitter or transmitter relay. Microwave reflectors are also commonly referred to as satellite receive only earth stations (T.V.R.O.S.), or satellite dishes. An antenna support structure is any tower, mast, pole, tripod, box frame, or other structure utilized for the purpose of supporting one or more antennae or microwave reflectors. (See Section 41.5).
11. **ANTENNA (NON-COMMERCIAL/AMATEUR)** - An antenna or antenna support structure used for the purpose of 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 for financial gain. A satellite dish antenna not exceeding six feet (6') in diameter shall also be considered as a non-commercial antenna. (See Section 41.5).
12. **ANTENNA (COMMERCIAL)** - An antenna or antenna support structure used for the purpose of transmission, retransmission, and/or reception of radio, television, electromagnetic, or microwave signals primarily for the purpose of operating a business and/or for financial gain (e.g., commercial broadcasting, cellular/wireless telecommunications, etc.). A satellite dish antenna that exceeds six feet (6') in diameter shall also be considered as a commercial antenna. (See Section 41.5).
13. **ANTIQUE SHOP, SALES INDOORS** - A retail establishment engaged in the selling of works of art, furniture and/or other artifacts of an earlier period, with all sales and storage occurring inside a building.
14. **ART GALLERY OR MUSEUM** - An institution for the collection, display and/or distribution of objects of art or science, and which is typically sponsored by a public or quasi-public agency and generally open to the public.
15. **ASSISTED LIVING FACILITY** - A congregate residence facility for ten (10) or more elderly (over 55 years of age) persons, regardless of legal relationship, who need limited assistance with daily living activities. A limited number of support services such as meals, laundry, housekeeping, transportation, social/recreational activities, hairdressing, etc. may be provided or associated with the assisted living facility. Units may be attached or detached, single- or double-occupancy, and may include limited or full kitchen facilities. Full-time medical or nursing care is not typically provided by the facility, but may be privately arranged for by individual residents on a part-time or temporary basis (e.g., visiting nurses, etc.).
16. **AUTO LAUNDRY OR CAR WASH** - Washing, waxing or cleaning of automobiles or light duty trucks.
17. **AUTO FINANCE AND LEASING** - Leasing of automobiles, motorcycles, and light load vehicles but no outside storage.
18. **AUTO PARTS AND ACCESSORY SALES (INDOORS)** - The use of any building or other premise for the primary inside display and sale of new or used parts for automobiles, panel trucks or vans, trailers, or recreation vehicles.
19. **AUTO RENTAL** - Storage or renting of automobiles and light trucks.
20. **AUTO SALES (NEW & USED)** - Retail sales of new automobiles or light load vehicles, including, as a

minor part of the business, the sales of used automobiles or light load vehicles and the service of new or used vehicles.

21. **AUTO SALES (USED)** - Retail sales, or offering for sale, used automobiles or light load vehicles.
22. **AUTO STORAGE OR AUTO AUCTION** - The storage or impoundment, on a lot or tract which is paved in accordance with parking lot paving requirements set forth in this ordinance, of operable automobiles for the purpose of holding such vehicles for sale, distribution and/or storage. This definition shall not include the storage of wrecked or inoperable vehicles (see "Wrecking Yard").
23. **AUTOMOBILE** - A self-propelled mechanical vehicle designed for use on streets and highways for the conveyance of goods and people including but not limited to the following: passenger cars, light duty trucks and sport utility vehicles, vans and mini-vans, motor scooters and motorcycles.
24. **AUTOMOBILE ACCESSORY INSTALLATION (MINOR)** - Minor installation of minor automobile accessories such as car alarms, radio and stereo equipment, window tinting, pin striping, cellular telephones and similar accessories.
25. **AUTOMOBILE REPAIR GARAGE** - An establishment providing major or minor automobile repair services to all motor vehicles except heavy load vehicles.
26. **AUTOMOBILE REPAIR, MAJOR** - General repair or reconditioning of engines, air-conditioning systems and transmissions for motor vehicles; wrecker service; collision repair services including body, frame or fender straightening or repair; customizing; painting; vehicle steam cleaning; undercoating and rustproofing; those uses listed under "Automobile Repair, Minor"; and other similar uses.
27. **AUTOMOBILE REPAIR, MINOR** - Minor repair or replacement of parts, tires, tubes and batteries; diagnostic services; minor maintenance services such as grease, oil, spark plug and filter changing; tune-ups; emergency road service; replacement of starters, alternators, hoses and brake parts; automobile washing and polishing; performing state inspections and making minor repairs necessary to pass said inspection; normal servicing of air-conditioning systems; and other similar minor services for motor vehicles except heavy load vehicles, but not including any operation named under "Automobile Repair, Major" or any other similar use.
28. **AUTOMOTIVE GASOLINE OR MOTOR FUEL SERVICE STATION** - Any building, land area or other premises, or portion thereof, used or intended to be used for the retail dispensing or sales of automotive fuels, lubricants and automobile accessories, including those operations listed under "Automobile Repair, Minor". Vehicles which are inoperative or are being repaired may not remain parked outside these facilities for a period greater than forty-eight (48) hours.
29. **BAKERY OR CONFECTIONERY (RETAIL)** - A facility less than 1,500 square feet for the production and/or sale of baked goods.
30. **BAKERY OR CONFECTIONERY (WHOLESALE OR COMMERCIAL)** - A manufacturing facility over 1,500 square feet for the production and distribution of baked goods and confectioneries to retail outlets.
31. **BALLROOM DANCING** - An establishment open to the general public for dancing.
32. **BANK, SAVINGS AND LOAN, OR CREDIT UNION** - An establishment for the custody, loan, exchange and/or issue of money, the extension of credit, and/or facilitating the transmission of funds.
33. **BARN** - A structure intended for the purpose of storing farming and ranching related equipment and/or housing livestock.

34. **BASEMENT (OR CELLAR)** - A portion of a building that is partly or wholly underground. For purposes of height measurement, a basement shall be counted as a story when more than one-half of its height is above the average level of the adjoining ground or when subdivided and used for commercial or dwelling purposes by other than a janitor employed on the premises.
35. **BED AND BREAKFAST INN OR FACILITY** - a dwelling occupied as a permanent residence by an owner or renter which serves breakfast and provides or offers sleeping accommodations in not more than five (5) rooms for transient guests for compensation.
36. **BLOCK** - A piece or parcel of land entirely surrounded by public highways or streets, other than alleys. In cases where the platting is incomplete or disconnected, the Building Official shall determine the outline of the block.
37. **BOARDING OR ROOMING HOUSE** - A dwelling other than a hotel, where for compensation and by prearrangement for definite periods, lodging and/or meals are provided.
38. **BUILDING** - Any structure intended for shelter, occupancy, housing or enclosure for persons, animals or chattel. When separated by dividing walls without openings, each portion of such structure so separated shall be deemed a separate building.
39. **BUILDING HEIGHT** - The vertical distance from the average line of the highest and lowest points of that portion of the lot covered by the building to the highest point of coping of a flat roof, or to the deck line of a mansard roof, or to the average height of the highest gable of a pitched or hipped roof.
40. **BUILDING LINE** - A line parallel, or approximately parallel, to any lot line at a specific distance therefrom, marking the minimum distance from the lot line that a building may be erected (see Illustration 6).
41. **BUILDING, MAIN OR PRIMARY** - A building in which the principal use of the lot on which it is situated is conducted. In a residential district any dwelling shall be deemed to be a main building on the lot on which it is situated.
42. **BUILDING MATERIALS AND HARDWARE SALES (INDOOR OR OUTDOOR)** - Materials, tools, and/or hardware customarily used in the construction of buildings and other structures, including facilities for storage of materials for retail sales. Sometimes referenced as a "home improvement center". "Outdoor" means the storage of materials and products outside of the main building.
43. **BUILDING OFFICIAL** - The inspector or administrative official charged with responsibility for issuing permits and enforcing the Zoning Ordinance and Building Code of the City of Lampasas.
44. **BUILDING SITE** - See "Lot" definition.
45. **BUS STATION OR TERMINAL** - Any premises for the transient housing and/or parking of motor-driven buses and the loading and unloading of passengers.
46. **BUS STOP – DROP OFF AND PICK-UP ONLY** – A building or premises where a commercial motor vehicle bus picks up and discharges fare-paying passengers. Accessory uses may include ticket offices, luggage checking facilities, package pick-up and delivery and similar uses.” [Excluding bus stop used for school buses, church buses, buses used by charitable organizations, and other non-profit organizations.]
47. **BUS STOP – DROP OFF AND PICK –UP: BUS STOP** – Drop-off and Pick-up shall be allowed only by a “Specific Use Permit,” in Retail “R,” Commercial “C”, and Light Industrial “LI”, Zoning Districts. [Excluding bus stop used for school buses, church buses, buses used by charitable organizations, and other

non-profit organizations.]

48. **CARETAKERS' OR GUARDS' RESIDENCE (NONRESIDENTIAL)** - A residence located on a premises with a main residential or nonresidential use and occupied only by a caretaker or guard employed on the premises.
49. **CARNIVAL, CIRCUS OR TENT SERVICE (TEMPORARY)** - Outdoor or indoor commercial amusement provided on a temporary basis.
50. **CARPORT** - A structure that is open on a minimum of two sides and designed or used to shelter not more than three vehicles and not to exceed twenty-four feet on its longest dimension. Also called "covered parking area."
51. **CEMETERY OR MAUSOLEUM** - Land used or intended to be used for the burial of the human dead and dedicated for cemetery purposes, including columbariums, crematories, mausoleums, and mortuaries when operated in conjunction with and within the boundaries of such cemetery.
52. **CEMETERY, ANIMAL** - Same as cemetery except only for the burial of dead animals.
53. **CERTIFICATE OF OCCUPANCY** - An official certificate issued by the City through the Building Official which indicates conformance with the zoning regulations and building codes and which authorizes legal use of the premises for which it is issued; may be referred to as an "Occupancy Permit".
54. **CHILD CARE CENTER (OR DAY CARE CENTER)** - A commercial institution or place designed for the care or training of twelve (12) or more unrelated children under fourteen (14) years of age for less than 24 hours a day.
55. **CHURCH, RECTORY OR TEMPLE** - A building for regular assembly for religious worship which is used primarily and designed for such purpose and those accessory activities which are customarily associated therewith, and the place of residence for ministers, priests, nuns or rabbis on the premises (tax exempt as defined by State law). For the purposes of this ordinance, Bible study and other similar activities which occur in a person's primary residence shall not apply to this definition.
56. **CITY COUNCIL** - The governing body of the City of Lampasas, Texas.
57. **CIVIC CENTER** - A building or complex of buildings that house municipal offices and services, and which may include cultural, recreational, athletic, food service, convention and/or entertainment facilities owned and/or operated by a municipality.
58. **CLEANING PLANT (COMMERCIAL/WHOLESALE)** - An industrial facility where fabrics are cleaned with substantially nonaqueous organic solvents on a commercial or wholesale basis.
59. **CLEANING SHOP OR LAUNDRY (SMALL SHOP, PICK-UP AND SELF SERVICE)** - A custom cleaning shop not exceeding two thousand five hundred (2,500) square feet of floor area and may include customer self-service laundry and cleaning.
60. **COLLEGE OR UNIVERSITY** - An academic institution of higher learning, accredited or recognized by the State and covering a program or series of programs of academic study.
61. **COMMERCIAL AMUSEMENT (INDOOR)** - See Amusement, Commercial (Indoor).
62. **COMMERCIAL AMUSEMENT (OUTDOOR)** - See Amusement, Commercial (Outdoor).
63. **COMMUNICATIONS OPERATIONS (NON-COMMERCIAL/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 for financial gain.

- 64. **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 for financial gain.
- 65. **COMMUNITY CENTER (PUBLIC)** - A building or complex of buildings that house cultural, recreational, athletic, food service and/or entertainment facilities owned and/or operated by a governmental agency or private nonprofit agency.
- 66. **COMMUNITY HOME** - A place where not more than six (6) physically or mentally impaired or handicapped persons are provided room and board, as well as supervised care and rehabilitation by not more than two (2) persons as licensed by the Texas Department of Mental Health and Mental Retardation (also see Chapter 123 of the Texas Local Government Code).
- 67. **COMPREHENSIVE PLAN** - Document adopted by the City that consists of graphic and textual policies which govern the future development of the City and which consists of various components governing specific geographic areas and functions and services of the City.
- 68. **CONCRETE OR ASPHALT BATCHING PLANT (PERMANENT)** - A permanent manufacturing facility for the production of concrete or asphalt.
- 69. **CONCRETE OR ASPHALT BATCHING PLANT (TEMPORARY)** - A temporary manufacturing facility for the production of concrete or asphalt during construction of a project, and to be removed when the project is completed.
- 70. **CONTINUING CARE RETIREMENT COMMUNITY** - A housing development designed to provide a full range of accommodations for older adults (55 years of age or older), including independent living, assisted living and skilled full-time nursing or medical care. Residents may move from one level to another as their needs change.
- 71. **COPY SHOP OR PRINTING** - An establishment which reproduces, in printed form, individual orders from a business, profession, service, industry or government organization and occupies less than 4,000 square feet.
- 72. **CONTRACTOR'S SHOP WITH OUTSIDE STORAGE YARD** - A building, part of a building, or land area for the construction or storage of materials, equipment, tools, products, and vehicles.
- 73. **COUNTRY CLUB (PRIVATE)** - A land area and buildings which may include a golf course, clubhouse, dining room, swimming pool, tennis courts and similar recreational or service uses available only to members and their guests.
- 74. **COURT** - An open, unobstructed space, bounded on more than two sides by the walls of a building. An inner court is entirely surrounded by the exterior walls of a building. An outer court has one side open to a street, alley, yard, or other permanent open space.
- 75. **COVERAGE** - The lot area covered by all buildings located thereon, including the area covered by all overhanging roofs.
- 76. **CUSTOM PERSONAL SERVICE SHOP** - Tailor, dressmaker, shoe shop, barber shop, beauty shop or similar shop offering custom service.

77. **DAY CAMP FOR CHILDREN** - A facility arranged and conducted for the organized recreation and instruction of children including outdoor activities on a daytime basis.
78. **DENSITY** - The total number of residential buildings allowed upon a given tract of land usually expressed in total number of units per gross acres or net acre.
79. **DETACHED** - Having no physical connection above the top of the floor line of the first floor with any other building or structure.
80. **DISTRIBUTION CENTER** - Building or facility used for the storage and distribution of wholesale items/products.
81. **DRAPERY OR FURNITURE UPHOLSTERING SHOP** - An establishment for the production, display and sale of draperies and soft coverings for furniture.
82. **DWELLING** - Any building or portion thereof, which is designed or used as living quarters for one or more families.
83. **DWELLING, SINGLE FAMILY ATTACHED (TOWNHOUSE)** - See "Single Family Dwelling (Attached)".
84. **EASEMENT** - A grant of one or more of the property rights by the property owner to and/or for the use by the public, a corporation or another person or entity.
85. **EDUCATIONAL FACILITIES** - Public and private primary, secondary and post-secondary educational facilities offering instruction in the branches of learning and study required to be taught by the Texas Education Agency; and such federally funded educational programs for preschool children as the Head Start Program.
86. **ELECTRICAL SUBSTATION (HIGH VOLTAGE BULK POWER)** - A subsidiary station in which electric current is transformed.
87. **ELECTRONIC CIGARETTE OR E-CIGARETTE** - Shall mean any device that uses an atomizer or similar device that allows users to inhale a vapor of liquid nicotine or other vapor without the use of fire, smoke, ash or carbon monoxide. The definition of e-cigarette includes any of its component parts. The term includes such devices regardless of the details of the product appearance or marketed name.
88. **ENCLOSED BUILDING** - A structure which is floored, roofed and surrounded by outside walls, which contains no opening larger than 120 square feet in area normally open to the air and which contains no series of openings forming a divided opening larger than 120 square feet in area normally open to the air.
89. **FAIRGROUNDS OR EXHIBITION AREA** - An area or space either outside or within a building for the display of topic-specific goods or information.
90. **FAMILY** - 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.
91. **FAMILY HOME (Child Care in Place of Residence)** - A facility that regularly provides care in the caretaker's own residence for not more than six (6) children under fourteen (14) years of age, excluding the caretaker's own children, and that provides care after school hours for not more than six (6) additional elementary school siblings of the other children given care. However, the number of children, including the caretaker's own, provided care at such facility shall not exceed twelve (12) at any given time. No outside employment is allowed at the facility. This facility shall conform to Chapter 42 of the Human Resources Code of the State of Texas, as amended, and in accordance with such standards as may be

promulgated by the Texas Department of Human Resources.

92. **FARM, RANCH, GARDEN, CROPS OR ORCHARD** - An area used for growing usual farm products, vegetables, fruits, trees, and grain and for the raising thereon of the usual farm animals such as horses, cattle, and sheep and including the necessary accessory uses for raising, treating, and storing products raised on the premises, but not including the commercial feeding of offal or garbage to swine or other animals and not including any type of agriculture or husbandry specifically prohibited by ordinance or law.
93. **FEED AND GRAIN STORE** - An establishment for the selling of corn, grain and other food stuffs for animals and livestock, and including implements and goods related to agricultural processes, but not including farm machinery.
94. **FIRE, POLICE OR MUNICIPAL BUILDING** - Any public service building of the municipal government including a library or City Hall, but excluding storage yards, utility shops and equipment centers.
95. **FLEA MARKET (INDOOR)** - An indoor premise where the main use is the sale of new and used household goods, personal effects, tools, art work, small household appliances, and similar merchandise, objects, or equipment, in small quantities, in broken stalls, lots or parcels, not in bulk, for the use or consumption by the immediate purchaser in a building, open air, or partly enclosed booths or stalls not within a wholly enclosed building. The term flea market shall not be deemed to include wholesale sales establishments or rental services establishments, but shall be deemed to include personal service establishments, food services establishments, retail services establishments, and auction establishments.
96. This definition does not pertain to retail sidewalk sales or garage sales. Arts and crafts shows or sales held by nonprofit organizations are also not included under this definition.
97. **FLEA MARKET (OUTDOOR)** - A primarily outdoor premise where the main use is the sale of new and used household goods, personal effects, tools, art work, small household appliances, and similar merchandise, objects, or equipment, in small quantities, in broken stalls, lots or parcels, not in bulk, for the use or consumption by the immediate purchaser in primarily open air (i.e., not within a building) booths or stalls. The term flea market shall not be deemed to include wholesale sales establishments or rental services establishments, but shall be deemed to include personal service establishments, food services establishments, retail services establishments, and auction establishments.
- This definition does not pertain to retail sidewalk sales or garage sales. Arts and crafts shows or sales held by nonprofit organizations are also not included under this definition.
98. **FLOOD PLAIN** - An area of land subject to inundation by a 100-year frequency flood as determined using standard engineering practices and generally as shown on the FIRM Flood Insurance Rate Map of the City of Lampasas.
99. **FLOOR AREA** - The total gross square feet of floor space within the outside dimensions of a building including each floor level, but excluding carports, residential garages, and breezeways.
100. **FLOOR AREA RATIO (FAR)** - The floor area of a main building or buildings on a lot, divided by the lot area (see Illustration 1).
101. **FLORIST SHOP** - An establishment for the display and retail sale of flowers, small plants and accessories.
102. **FOOD STORE** - A retail business establishment that displays and sells consumable goods that are not to be eaten on the premises. Prepared food may be sold only as a secondary or accessory use.

103. **FOOD AND BEVERAGE STORE WITH GASOLINE SALES (CONVENIENCE STORE)** - Retail establishment selling food for off-premises consumption and gasoline. Does not include or offer any automobile repair services.
104. **FRANCHISED PRIVATE UTILITY (NOT LISTED)** - A utility such as one distributing heat, chilled water, closed circuit television or similar service and requiring a franchise to operate in the City of Lampasas.
105. **FRATERNAL ORGANIZATION, LODGE, CIVIC CLUB, OR UNION** - 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.
106. **FRONT YARD** - See "Yard, Front".
107. **FUNERAL HOME OR MORTUARY** - 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.
108. **FURNITURE, HOME FURNISHINGS OR APPLIANCE STORES** - This group includes retail stores selling new goods 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.
109. **FURNITURE STORE (NEW AND USED)** - Same as above except sales may include used items.
110. **GARAGE, PRIVATE** - An enclosed (on at least three (3) sides) accessory building, or a part of a main building, used for storage of automobiles and used solely by the occupants and their guests. Also called "enclosed parking space."
111. **GARAGE/ACCESSORY DWELLING** - A residential dwelling unit attached to or over a garage but not attached to the main residential structure.
112. **GARDEN SHOP** - A facility which is engaged in the selling of flowers, ornamental plants, shrubs, trees, seeds, garden and lawn supplies, and other materials used in planting and landscaping, but not including cultivation and propagation activities outside a building.
113. **GASOLINE SERVICE OR FILLING STATION** - See "Automotive Gasoline or Motor Fuel Service Station".
114. **GENERAL COMMERCIAL PLANT** - Establishments other than personal service shops 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 plants.
115. **GENERAL MANUFACTURING** - See "Industrial, Manufacturing".
116. **GENERAL RETAIL STORES** - This major group includes retail stores which sell a number of lines of primarily new merchandise including but not limited to dry goods, apparel and accessories, furniture and home furnishings, small wares, small appliances, hardware, and food. The stores included in this group are known as department stores, variety stores, general merchandise stores, general stores, etc. (also see "Retail Shop").
117. **GOLF COURSE** - An area of twenty (20) acres or more improved with trees, greens, fairways, hazards, and which may include clubhouses.
118. **GROUP DAY-CARE HOME** - Means a facility that provides care for seven (7) to twelve (12) children

under fourteen (14) years of age less than 24 hours a day.

- 119. **GROWING SEASONS** – Period of the year during which growing conditions for indigenous vegetation and cultivated crops are most favorable – generally from April to October.
- 120. **GYMNASTIC OR 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.
- 121. **HAULING OR STORAGE COMPANY** - See "Motor Freight Company".
- 122. **HEAVY LOAD VEHICLE** - A self-propelled vehicle having a manufacturer's recommended Gross Vehicle Weight (GVW) of greater than 11,000 pounds (including trailers), such as large recreational vehicles (originally manufactured as RVs, not converted), tractor-trailers, buses, vans, and other similar vehicles. The term "truck" shall be construed to mean "Heavy Load Vehicle" unless specifically stated otherwise.
- 123. **HEAVY MACHINERY SALES AND STORAGE** - A building or open area used for the display, sale, rental or storage of heavy machinery, tractors or similar machines, or a group of machines which function together as a unit.
- 124. **HELIPORT** - An area of land or water or a structural surface which is used, or intended for use, for the landing and taking off of helicopters, and any appurtenant areas which are used, or intended for use for heliport buildings and other heliport facilities.
- 125. **HELISTOP** - The same as a heliport, except that no refueling, maintenance, repairs or storage of helicopters is permitted.
- 126. **HOME FOR AGED, RESIDENCE** - A home where elderly people are provided with lodging and meals without nursing care being a primary function.
- 127. **HOME OCCUPATION** - An occupation carried on in a dwelling unit, or in an accessory building to a dwelling unit, by a resident of the premises, which occupation is clearly incidental and secondary to the use of the premises for residential purposes (see Section 44).
- 128. **HOSPITAL (ACUTE CARE)** - An institution where sick or injured patients are given medical and/or surgical treatment intended to restore them to health and an active life, and which is licensed by the State of Texas.
- 129. **HOSPITAL (CHRONIC CARE)** - An institution where those persons suffering from illness, injury, deformity and/or deficiencies pertaining to age are given care and treatment on a prolonged or permanent basis and which is licensed by the State of Texas.
- 130. **HOUSEHOLD APPLIANCE SERVICE AND REPAIR** - The maintenance and rehabilitation of appliances that are customarily used in the home including, but not limited to, washing and drying machines, refrigerators, dishwashers, trash compactors, ovens and ranges, countertop kitchen appliances, vacuum cleaners, etc., but not including appliances/equipment which have internal combustion engines.
- 131. **HOUSEHOLD CARE FACILITY** - A dwelling unit which 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 setbacks, living together with not more than two supervisory personnel as a single housekeeping unit. This definition is subject to Art. 4442c-4 (Personal Care Facility Licensing Act) V.A.C.S. (Tex.) and Art. 1011n (Community Homes for Disabled Persons Location Act) V.A.C.S. (Tex.) as they presently exist or may be amended in the future.

132. **HOUSEHOLD CARE INSTITUTION** - A facility which provides residence and care to ten or more persons, regardless of legal relationship, who are elderly; disabled; orphaned, abandoned, abused, or neglected children; victims of domestic violence; convalescing from illness; or temporarily homeless due to fire, natural disaster, or financial setback together with supervisory personnel.
133. **INCIDENTAL OR ACCESSORY RETAIL AND SERVICE USES** - Any use different from the primary use but which compliments and/or supplements the primary use (for example, a sundries shop that serves tenants of an office building or hospital). Incidental shall mean an area which constitutes not more than fifteen percent (15%) of the main use.
134. **INDUSTRIAL, MANUFACTURING** - Establishments engaged in the manufacturing or transformation of materials into new products. These establishments are usually described as plants and factories, and characteristically use power driven machines and materials handling equipment. Manufacturing production is usually carried on for the wholesale market, rather than for direct sale to the domestic consumer.
135. **INDUSTRIALIZED HOME OR MODULAR HOME** - Means a structure or building module as defined, under the jurisdiction and control of the Texas Department of Labor and Standards and that is installed and used as a residence by a consumer, transportable in one 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 in the Texas Manufactured Housing Standards Act (Article 5221f V.A.C.S.); nor does it include building modules incorporating concrete or masonry as the primary structural component.
136. **INSTITUTION FOR ALCOHOLIC, NARCOTIC OR PSYCHIATRIC PATIENTS** - An institution offering out-patient treatment to alcoholic, narcotic or psychiatric patients.
137. **KENNELS (INDOOR PENS)** - An establishment with indoor pens in which more than four (4) dogs or domesticated animals more than one year old are housed, groomed, bred, boarded, trained and/or sold for commercial purposes.
138. **KENNELS (OUTDOOR PENS)** - An establishment with outdoor pens in which more than four (4) dogs or domesticated animals more than one year old are housed, groomed, bred, boarded, trained and/or sold for commercial purposes.
139. **KINDERGARTEN OR NURSERY SCHOOL (PRIVATE)** - An establishment where more than three (3) children are housed for care and/or training during the day or portion thereof.
140. **KIOSK** - A small, free-standing, one-story accessory structure having a maximum floor area of one hundred (100) square feet and used for retail purposes, such as automatic teller machines 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 50 square feet.
141. **KITCHEN, RESIDENTIAL** - Generally, that portion of a residential dwelling that is devoted to the preparation and/or cooking of food for the purpose of consumption by residents of the dwelling. A kitchen, as referred to within this Ordinance, generally indicates the presence of complete cooking facilities (i.e., stove, oven, microwave oven and/or refrigerator) as differentiated from a "kitchenette" which provides very limited cooking facilities (i.e., single-burner hot plate, under-counter refrigerator, microwave oven only, etc.).
142. **LABORATORY EQUIPMENT MANUFACTURING** - A facility that makes or produces equipment or products used for research or testing.

143. **LABORATORY, SCIENTIFIC OR RESEARCH** - An establishment that engages in research, testing or evaluation of materials or products, but not medical-related (see "Medical Facilities -- Medical Laboratory").
144. **LANDSCAPING** - Material such as, but not limited to, grass, ground covers, shrubs, vines, hedges, trees or palms, and non-living durable materials that are commonly used in landscaping such as, but not limited to, rocks, pebbles, sand, walls or fences, but excluding paving.
145. **LAUNDROMAT (OR SELF-SERVE WASHATERIA)** - A facility where patrons wash, dry and/or dry clean clothing and other fabrics in machines that are operated by the patron.
146. **LIGHT LOAD VEHICLE** - A self-propelled vehicle having a manufacturer's recommended gross vehicle weight (GVW) not greater than 11,000 pounds and having no more than two axles, such as pick-up trucks, sport utility vehicles, vans and mini-vans, recreational vehicles (less than thirty-two [32] feet in length), campers and other similar vehicles but not including automobiles and motorcycles.
147. **LIGHT MANUFACTURING OR INDUSTRIAL USE** - Manufacturing of finished products or parts, predominantly from previously prepared materials, including fabrication, assembly, and packaging of such products, and incidental storage, sales and distribution of such products, but excluding basic industrial processing.
148. **LIQUID NICOTINE** - Shall mean any liquid product composed either in whole or in part of nicotine, propylene glycol and/or any other substance and manufactured for use with e-cigarettes.
149. **LOADING SPACE** - An off-street space or berth used for the delivery and loading/unloading of vehicles.
150. **LOCAL UTILITY LINE** - The facilities provided by a municipality or a franchised utility company for distribution or collection of gas, water, surface drainage water, sewage, electric power or telephone service, including pad- and pole-mounted transformers.
151. **LOT** - A platted (as specified in Section 212 of the Texas Local Government Code) parcel of land that is occupied or intended to be occupied by one main building (or a group of main buildings) and any accessory building(s), which includes such parking, landscaping and open space as are required by this Ordinance or other laws and/or ordinances, and also which has its principal frontage upon a public street. (See Illustrations 6, 7 and 8)
152. **LOT AREA** - The total area, measured on a horizontal plane, included within lot lines.
153. **LOT, CORNER** - A lot which has at least two adjacent sides abutting for their full lengths upon a street, provided that the interior angle at the intersection of such two sides is less than one hundred thirty-five degrees (135E). (See Illustration 9)
154. **LOT DEPTH** - The mean horizontal distance between the front and rear lot lines. (See Illustration 7).
155. **LOT, DOUBLE FRONTAGE** - A lot having frontage upon two (2) non-intersecting streets, as distinguished from a corner lot. (See Illustration 5)
156. **LOT, FLAG** - A lot having access to a street by means of a parcel of land generally having a depth greater than its frontage, but not less than thirty-five (35) feet.
157. **LOT, INTERIOR** - A lot other than a corner lot.
158. **LOT FRONTAGE** - That dimension of a lot or portion of a lot abutting onto a street, excluding the side dimension of a corner lot.

159. **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. (See Illustration 6)
160. **LOT, KEY** - A corner lot whose exterior side is adjacent to the front yard of another lot.
161. **LOT LINE, REAR** - The lot line farthest from and most parallel to 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. (See Illustration 8).
162. **LOT LINE, SIDE** - Any lot line not the front or rear lot line.
163. **LOT LINES OR PROPERTY LINES** - The lines bounding a lot as defined herein.
164. **LOT OF RECORD** - A lot which is part of a subdivision, the plat of which has been recorded in the office of the County Clerk of Lampasas County.
165. **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. (See Illustration 6).
166. **MAIN BUILDING** - The building or buildings on a lot which are occupied by the primary use.
167. **MANUFACTURED HOME DISPLAY OR SALES (NEW)** - The offering for sale, storage, or display of new manufactured housing units (e.g., mobile homes/trailers, HUD-Code homes, industrialized homes) on a parcel of land, but excluding the use of such facilities as dwellings either on a temporary or permanent basis.
168. **MANUFACTURED HOME DISPLAY OR SALES (USED)** - The offering for sale, storage, or display of previously owned (i.e., used), movable manufactured housing units (e.g., mobile homes/trailers, HUD-Code homes) on a parcel of land, but excluding the use of such facilities as dwellings either on a temporary or permanent basis.
169. **MANUFACTURED HOUSING** - Any one of three types of prefabricated housing products which are typically manufactured/assembled at a location other than the end user's permanent site, and which are regulated by the Texas Manufactured Housing Standards Act (Article 5221f and 5221f-1, V.A.C.S.). For the purpose of this Ordinance, there are three types of manufactured homes:
- a. **Mobile Home** - A movable dwelling designed to be transported on its own chassis on the highway (either intact or in major sections) by a prime mover, which is constructed with a base section so as to be independently self-supporting, and which does not require a permanent foundation for year-round living. A mobile home is also defined as any manufactured home that was constructed prior to June 15, 1976.
 - b. **HUD-Code Manufactured Home** - A movable dwelling designed to be transported on the highway (either intact or in major sections) by a prime mover, which can be used as a residential dwelling either with or without a permanent foundation. A HUD-Code manufactured home is also defined as a movable manufactured home that was constructed after June 15, 1976.
 - c. **Industrialized Home (also called Modular Prefabricated Structure or Modular Home)** - A structure or building module as defined under the jurisdiction and control of the Texas Department of Labor and Standards, that is transportable in one or more sections on a temporary chassis or other conveyance device, and that is designed to be installed and used by a consumer as a fixed residence 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 mobile homes or HUD-Code manufactured homes as defined in the Texas Manufactured Housing Standards Act (Article 5221f, V.A.C.S.). Industrialized homes must meet all applicable local codes and zoning regulations that pertain to construction of traditional site constructed ("stick built") homes.
170. **MASONRY CONSTRUCTION** - That form of construction comprised of brick, stone, granite, marble, concrete, hollow clay tile, concrete block or tile, brick veneer, exterior plasters (including stucco), or other similar building units or materials or combination of these materials laid up unit by unit and set in mortar.
171. **MAUSOLEUM** - Property used for the interring of the dead and where bodies are interred above ground in staked vaults.
172. **MEDICAL FACILITIES:**
- a. **Medical Clinic or Office** - A facility or group of offices for one or more physicians for the examination and treatment of ill and afflicted human outpatients provided that patients are not kept overnight except under emergency conditions.
 - b. **Dental Office or Doctors Office** - Same as medical clinic.
 - c. **Hospital** - An institution providing health services primarily for human inpatient medical or surgical care for the sick or injured and including related facilities such as laboratories, outpatient departments, training facilities, central services facilities, and staff offices which are an integral part of the facilities.
 - d. **Massage Establishment** - Any place of business in which massage therapy is practiced by a massage therapist, as defined and licensed by State law. "Massage therapy", as a health care service, means the manipulation of soft tissue for therapeutic purposes. The term includes, but is not limited to, effleurage (stroking), petrissage (kneading), tapotement (percussion), compression, vibration, friction, nerve 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 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.
 - e. **Public Health Center** - A facility primarily utilized by a health unit for providing public health services including related facilities such as laboratories, clinics and administrative offices operated in connection therewith.
 - f. **Sanitarium** - An institution providing health facilities for inpatient medical treatment or treatment and recuperation making use of natural therapeutic agents.
 - g. **Surgical Out-Patient Facility** - An establishment offering any type of surgical procedures and related care which, in the opinion of the attending physician, can be performed safely without requiring inpatient overnight hospital care and exclusive of such surgical and related care as licensed physicians ordinarily may elect to perform in their private offices.
 - h. **Medical Laboratory** - An indoor establishment that includes laboratories and/or experimental equipment for medical testing, prototype design and development, and product testing.
173. **MINI-WAREHOUSE** - Small individual storage units for rent or lease, restricted solely to the storage of items. The conduct of sales, business or any other activity within the individual storage units, other than storage, shall be prohibited.

174. **MINOR MEDICAL EMERGENCY CLINIC** - See "Medical Clinic or Office".
175. **MOBILE FOOD VENDOR UNIT** – a commercially manufactured vehicle that is readily moveable (i.e. truck or trailer) from which food or beverages are prepared, sold or served for consumption. The term mobile food vendor unit shall not include pushcarts of any kind.
176. **MOBILE HOME PARK (also TRAILER PARK or RV PARK)** - A parcel of land not less than five (5) acres nor greater than twenty-five (25) acres which is designed, improved, or intended to be used for short- or long-term occupancy by mobile homes/trailers and/or recreational vehicles (including travel trailers) in designated spaces. Facility may include a residence for the owner/manager of the premises, utility hook-ups, accessory structures, playgrounds and open space areas, fenced yard areas for pets, and other similar amenities.
177. **MOBILE HOME SPACE** - A plot of ground within a mobile home park, trailer park, RV park, or mobile home subdivision which is designed for the accommodation of one mobile home, trailer or RV unit.
178. **MOBILE HOME SUBDIVISION** - A parcel of land which is designed, platted, improved and intended for the long-term placement of individually owned mobile home units or HUD-Code manufactured homes on platted lots which can be purchased outright by the owners of the mobile home units. Facility may include a residence for the owner/manager of the premises, utility hook-ups, accessory structures, playgrounds and open space areas, fenced yard areas for pets, and other similar amenities.
179. **MODEL HOME** - A dwelling in a developing subdivision, located on a legal lot of record, that is limited to temporary use as a sales office for the subdivision and to provide an example of the dwellings which have been built or which are proposed to be built within the same subdivision.
180. **MOTEL OR HOTEL** - A facility offering temporary lodging accommodations or guest rooms on a daily rate to the general public and providing additional services, such as restaurants, meeting rooms, housekeeping service and recreational facilities. A guest room shall be defined as a room designed for the overnight lodging of hotel guests for an established rate or fee.
181. **MOTORCYCLE** - A usually two-wheeled, self-propelled vehicle having one or two saddles or seats, and which may have a sidecar attached. For purposes of this Ordinance, motorbikes, all-terrain vehicles (ATVs), motor scooters, mopeds and similar vehicles are classified as motorcycles.
182. **MOTORCYCLE SALES AND REPAIR** - The display, sale and/or servicing, including repair work, of motorcycles.
183. **MOTOR FREIGHT COMPANY** - A company using trucks or other heavy load vehicles to transport goods, equipment and similar products. Includes companies that move residential or commercial belongings.
184. **MOTOR VEHICLE** - Any vehicle designed to carry one or more persons which is propelled or drawn by mechanical power, such as automobiles, vans, trucks, motorcycles and buses.
185. **MULTIPLE-FAMILY DWELLING (APARTMENT)** - Three or more dwelling units on a single lot designed to be occupied by three or more families living independently of one another, exclusive of hotels or motels.
186. **MUNICIPAL FACILITY OR USE** - Any area, land, building, structure and/or facility which is owned, used, leased or operated by the City of Lampasas, Texas.
187. **NONCONFORMING USE** - A building, structure, or use of land lawfully occupied as of the effective date of this Ordinance or amendments thereto, but which does not conform to the use regulations of the

district in which it is situated.

- 188. **NURSERY** - An establishment, including a building, part of a building or open space, for the growth, display and/or sale of plants, shrubs, trees and other materials used in indoor or outdoor planting.
- 189. **NURSING, CONVALESCENT OR REST HOME** - See "Skilled Nursing Facility".
- 190. **OCCUPANCY** - The use or intended use of the land or buildings by proprietors or tenants.
- 191. **OFFICES, PROFESSIONAL AND GENERAL BUSINESS** - A room or group of rooms used for the provision of executive, management and/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 associations, but excluding medical offices.
- 192. **OFFICE CENTER** - A building or complex of buildings used primarily for conducting the affairs of a business, profession, service, industry, government or similar entity, that may include ancillary services for office workers such as a coffee shop, newspaper stand, sundries shop, hair/nail salon, etc.
- 193. **OFFICE SHOWROOM** - An establishment with no more than twenty-five percent (25%) of its total floor area devoted to storage and warehousing, but not accessible to the general public. The remaining area may include retail and wholesale sales areas, sales offices, and display areas for products sold and distributed from the storage and warehousing areas.
- 194. **OFFICE WAREHOUSE** - An establishment with more than twenty-five percent (25%) of the total floor area devoted to storage and warehousing, but not generally accessible to the public.
- 195. **OFFICIALLY APPROVED PLACE OF ACCESS** - Access to a property, other than from a dedicated street, which is approved by the City of Lampasas.
- 196. **OFF-STREET PARKING INCIDENTAL TO MAIN USE** - Off-street parking spaces provided in accordance with the requirements of this Ordinance, located on the lot or tract occupied by the main use or within one hundred fifty feet (150') of such lot or tract, and located within the same zoning district as the main use or in an adjacent parking district.
- 197. **OUTSIDE DISPLAY** - Outside temporary display of finished goods that are specifically intended for retail sale but not displayed outside overnight.
- 198. **OUTSIDE STORAGE** - The permanent and/or continuous keeping, displaying or storing, outside a building, of any goods, materials, merchandise or equipment on a lot or tract for more than twenty-four (24) hours. Also referred to as open storage.
- 199. **PAINT SHOP** - A commercial establishment where painting services are performed (but not automotive-related painting services, which would be included under "Automobile Repair, Major").
- 200. **PARCEL** - Any unplatted tract of land, or any portion of an unplatted tract of land (also see "Tract").
- 201. **PARK OR PLAYGROUND (PRIVATE)** - See "Private Recreation Facility".
- 202. **PARK OR PLAYGROUND (PUBLIC)** - See "Public Recreation".
- 203. **PARKING LOT** - An off-street (i.e., not on a public street or alley), ground level area, paved in accordance with City of Lampasas parking lot standards, for the short- or long-term storage of motor vehicles.

204. **PARKING LOT OR STRUCTURE, COMMERCIAL (AUTO)** - An area or structure devoted to the parking or storage of automobiles for a fee which may include, in the case of a parking structure only, a facility for servicing automobiles provided that such facility is an internal function for use only by automobiles occupying the structure and that such facility creates no special problems of ingress or egress.
205. **PARKING SPACE** - An off-street (i.e., not on a public street or alley) area, paved in accordance with City of Lampasas parking lot standards, that is used for parking a vehicle, and that is accessed from a paved driveway which connects the parking space with a public street.
206. **PATIO HOME (ZERO-LOT-LINE DWELLING)** - A single-family dwelling on a separately platted lot which is designed such that one side yard is reduced to zero feet in order to maximize the width and usability of the other side yard, and which permits the construction of a detached single-family dwelling with one side (i.e., wall) of such dwelling placed on the side property line. (See Section 18).
207. **PAWN SHOP** - An establishment where money is loaned on the security of personal property pledged in the keeping of the owners (pawnbroker). Retail sales of primarily used (i.e., pre-owned) items is also allowed, provided that the sale of such items complies with local, State and Federal regulations.
208. **PERSONAL SERVICE SHOP OR CUSTOM PERSONAL SERVICES** - Establishments less than 2,000 square feet in gross floor area, primarily engaged in providing services generally involving the care of the person or his apparel and including (but not limited to) barber/beauty shops, dressmaking, shoe shining and repair, dry-cleaning and laundry pick-up stations, tailor or seamstress services, and other similar types of uses (no outside storage).
209. **PET AND ANIMAL GROOMING SHOP** - A retail establishment offering small animals, fish and/or birds for sale as pets, where such creatures are housed within the building, and which may include the grooming of dogs, cats and similar animals.
210. **PLANNED DEVELOPMENT DISTRICT** - Planned associations of uses developed as integral land use units, such as industrial parks or industrial districts, offices, commercial or service centers, shopping centers, residential developments of multiple or mixed housing, including attached single-family dwellings or any appropriate combination of uses which may be planned, developed or operated as integral land use units either by a single owner or by a combination of owners.
211. **PLANNING AND ZONING COMMISSION** - A board which is appointed by the City Council as an advisory body, and which is authorized to recommend changes in the zoning of property and other planning functions as delegated by the City Council. Also referred to as the "Commission."
212. **PLAT** - A plan showing the subdivision of land, creating building lots or tracts, showing all essential dimensions and other information in compliance with the subdivision standards of the City of Lampasas, and which is approved by the City of Lampasas and recorded in the plat records of Lampasas County.
213. **PLATTED LOT** - See "Lot" and "Lot of Record".
214. **PLAYFIELD OR STADIUM (PUBLIC)** - An athletic field or stadium owned and operated by a public agency (e.g., City of Lampasas, Lampasas Independent School District, etc.) for the general public including a baseball field, soccer field, golf course, football field or stadium which may be lighted for nighttime play.
215. **PLAYFIELD OR STADIUM (PRIVATE)** - An athletic field or stadium owned and operated by an agency other than the City of Lampasas or the Lampasas Independent School District.
216. **PORTABLE BUILDING SALES (OUTDOOR DISPLAY)** - An establishment which displays and sells

structures capable of being carried and transported to another location, but not including mobile homes.

- 217. **PREMISES** - Land together with any buildings or structures situated thereon.
- 218. **PRIMARY USE** - The principal or predominant use of any lot or building.
- 219. **PRINCIPAL BUILDING** - See "Main Building".
- 220. **PRIVATE CLUB** - An establishment providing social and/or dining facilities which may provide alcoholic beverage service, to an association of persons, and otherwise falling within the definition of, and permitted under the provisions of, that portion of Title 3, Chapter 32, Vernon's Texas Codes Annotated, Alcoholic Beverage Code, as the same may be hereafter amended, and as it pertains to the operation of private clubs.
- 221. **PRIVATE RECREATION FACILITY OR PRIVATE PARK** - A recreation facility, park or playground which is not owned by a public agency such as the City or School District, and which is operated for the exclusive use of private residents or neighborhood groups and their guests and not for use by the general public.
- 222. **PRODUCE STAND** - A seasonal use for which the primary purpose and design is to sell fruit, nuts, vegetables and similar foods. No cooking or on-premises consumption of produce occurs on the site.
- 223. **PROFESSIONAL SERVICE** - Work performed which is commonly identified as a profession, and which may be licensed by the State of Texas.
- 224. **PROPANE SALES** - Retail sales of gaseous substances commonly used for household purposes such as propane and/or butane; does not include the storage, sale or distribution of other types of combustible substances or alternative fuels such as containerized natural gas, liquid propane, etc.
- 225. **PUBLIC AGENCY BUILDING, SHOP, YARD OR FACILITY** - Any building, land, area and/or facility (including maintenance/storage yards and shops) which is owned, leased, primarily used and/or occupied by any subdivision or agency of the following: the State of Texas, the United States, or other public utility or agency. Any facility which is owned, leased, used and/or occupied by the City of Lampasas are defined as "Municipal Facility or Use".
- 226. **PUBLIC RECREATION** - Publicly owned and operated parks, recreation areas, playgrounds, swimming pools and open spaces that are available for use by the general public without membership or affiliation. This land use shall include special event type uses such as rodeos, concerts, festivals and other special events requiring special event permits, as set forth in Chapter 6 of the City of Lampasas Code of Ordinances.
- 227. **PUBLIC VIEW** - Public view means areas that can be seen from any public street.
- 228. **RADIO, TELEVISION OR MICROWAVE TOWER** - See Antenna, Microwave Reflector & Antenna Support Structure (see also Section 41.5).
- 229. **REAR YARD** - See "Yard, Rear".
- 230. **RECREATION CENTER** - A place designed and equipped for the conduct of sports, leisure time activities, and other customary and usual recreational activities.
- 231. **RECREATIONAL VEHICLE (RV)** - A self-propelled (i.e., motorized), mobile living unit which is typically used for temporary human occupancy away from the users' permanent place of residence. An RV may also be utilized as a permanent place of residence within districts that allow them to be used as such.

(See also "Heavy Load Vehicle").

232. **RECREATIONAL VEHICLE/CAMPER SALES AND LEASING** - An establishment that sells, leases and/or rents new and/or used recreational vehicles, travel trailers, campers, boats/watercraft, and similar types of vehicles.
233. **RECREATIONAL VEHICLE (RV) PARK** - An area or commercial campground for users of recreational vehicles, travel trailers, and similar vehicles to reside, park, rent or lease on a temporary basis. (See also "Mobile Home Park").
234. **RECYCLING KIOSK** - A small uninhabited structure (120 square feet maximum) or temporary container (e.g., "igloo" or dumpster-type container) which provides a self-service location for the depositing of recyclable materials such as aluminum cans (e.g., "can banks"), glass bottles, magazines/newspapers, metal or plastic containers, etc. Recyclables are picked up periodically from the site. This definition does not include large trailers or manned collection centers.
235. **REHABILITATION CARE FACILITY (HALFWAY HOUSE)** - A dwelling unit which provides residence and care to not more than nine (9) persons regardless of legal relationship who have demonstrated a tendency towards alcoholism, drug abuse, mental illness, or antisocial or criminal conduct living together with not more than two (2) supervisory personnel as a single housekeeping unit.
236. **REHABILITATION CARE INSTITUTION** - A facility which provides residence and care to ten (10) or more persons, regardless of legal relationship, who have demonstrated a tendency toward alcoholism, drug abuse, mental illness, or antisocial or criminal conduct together with supervisory personnel.
237. **RESIDENCE** - Same as a dwelling; also, when used with district, an area of residential regulations.
238. **RESIDENCE HOTELS** - A multi-unit, extended stay lodging facility consisting of efficiency units and/or suites with complete kitchen facilities and which is suitable for long-term occupancy. Customary hotel services such as linens and housekeeping, telephones, and upkeep of furniture shall be provided. Meeting rooms, club house, and recreational facilities intended for the use of residents and their guests are permitted. This definition shall not include other dwelling units as defined by this Ordinance.
239. **RESIDENTIAL DISTRICT** - District where the primary purpose is residential use.
240. **RESTAURANT OR CAFETERIA (WITH DRIVE-THROUGH SERVICE)** - An eating establishment where customers are primarily served at tables or are self-served, where food is consumed on the premises, and which may include a drive-through window(s).
241. **RESTAURANT OR CAFETERIA (WITH NO DRIVE-THROUGH SERVICE)** - An eating establishment where customers are primarily served at tables or are self-served, where food is consumed on the premises, and which do not have a drive-through window.
242. **RESTAURANT OR EATING PLACE (DRIVE-IN SERVICE)** - An eating establishment where food and/or drinks are primarily 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.
243. **RETAIL OR SERVICE, INCIDENTAL** - The rendering of incidental retailing or services incidental to the primary use. In the Office district, for example, such uses may include a barber/beauty shop, smoke shop, news stand, candy counter, restaurant, pharmacy or other incidental activity secondary to the primary office occupancy. Incidental uses shall mean uses which occupy less than fifteen percent (15%) of the main use.

244. **RETAIL SHOP (FOR APPAREL, GIFTS, ACCESSORIES AND SIMILAR ITEMS)** - 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. (Also see "General Retail Stores").
245. **RETIREMENT HOUSING FOR THE ELDERLY (also INDEPENDENT LIVING CENTER or CONGREGATE HOUSING)** - A development providing self-contained dwelling units specifically designed for the needs of the elderly. Units may be rented or owner-occupied. To qualify as retirement housing, a minimum of 80% of the total units shall have a household head 55 years of age or greater. No long-term or permanent skilled nursing care or related services are provided.
246. **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.
247. **ROOMING HOUSE** - See "Boarding House".
248. **SALVAGE OR RECLAMATION OF PRODUCTS (ALSO SEE WRECKING YARD)** - The reclamation and storage of used products or materials.
249. **SAND, GRAVEL, STONE OR PETROLEUM EXTRACTION AND/OR STORAGE** - The process of extracting and/or storing sand, gravel, stone, topsoil, compost, petroleum or other products from the earth.
250. **SCHOOL, BUSINESS** - A for-profit business that offers instruction and training in a profession, service or art such as a secretarial or court reporting school, barber/beauty college or commercial art school, but not including commercial trade schools.
251. **SCHOOL, COMMERCIAL TRADE** - A for-profit business that offers vocational instruction and training in trades such as welding, brick laying, machinery operation/repair, and similar trades.
252. **SCHOOL, PRIVATE (PRIMARY OR SECONDARY)** - A school under the sponsorship of a private agency or corporation, other than a public or religious agency, which offers a curriculum that is generally equivalent to public elementary and/or secondary schools.
253. **SCHOOL, PUBLIC OR PAROCHIAL** - A school under the sponsorship of a public or religious agency which provides elementary and/or secondary curricula, but not including private business or commercial trade schools.
254. **SCIENTIFIC AND INDUSTRIAL RESEARCH LABORATORIES** - Facilities for research including laboratories, experimental equipment, and operations involving compounding or testing of materials or equipment.
255. **SCREENED** - Shielded, concealed, and effectively hidden from the view of a person standing at ground level on an abutting site, or outside the area or feature so screened, by a fence, wall, hedge, berm or similar architectural or landscape feature.
256. **SEASONAL USES** - Seasonal uses include the sales of items such as Christmas trees, pumpkins, snow cones, fresh produce, and other items which are typically only available at certain times of the year.
257. **SERVANT'S QUARTERS OR GUEST HOUSE** - An accessory dwelling in a residential district for the sole use and occupancy of a member of the immediate family or of a person or persons employed on the premises by the occupant on a full-time basis as domestic help such as a maid, nanny/governess, groundskeeper, chauffeur, cook or gardener, but not involving the rental of such facilities or the use of separate utility connections for such facilities.

258. **SEXUALLY ORIENTED BUSINESS** - An adult arcade, adult book- or video store, adult cabaret, adult motel, adult motion picture theater, adult theater, escort agency, nude modeling studio or sexual encounter center, as defined below:
- a. **Adult Bookstore or Adult Video Store** - A commercial establishment which, as one of its principal business purposes, offers for sale or rental for any form of consideration any one or more of the following:
 - a. Books, magazines, periodicals or other printed matter; or photographs, films, motion pictures, video cassettes, video reproductions or slides; or other visual representations which depict or describe 'specified sexual activities' or 'specified anatomical areas'; or
 - b. Instruments, devices, paraphernalia which are designed for use in connection with 'specified sexual activities.'
 - b. **Adult Cabaret** - A nightclub, bar, restaurant or similar commercial establishment which regularly features:
 - a. Persons who appear in a state of nudity; or
 - b. Live performances which are characterized by the exposure of 'specified anatomical areas' or by 'specified sexual activities'; or
 - c. Films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by the depiction or description of 'specified sexual activities' or 'specified anatomical areas.'
 - c. **Adult Motel** - A hotel, motel or similar commercial establishment which:
 - a. Offers accommodations to the public for any form of consideration; provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by the depiction or description of 'specified sexual activities' or 'specified anatomical areas'; and has a sign visible from the public right-of-way which advertises the availability of this adult type of photographic reproductions; or
 - b. Offers a sleeping room(s) for rent for a period of time that is less than ten (10) hours; or
 - c. Allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than ten (10) hours.
 - d. **Adult Motion Picture Theater** - A commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, slides or similar photographic reproductions are regularly shown which are characterized by the depiction or description of 'specified sexual activities' or 'specified anatomical areas.'
 - e. **Adult Theater** - A theater, concert hall, auditorium or similar commercial establishment which regularly features persons who appear in a state of nudity or live performances which are characterized by the exposure of 'specified sexual activities' or 'specified anatomical areas.'
 - f. **Escort Agency** - A person or business association who furnishes, offers to furnish, or advertises to hire escorts as one of its primary business purposes, for a fee, tip or other consideration.
 - g. **Nude Modeling Studio** - Any place where a person who appears in a state of nudity or displays 'specified anatomical areas' is provided to be observed, sketched, drawn, painted, sculptured, photographed or similarly depicted by other persons who pay money or any form of consideration.
 - h. **Sexual Encounter Center** - A business or commercial enterprise that, as one of its primary business purposes, offers for any form of consideration:

- a. Physical contact in the form of wrestling or tumbling between persons of the opposite sex; or
 - b. Activities between male and female persons and/or persons of the same sex when one or more of the persons is in a state of nudity or semi-nudity.
- 259. **SHOPPING CENTER** - A group of primarily retail and service commercial establishments that is planned, constructed and managed as a total entity, and which provides customer and employee parking on-site, unloading/delivery areas which are separated from customer access, and aesthetically appropriate design and protection from the elements.
- 260. **SIDE YARD** - See "Yard, Side".
- 261. **SINGLE-FAMILY DWELLING, ATTACHED (TOWNHOUSE)** - A dwelling which is joined to another dwelling at one or more sides by a party (i.e., shared) wall, which is designed for occupancy by one family, and which is located on a separate lot delineated by front, side and rear lot lines.
- 262. **SINGLE-FAMILY DWELLING, DETACHED** - A dwelling designed and constructed as a free-standing structure for occupancy by one family, and located on a lot or separate building tract having no physical connection to a building located on any other lot or tract. Only one residential structure per lot shall be allowed.
- 263. **SINGLE-FAMILY DWELLING, LOFT, (also, LOFT DWELLING UNIT)** - A single-family residential dwelling unit that is located within a non-residential structure on an upper floor only (i.e., not on the ground level). Loft dwelling units are typically (but not always) located in a non-residential zoning district, particularly in downtown areas. These units generally house the building owner, an individual who operates the business that is located on the ground floor of the same building, and/or an individual affiliated with the business located on the ground floor. They are usually comprised of a single dwelling unit for the use of the business proprietor within the non-residential structure, and are not intended to include more than one unit within that structure (which would then be defined as "multiple-family dwelling" or "apartments"). The owner of the building which contains a Single-Family Dwelling Loft is allowed to lease either the lower and/or the upper floor of the building. (Examples of permitted uses of buildings which contain "loft Dwelling Units" include, but are not limited to the following: The building owner – (1) operates business on first floor/lives in loft above business; (2) lease business space on first floor to another/lives in loft above business; (3) operates business on first floor/rents loft as residence to another; (4) leases business on first floor/uses loft as needed as secondary residence; (5) leases business space on first floor to another/leases loft to another.)
- 264. **SKILLED NURSING FACILITY (also termed NURSING HOME, CONVALESCENT HOME or LONG-TERM CARE FACILITY)** - A residence providing primarily in-patient health care, personal care, or rehabilitative services over a long period of time to persons who are chronically ill, aged or disabled and who need ongoing health supervision but not hospitalization.
- 265. **SMALL ENGINE REPAIR SHOP** - Shop for the repair of lawn mowers, chain saws, lawn equipment, and other machines with one-cylinder engines.
- 266. **SMOKE/TOBACCO SHOP** - An establishment in which seventy-five percent (75%) of sales are from tobacco products such as cigarettes, cigars, E-Cigarettes, liquid nicotine, chewing tobacco, snuff, pipe tobacco, and tobacco paraphernalia and which prohibits minors to enter or remain upon the premises, unless the minor is accompanied by the minor's parent.
- 267. **STABLE, COMMERCIAL** - A stable used for the rental of stall space or for the sale or rental of horses or mules.

268. **STABLE, PRIVATE** - An area used solely for the owner's private purposes for the keeping of horses, mules or ponies which are not kept for remuneration, hire or sale.
269. **STORAGE OR WHOLESALE WAREHOUSE** - A building used primarily for the storage of goods and materials.
270. **STORY** - That portion of a building, other than a basement, that is included between the surface of any floor and the surface of the next floor above it or, if there is no floor above it, then the space between the floor and the ceiling above it. The average height for a story shall be defined as twelve feet (12'). The definition of a story does not include parapets, gables and other normal roof structures.
271. **STORY, HALF** - A space under a sloping roof which has the line of intersection of roof decking and wall face not more than three feet (3') above the top floor level, and in which space not more than two-thirds (2/3) of the floor area is finished off for use. A half-story containing an independent apartment or self-contained living quarters shall be counted as a full story.
272. **STREET** - Any dedicated public thoroughfare which affords the principal means of access to abutting property. A street is termed a major thoroughfare or arterial when the right-of-way is greater than sixty feet (60').
273. **STREET INTERSECTION** - Any street which joins another street at an angle, whether or not it crosses the other.
274. **STREET YARD** - The area between the building front line and the front property (i.e., right-of-way) line.
275. **STRUCTURE** - Anything constructed or erected, the use of which requires location on the ground or which is attached to something having a location on the ground (also see definition of "Building").
276. **STRUCTURAL ALTERATIONS** - Any change in the supporting members of a building, such as load-bearing walls or partitions, columns, beams or girders, or any substantial change in the roof or in the exterior walls.
277. **STUDIO, HEALTH/REDUCING/FITNESS** - Includes, but is not limited to, an establishment which provides facilities and equipment (e.g., gymnasiums, weight rooms, swimming pools/spas, exercise apparatus, instruction/classes, etc.) which are intended to promote health, fitness, weight reduction and/or similar health-related activities. Such facilities may include such accessory uses as food service, sales of sundries and apparel, and child care services, provided that such accessory uses are clearly incidental to the primary use and are for the use of studio patrons only (i.e., not the general public). No outside signage may be used to advertise accessory uses.
278. **STUDIO, TATTOO OR BODY PIERCING** - A building or portion of a building used for selling and/or applying tattoos (by injecting dyes/inks into the skin), and/or for piercing the skin with needles, jewelry or other paraphernalia, primarily for the purpose of ornamentation of the human body.
279. **STUDIO FOR RADIO AND TELEVISION** - A building or portion of a building used as a place for radio or television broadcasting.
280. **SUPPLEMENTAL RESIDENTIAL ACCOMMODATION** - Residential living quarters in a Retail or Commercial Zoned District must be approved by a "Specific Use Permit". The minimum criteria for living quarters in a Retail/Commercial District are as follows: The living quarters fronting on the street frontage and the Retail/Commercial front floor coverage must be at least 75% of the total street front floor frontage and have a minimum of one door opening. Further, not more than 50% of the total main floor area of the building may be used for residential purposes.

281. **SWIMMING INSTRUCTION AS A HOME OCCUPATION** - The teaching of swimming in a private swimming pool. Within a residential district, this use is subject to the approval and issuance of a Specific Use Permit which may specify operating conditions and standards and which may limit the number of students and operating times.
282. **SWIMMING POOL, COMMERCIAL** - A swimming pool with accessory facilities which is not part of the municipal or public recreational system and which is not a private swim club, but where the facilities are available for use by the general public for a fee.
283. **SWIMMING POOL, PRIVATE** - A swimming pool constructed for the exclusive use of the residents of a one-family, two-family or multiple-family dwelling and located, fenced and built in accordance with the 1994 edition of the Standard Swimming Pool Code, as adopted by the City of Lampasas, and as heretofore amended. A private swimming pool shall not be operated as a business nor maintained in a manner to be hazardous or obnoxious to adjacent property owners.
284. **TELEMARKETING CENTER** - An establishment which solicits business or the purchase of goods and/or services by telephone only. No sales of goods or services to the public occurs at or on the premises. No products are stored at or on the premises.
285. **TELEPHONE AND EXCHANGE, SWITCHING/RELAY OR TRANSMITTING STATION** - A line for the transmission of telephone signals and a central office in which telephone lines are connected to permit communication but not including a business office, storage (inside or outside) or repair yards.
286. **TEMPORARY** - Used or lasting for only a limited period of time; not permanent.
287. **TEMPORARY BUILDING** - Any nonresidential prefabricated structure which is not originally manufactured or constructed at its use site, required on-site installation of utilities and/or foundation.
288. **TEMPORARY FIELD OFFICE OR CONSTRUCTION YARD OR OFFICE** - A structure or shelter used in connection with a development or building project for housing on the site of temporary administrative and supervisory functions and for sheltering employees and equipment. Temporary permits for one (1) year for a specific time and location as determined may be issued by the Building Official and shall be subject to review and renewal for reasonable cause.
289. **TEMPORARY OUTDOOR RETAIL SALE/COMMERCIAL PROMOTION** - An outdoor retail sale or commercial promotion, not in excess of thirty (30) days during any twelve (12) month period, adjacent to an existing permanent business operated in the City where the products displayed or sold outdoors are the same as those sold inside the existing permanent business and where such activity is incidental to the normal conduct of business operated by the same merchant or his employer in an on-site building for which a valid Certificate of Occupancy exists and when permitted by the City. A temporary outdoor retail sale/commercial promotion shall be limited to a total of thirty (30) days during any twelve (12) month period.
290. **TEMPORARY WILDLIFE FENCING** – Fencing that is allowed to be placed on the property for a period of no more than two (2) growing seasons.
291. **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 nighttime play in residential areas except as may be otherwise provided or restricted by the Specific Use Permit.
292. **THEATER, DRIVE-IN (OUTDOOR)** - An open lot with its appurtenant facilities devoted primarily to the showing of motion pictures or theatrical productions on a paid admission basis to patrons seated in

automobiles.

- 293. **THEATER OR PLAYHOUSE (INDOOR)** - A building or part of a building devoted to the showing of motion pictures, or for dramatic, musical or live performances.
- 294. **TIRE DEALER, NO OPEN STORAGE** - A retail establishment engaged in the sale and/or installation of tires for vehicles, but without open storage.
- 295. **TIRE DEALER, WITH OPEN STORAGE** - A retail establishment engaged in the sale and/or installation of tires for vehicles, with open storage.
- 296. **TOOL AND MACHINERY RENTAL SHOP** - A building or a portion of a building used for the display and rental of tools, machinery and instruments.
- 297. **TRACT** - A single individual parcel or lot.
- 298. **TRACTOR SALES** - See "Heavy Machinery Sales and Storage".
- 299. **TRADE AND COMMERCIAL SCHOOLS** - See "School, Commercial Trade".
- 300. **TRAILER PARK OR COURT** - See "Mobile Home Park".
- 301. **TRAILER, HAULING** - A vehicle or device which is pulled behind an automobile or truck and which is designed for hauling animals, produce, goods or commodities, including boats.
- 302. **TRAILER HOME** - See "Manufactured Housing, Mobile Home".
- 303. **TRAILER OR MOBILE HOME SPACE** - See "Mobile Home Space".
- 304. **TRAILER RENTAL** - The display and offering for rent of trailers designed to be towed by automobiles and light load vehicles.
- 305. **TRAILER, TRAVEL OR CAMPING** - A portable or mobile living unit which is used for temporary human occupancy away from the users' permanent place of residence, which does not constitute the users' principal place of residence, and which is designed to be towed behind another vehicle.
- 306. **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, transit station turnarounds, water reservoirs and water pumping stations.
- 307. **TRUCK** - A light or heavy load vehicle (see definitions for "Light Load Vehicle" and "Heavy Load Vehicle").
- 308. **TRUCK AND BUS REPAIR** - An establishment providing major and minor automotive repair services to heavy load vehicles.
- 309. **TRUCK AND BUS LEASING** - The rental of new or used panel trucks, vans, trailers, recreational vehicles or motor-driven buses in operable condition and where no repair work or intensive cleaning operations are performed.
- 310. **TRUCK PARKING LOT** - Area for parking heavy load vehicles.
- 311. **TRUCK TERMINAL** - An area and building where cargo is stored and where trucks, including tractor

and trailer units, load and unload cargo on a regular basis. May include facilities for the temporary storage of loads prior to shipment.

- 312. **TRUCK SALES (HEAVY TRUCKS)** - The display, sale or rental of new or used heavy load vehicles in operable condition.
- 313. **TWO-FAMILY DWELLING (DUPLEX)** - Two attached dwellings in one structure, each designed to be occupied by one family.
- 314. **USABLE OPEN SPACE** - An open area or recreational facility which is designed and intended to be used for outdoor living and/or recreation purposes. An area of usable open space shall have a slope not exceeding ten percent (10%), shall have no dimension of less than ten feet (10'), and may include landscaping, walks, recreational facilities, water features and decorative objects such as art work or fountains (see also Section 18.5(C-E)).
- 315. **USE** - The purpose for which land or buildings are or may be occupied in a zoning district.
- 316. **UTILITY DISTRIBUTION/TRANSMISSION LINES** - Facilities which serve to distribute and transmit electrical power, gas and water, including but not limited to electrical transmission lines, gas transmission lines, telephone lines and metering stations, whether operated by the City or private utility company.
- 317. **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 of hardship 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. Only the Board of Adjustment of the City of Lampasas can grant a variance.
- 318. **VETERINARIAN CLINIC** - An establishment where animals and pets are admitted for examination and medical treatment (also see "Kennels").
- 319. **WRECKING YARD (JUNKYARD OR AUTO SALVAGE)** - 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.
- 320. **YARD** - An open space at grade between a building and the adjoining lot lines, unoccupied and unobstructed by any portion of a structure from the ground upward, except where otherwise specifically provided in this Ordinance that the building or structure may be located in a portion of a yard required for a main building. In measuring a yard for the purpose of determining the width of the side yard, the depth of a front yard or the depth of a rear yard, the shortest horizontal distance between the lot line and the main building shall be used. (See Illustration 6).
- 321. **YARD, FRONT** - A yard located in front of the front elevation of a building and extending across a lot between the side yard lines and being the minimum horizontal distance between the front property line and the outside wall of the main building. (See Illustration 6).
- 322. **YARD, REAR** - The area extending across the rear of a lot measured between the lot lines and being the minimum horizontal distance between the rear lot line and the rear of the outside wall of the main building. On both corner lots and interior lots, the rear yard shall in all cases be at the opposite end of the lot from the front yard. (See Illustration 8).
- 323. **YARD, SIDE** - The area between the building and side line of the lot and extending from the front lot line to the rear lot line and being the minimum horizontal distance between a side lot line and the outside wall of the side of the main building. (See Illustration 8).

324. **ZERO-LOT-LINE DWELLING** - See "Patio Home".
325. **ZONING BOARD OF ADJUSTMENT** - A board which is appointed by the City Council, and which is authorized to make special exceptions to the Zoning Ordinance (i.e., variances), and to hear and decide any appeals that allege error in an order, requirement, decision or determination made by an administrative official in the enforcement of the Zoning Ordinance. Also referred to as the "ZBA."
326. **ZONING DISTRICT** - A classification applied to any certain land area within the City stipulating the limitations and requirements of land usage and development.
327. **ZONING DISTRICT MAP** - The official map upon which the boundaries of the various zoning districts are drawn and which is an integral part of the Zoning Ordinance. (See Section 3, "Zoning District Map" and Section 4, "Zoning District Boundaries").
328. **ZOO (PRIVATE)** - A facility housing and displaying live animals, reptiles or birds, privately owned and operated for a fee or for the promotion of some other enterprise.
329. **ZOO (PUBLIC)** - A publicly owned zoo or similar facility owned and operated by the City or a nonprofit zoological society where live animals, birds and reptiles are domiciled and displayed.

A-4 APPROVED PLANT LIST

Large Trees

(within parking areas
or as street trees)

Pecan
Sweetgum
Chinese Pistachio
Live Oak
Red Oak
Shumard Oak
Chinese Tallow
Cedar Elm
Texas Ash

Large Trees

(non-vehicular areas)

Bur Oak
Texas Persimmon
Willow

Small Trees

Bradford Pear
Aristocrat Pear
Crape Myrtle
Purple Plum
Mexican Plum
Yaupon Holly
Golden Raintree
Wax Myrtle
Redbud
Japanese Black Pine

Evergreen Shrubs

(Acceptable for low [5' or less]
screening)

Dwarf Abelia
Dwarf Yaupon Holly
Dwarf Burford Holly
Barberry
Japanese Boxwood
Eleagnus

Evergreen Shrubs

(Acceptable as noted for
6' screening)

Red Tip Photinia
Cleyera
Nellie R. Stevens Holly
Waxleaf Ligustrum
Sweet Viburnum
Willowleaf Holly
Cherry Laurel
Burford Holly

Other Shrubs

Possumhaw Holly
Texas Sage (Ceniza)
Nandina
Chinese Holly
Juniper
Sumac

Ground Cover

Asian Jasmine
Honeysuckle
English Ivy
Liriope
Monkey Grass
Vinca
Trailing Juniper
Vinca (Periwinkle)

Notes:

Plants in *italics* are preferred
due to their lower water demand
as designated in "Landscape Water
Conservation....Xeriscape" published
by the Texas Agricultural Extension
Service.

Additional plant material may be
approved as appropriate.

Zoning Ordinance -- City of Lampasas, Texas

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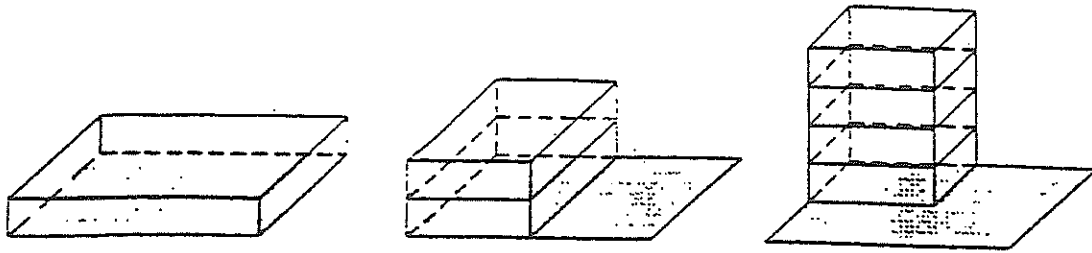
A-5 SUMMARY OF ZONING DISTRICT REGULATIONS *
City of Lampasas, Texas

This is a chart for general comparison purposes only and is incomplete. For complete requirements see the body of the Zoning Ordinance.

District	Minimum Lot Area	Minimum Dwelling Unit Size	Minimum Lot Width	Minimum Lot Depth	Minimum Front Yard	Minimum Rear Yard	Minimum Side Yard	Maximum Height of Building	Maximum Lot Coverage by Building
AG	5 Acres	800 Sq. Ft.	200 Ft.	200 Ft.	50 Ft.	10 Ft./20 Ft.	10% of lot width/15 Ft.	2.5 stories/35 Ft.	30%
SF-20	20,000 Sq. Ft.	1,800 Sq. Ft.	110 Ft.	150 Ft.	40 Ft.	10 Ft./20 Ft.	15 Ft./20 Ft.	2.5 stories/35 Ft.	50%
SF-10	10,000 Sq. Ft.	1,200 Sq. Ft.	80 Ft.	120 Ft.	25 Ft.	6 Ft./6 Ft.	6 Ft./10 Ft.	2.5 stories/35 Ft.	50%
SF-8	8,000 Sq. Ft.	1,200 Sq. Ft.	70 Ft.	110 Ft.	25 Ft.	6 Ft./6 Ft.	6 Ft./10 Ft.	2.5 stories/35 Ft.	50%
SF-7.5	7,500 Sq. Ft.	1,200 Sq. Ft.	65 Ft.	110 Ft.	25 Ft.	6 Ft./6 Ft.	6 Ft./10 Ft.	2.5 stories/35 Ft.	50%
SF-6	6,000 Sq. Ft.	1,000 Sq. Ft.	50 Ft.	110 Ft.	25 Ft.	6 Ft./6 Ft.	6 Ft./6 Ft.	2.5 stories/35 Ft.	50%
SF-PH	4,500 Sq. Ft.	800 Sq. Ft.	40 Ft.	110 Ft.	25 Ft.	10 Ft./20 Ft.	0 Ft./10 Ft./15 Ft.	2.5 stories/35 Ft.	50%
2F	10,000 Sq. Ft.	800 Sq. Ft.	80 Ft.	110 Ft.	25 Ft.	10 Ft./20 Ft.	10 Ft./15 Ft.	2.5 stories/35 Ft.	50%
SFA	3,000 Sq. Ft.	800 Sq. Ft.	25 Ft.	110 Ft.	25 Ft.	15 Ft./20 Ft.	0 Ft./15 Ft.	2.5 stories/35 Ft.	70%
MF-1	10,000 Sq.Ft/lot 3,333 Sq.Ft./D.U.	550sf-Effic'y. 600sf-1 B.R. 800+sf-2+ B.R.	100 Ft.	100 Ft.	25 Ft.	20 Ft.	15 Ft.	2 stories	50%
MF-2	15,000 Sq.Ft./lot 1,725 Sq.Ft./D.U.	550sf-Effic'y. 600sf-1 B.R. 800+sf-2+ B.R.	100 Ft.	125 Ft.	40 Ft.	20 Ft./80 Ft.	15 Ft./60 Ft.	3 stories	50%
MH	5,000 Sq. Ft./Unit	N/A	45 Ft.	110 Ft.	25 Ft./15 Ft.	10 Ft./20 Ft.	7 Ft./20 Ft.	2 stories	N/A
O	6,000 Sq. Ft.	N/A	50 Ft.	110 Ft.	25 Ft./15 Ft.	20 Ft.	10 Ft.	2 stories	50%
NR	7,000 Sq. Ft.	N/A	60 Ft.	100 Ft.	25 Ft./15 Ft.	20 Ft./25 Ft.	10 Ft./25 Ft.	1 story	40%
R	40,000 Sq. Ft.	N/A	200 Ft.	200 Ft.	25 Ft.	25 Ft.	25 Ft.	2 stories	40%
CBD	N/A	N/A	N/A	N/A	N/A	N/A	N/A	3 stories	N/A
C	6,000 Sq. Ft.	N/A	60 Ft.	100 Ft.	20 Ft.	20 Ft.	15 Ft./20 Ft.	3 stories	50%
LI	15,000 Sq. Ft.	N/A	100 Ft.	150 Ft.	25 Ft.	20 Ft./40 Ft.	15 Ft./25 Ft.	2 stories/35 Ft.	65%
HI	15,000 Sq. Ft.	N/A	100 Ft.	150 Ft.	25 Ft.	20 Ft./40 Ft.	15 Ft./25 Ft.	3 stories/45 Ft.	65%

*See text of the Ordinance for additional or supplemental requirements.

ILLUSTRATION #1



EACH DRAWING ILLUSTRATES FLOOR AREA RATIO OF 1:1

ILLUSTRATION #2

OFF-STREET MANEUVERING FOR LOADING AREA

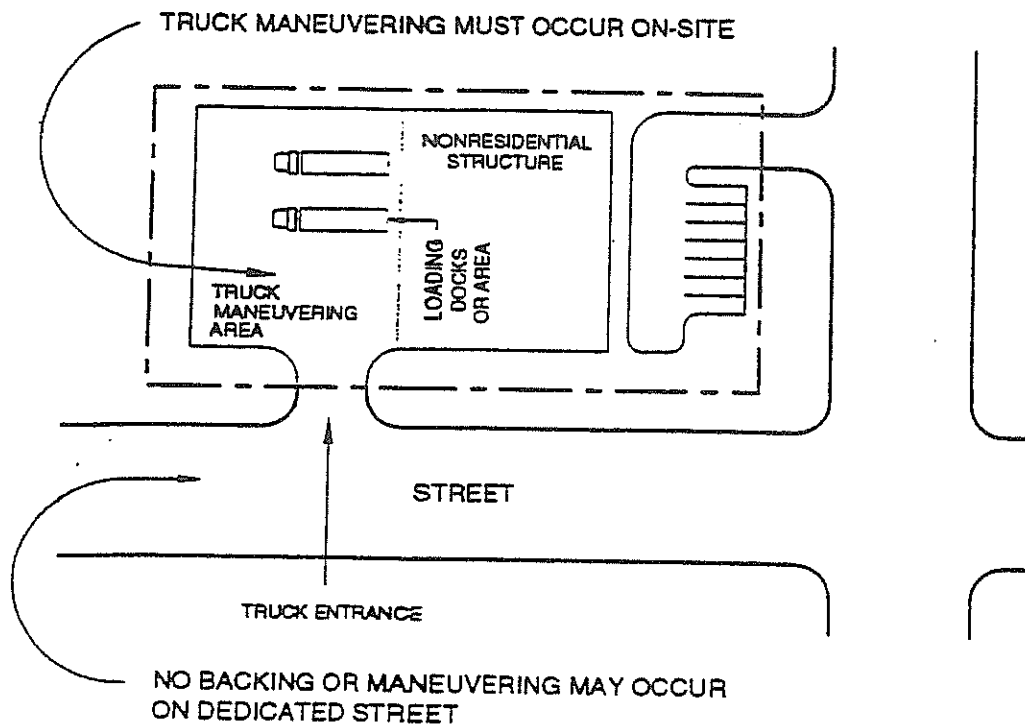
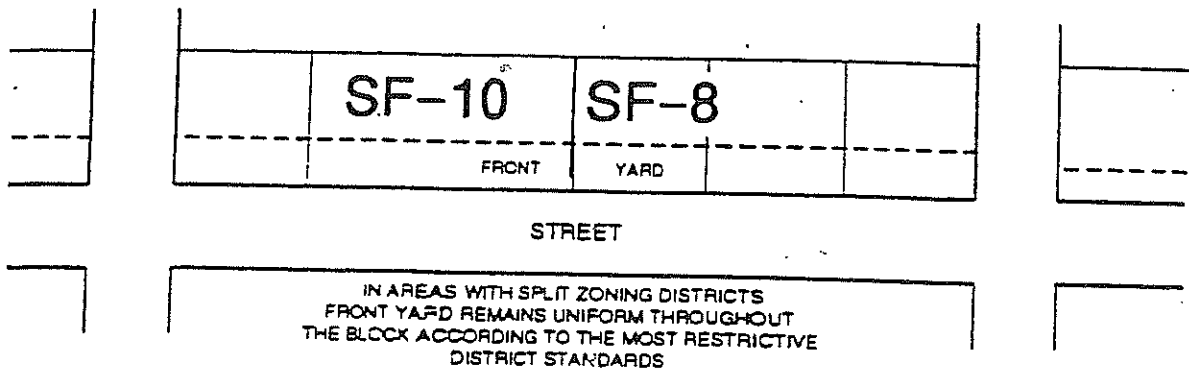


ILLUSTRATION #3



FRONT YARD WHERE ZONING CHANGES IN A BLOCK

ILLUSTRATION #4

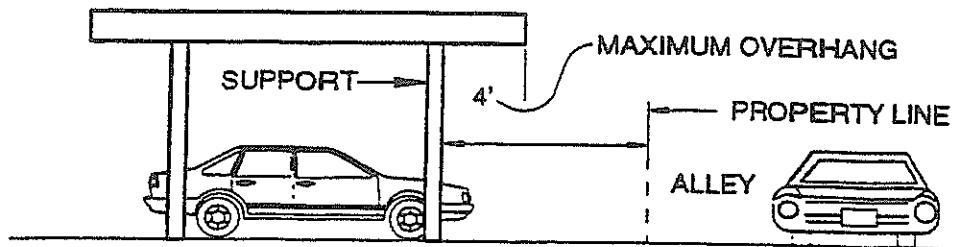
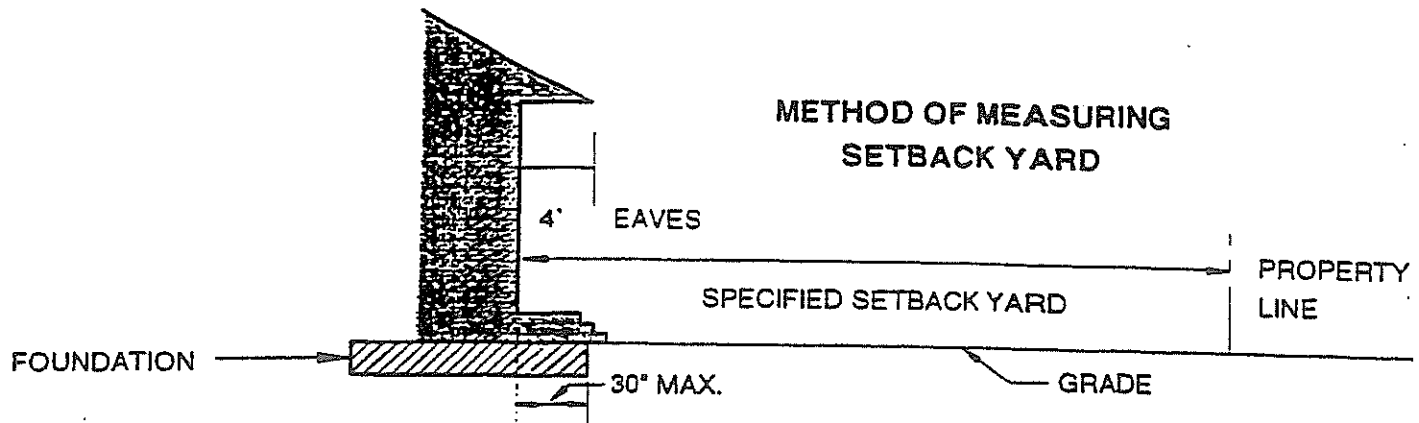


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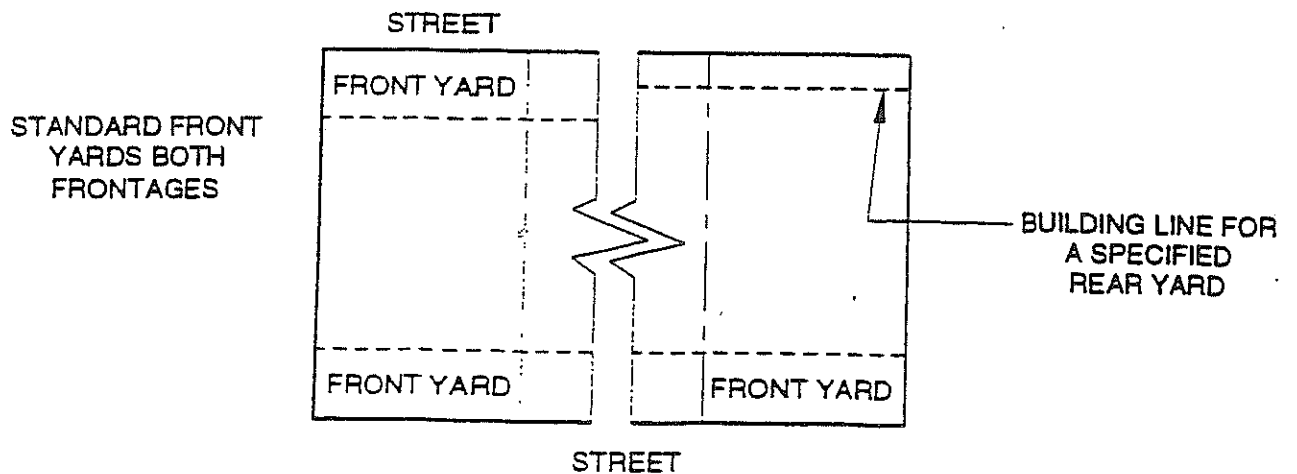


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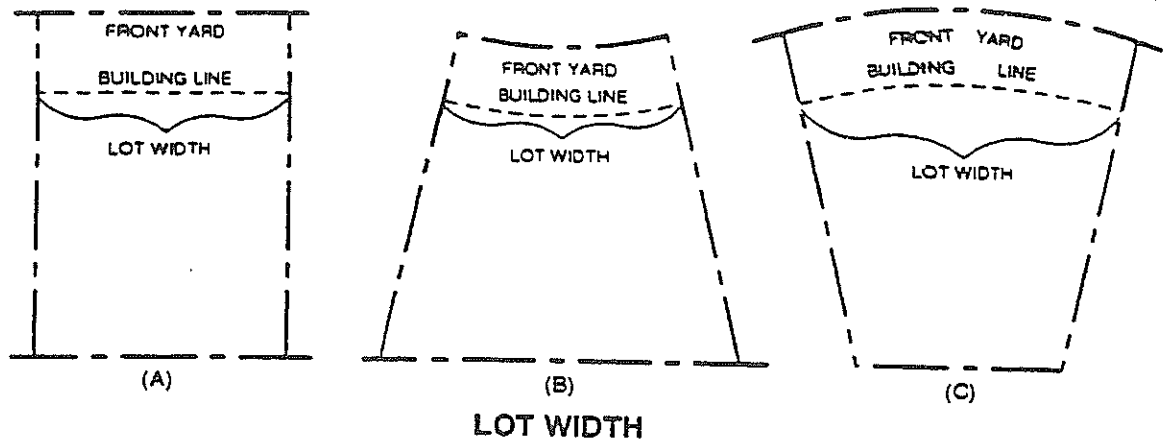
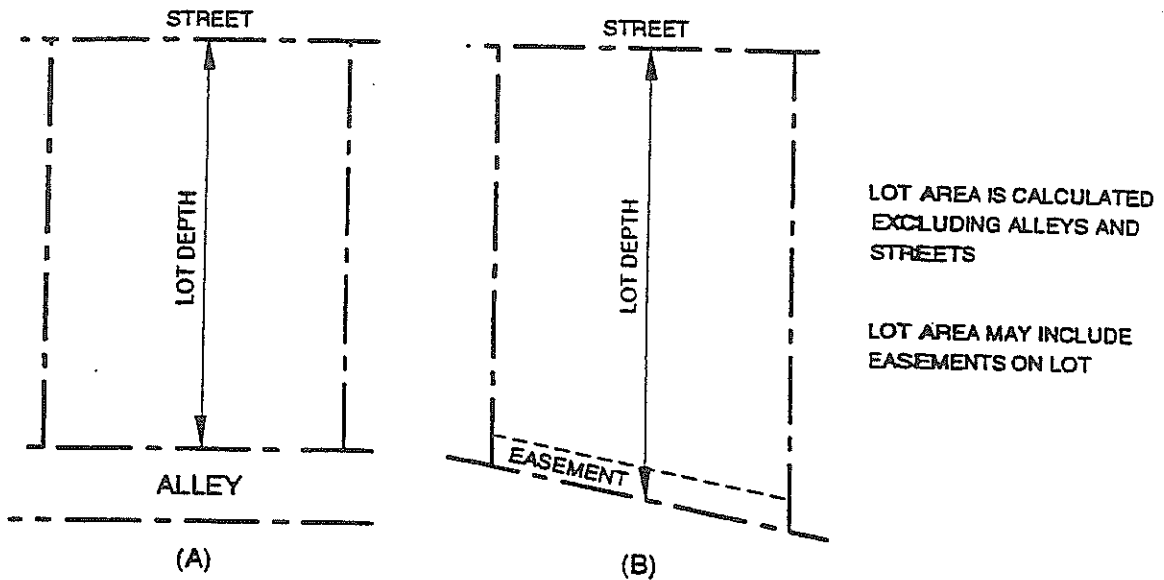
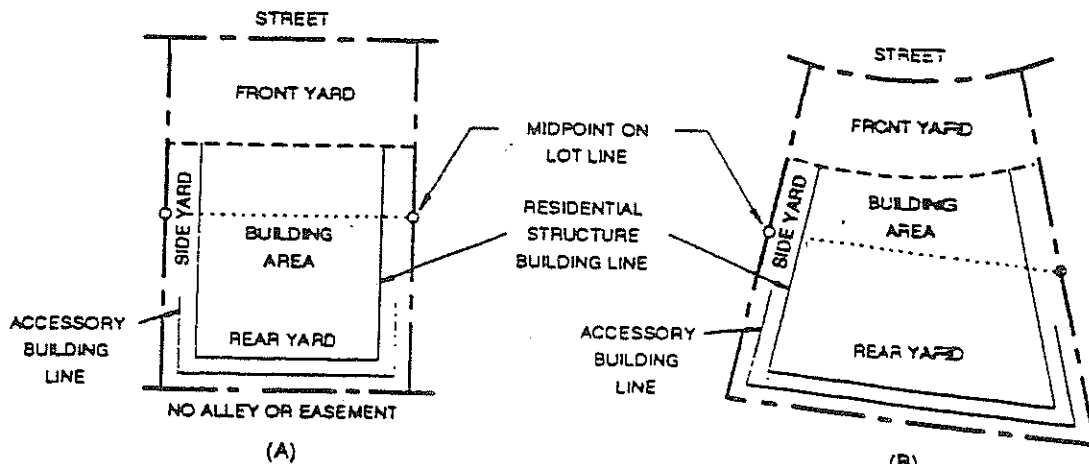


ILLUSTRATION #7



LOT AREA & DEPTH

ILLUSTRATION #8



YARDS

ILLUSTRATION #9

CORNER LOT

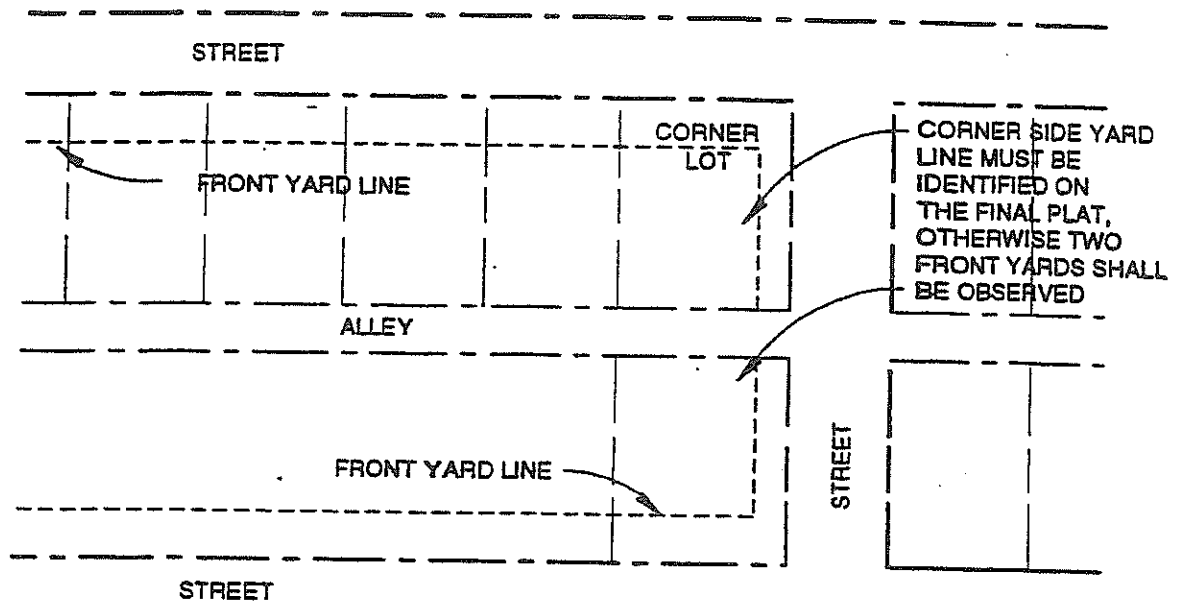
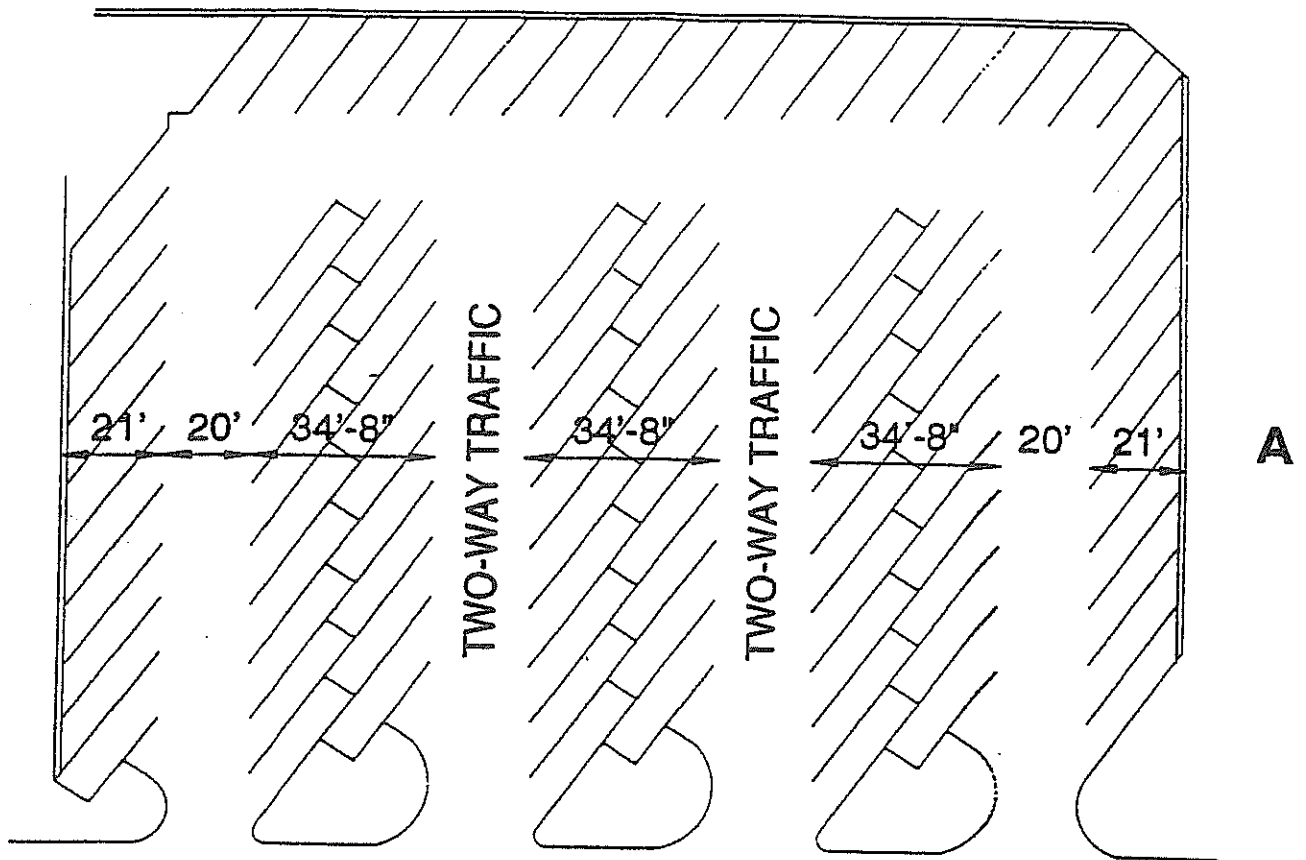
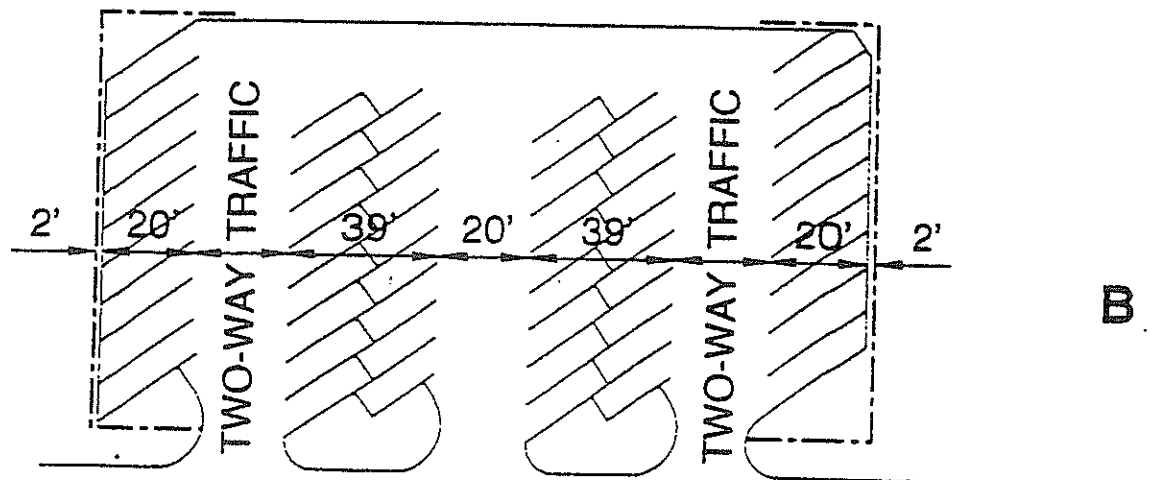


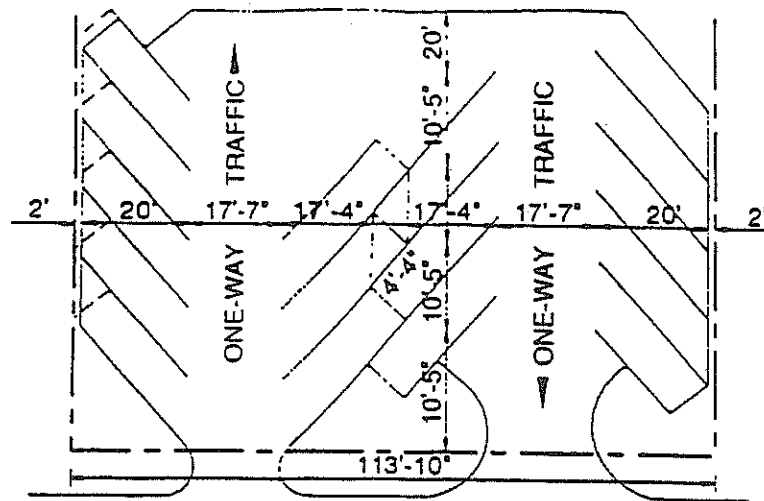
ILLUSTRATION #10



60° LAYOUT WITH TWO-WAY TRAFFIC

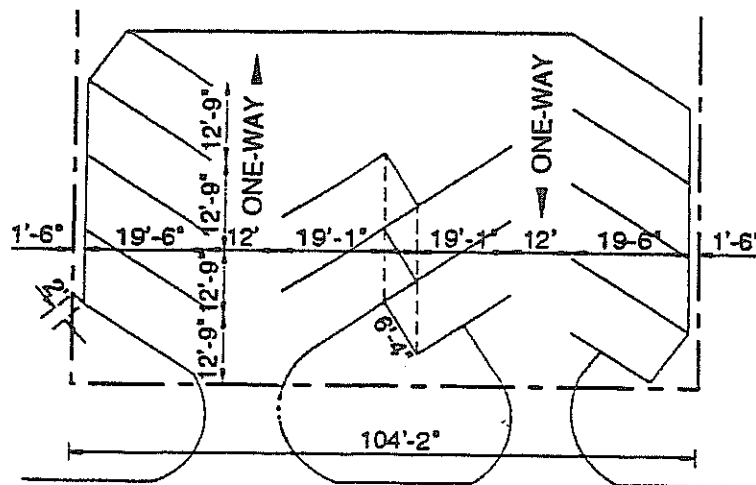


45° LAYOUT WITH TWO-WAY TRAFFIC



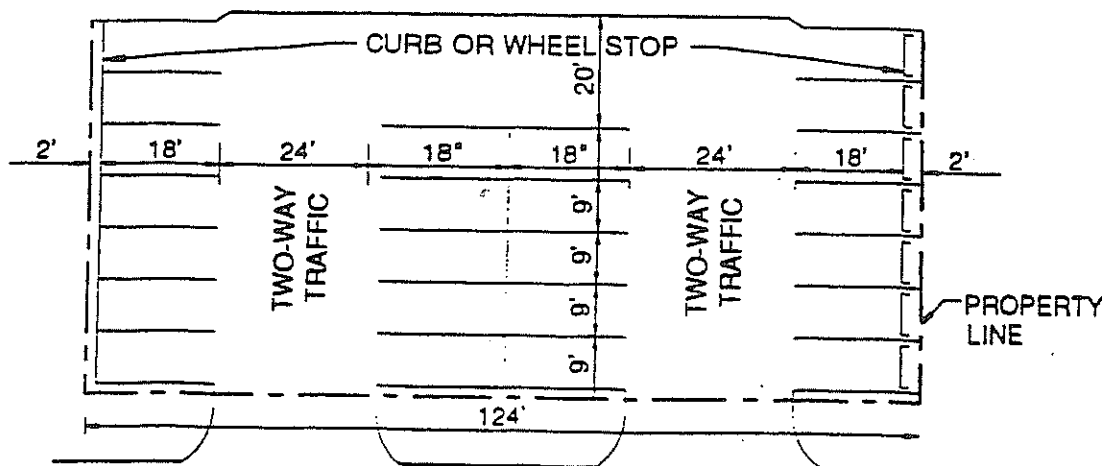
C

60 ° LAYOUT WITH ONE-WAY TRAFFIC



D

45 ° LAYOUT WITH ONE-WAY TRAFFIC



E

90 ° LAYOUT

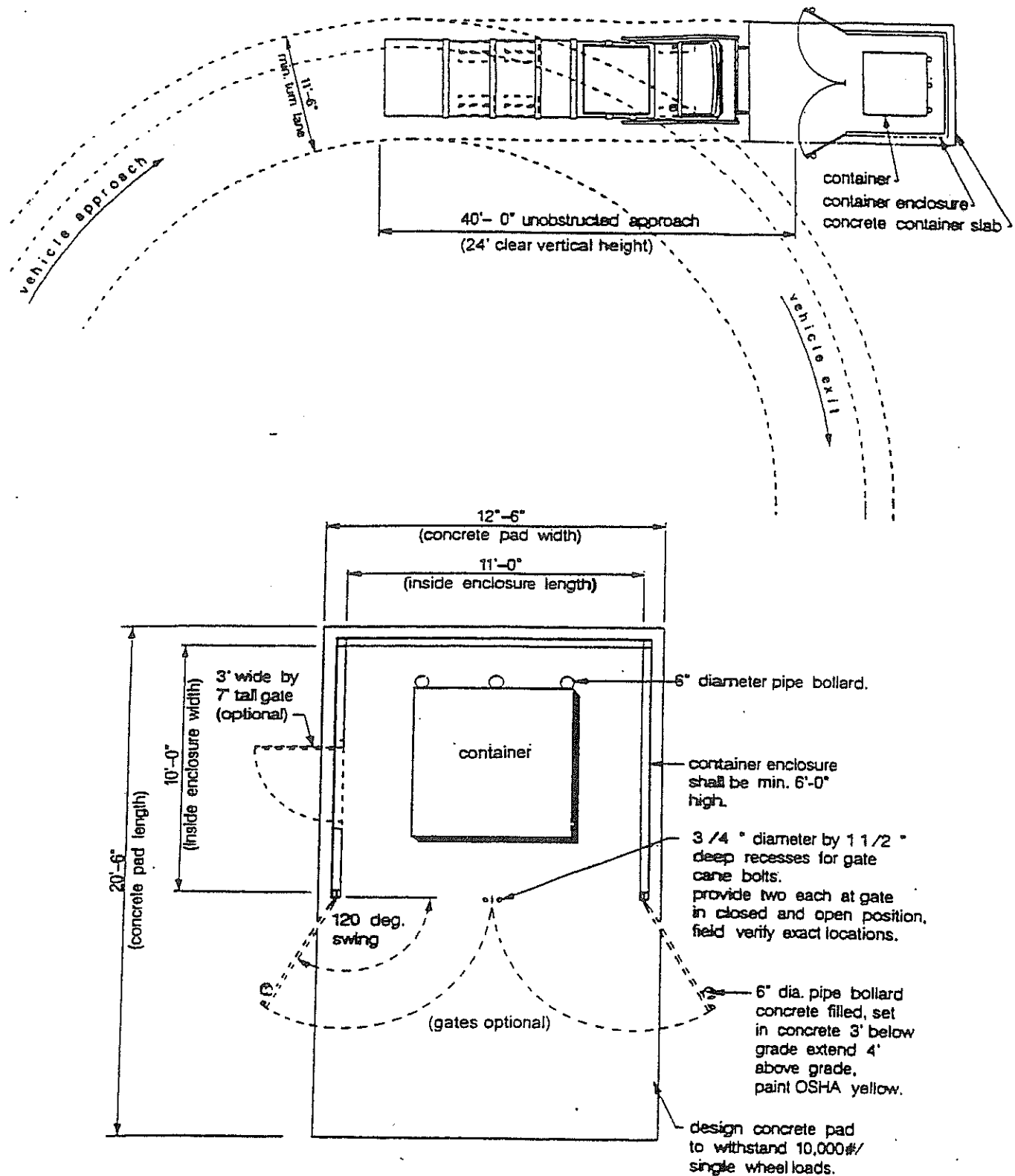
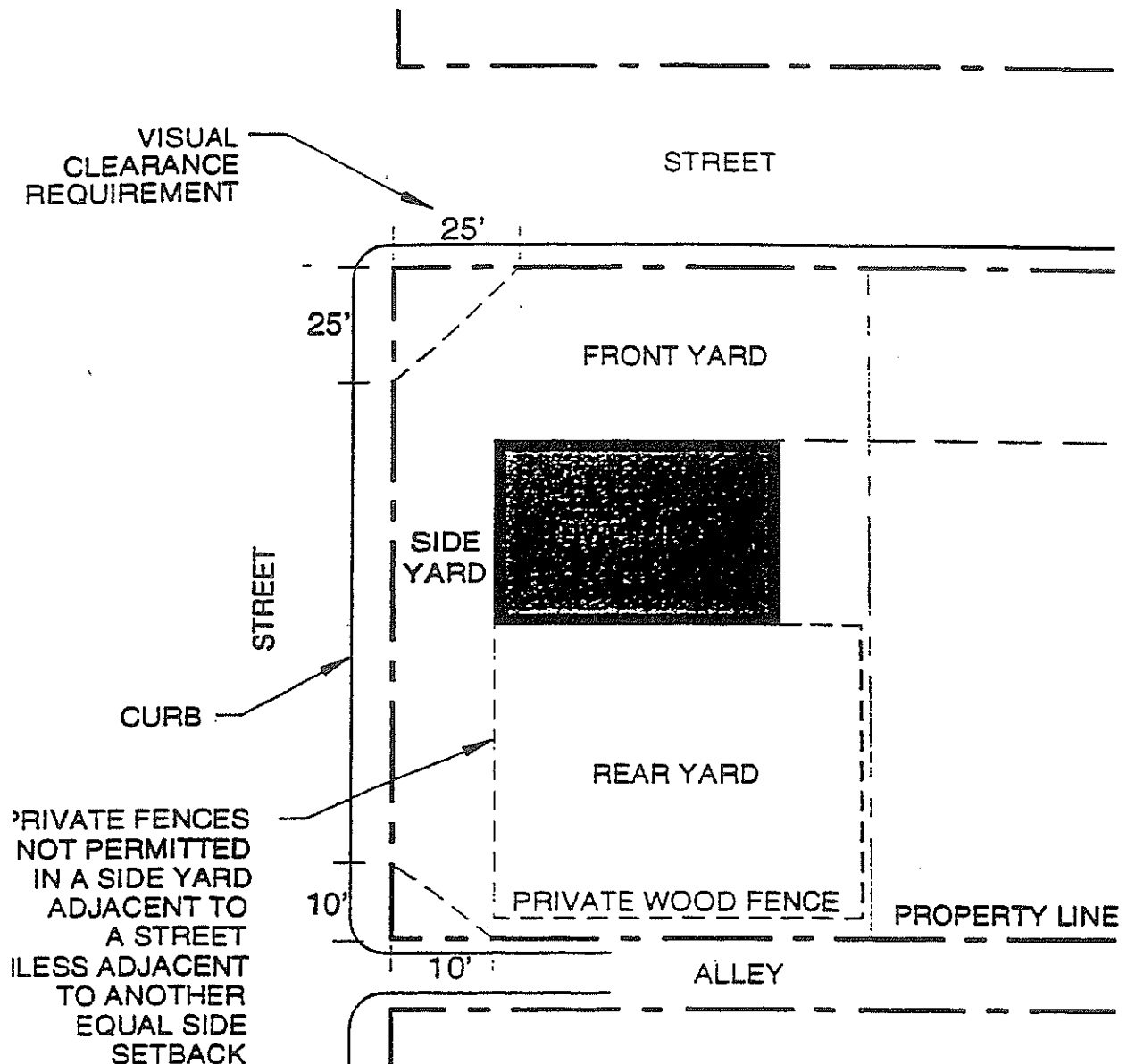
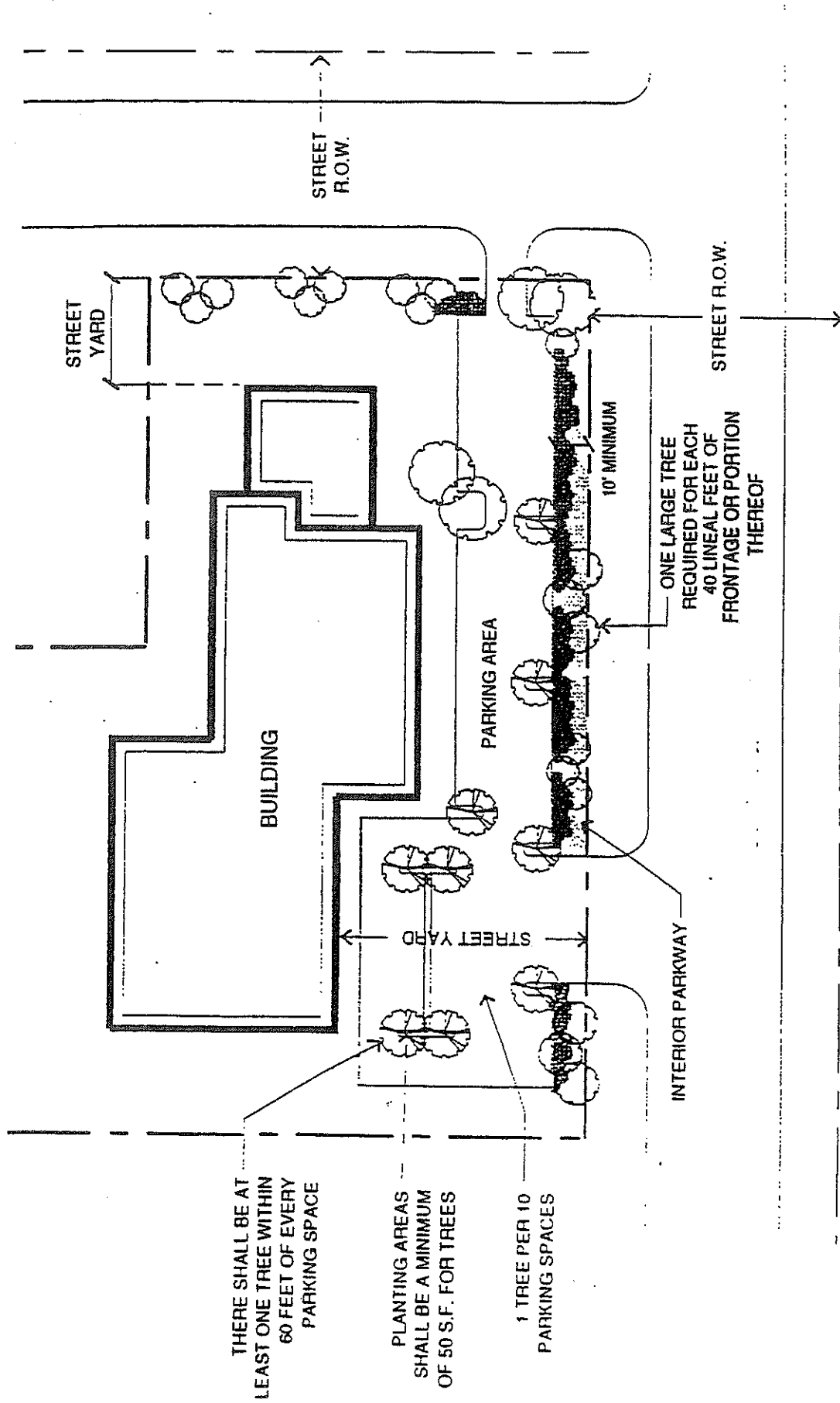


ILLUSTRATION #11

ILLUSTRATION #12



**FENCE & SIGHT REQUIREMENTS
FOR CORNER LOTS**



LANDSCAPE REQUIREMENTS

EXAMPLE

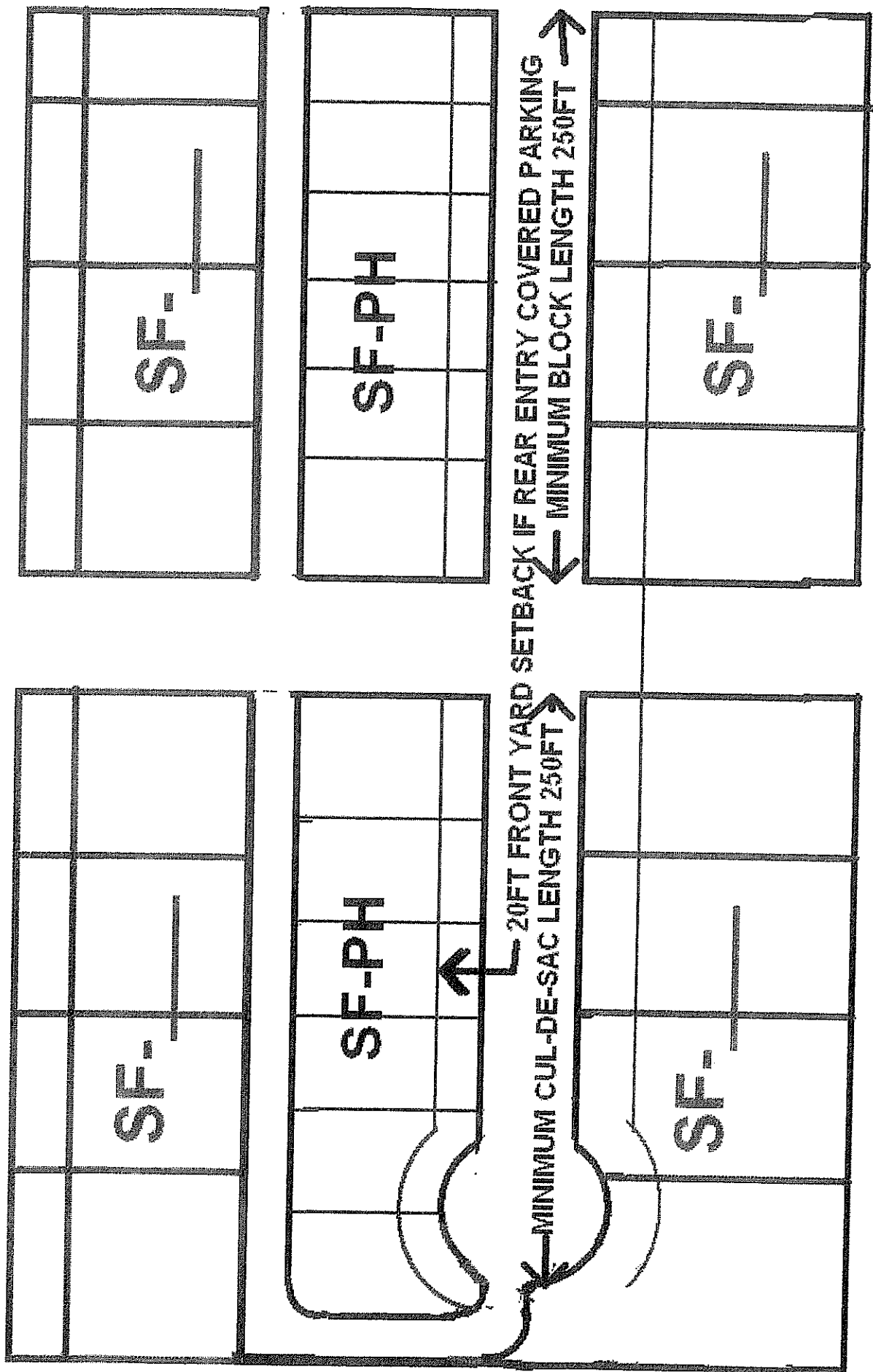


Illustration #14