

**ZONING ORDINANCE #242-2001**  
**(Notice Amendment Ordinance #259-2002)**  
**(Notice Amendment Ordinance #325-2007)**  
**(Notice Amendment Ordinance #344-2008)**

**CITY OF VENUS, TEXAS**

**ZONING ORDINANCE**

**Table of Contents**

**Ordinance 242-2001**

SECTION 1: AUTHORITY	2
SECTION 2: PURPOSE	3
SECTION 3: ADMINISTRATION, ENFORCEMENT AND FEES	4
SECTION 4: DEFINITIONS	4
SECTION 5: GENERAL PROVISIONS	13
SECTION 6: CONDITIONAL USES	16
SECTION 7: ANNEXED TERRITORY	17
SECTION 8: CLASSIFICATION OF NEW AND UNLISTED USES	18
SECTION 9: AG AGRICULTURAL DISTRICT	18
SECTION 10: R-1L SINGLE FAMILY RESIDENTIAL – LARGE LOT	20
SECTION 11: R-1 SINGLE FAMILY RESIDENTIAL	21
SECTION 12: R-2 TWO FAMILY RESIDENTIAL	22
SECTION 13: R-3 MULTIPLE FAMILY RESIDENTIAL MEDIUM DENSITY	23
SECTION 14: R-4 MULTIPLE FAMILY RESIDENTIAL – HIGH DENSITY	25
SECTION 15: C-1 RESTRICTED COMMERCIAL	25
SECTION 16: C-2 GENERAL COMMERCIAL	28
SECTION 17: I-1 LIGHT INDUSTRIAL	31
SECTION 18: I-2 HEAVY INDUSTRIAL	34
SECTION 19: MH MANUFACTURED HOME PARK	36
SECTION 20: MANUFACTURED HOME SUBDIVISION DISTRICT	42
SECTION 21: PD PLANNED DEVELOPMENT DISTRICT	43
SECTION 22: FP FLOODPLAIN DISTRICT	47
SECTION 23: SCHEDULE OF DISTRICT REGULATIONS	49
SECTION 24: SUPPLEMENTARY DISTRICT REGULATIONS	50
SECTION 25: PARKING SPACE REGULATIONS	52
SECTION 26: LANDSCAPING	56
SECTION 27: NONCONFORMING USES	63
SECTION 28: PLANNING AND ZONING COMMISSION	64
SECTION 29: BOARD OF ADJUSTMENT	65
SECTION 30: AMENDMENTS	68
SECTION 31: REPEALER	71
SECTION 32: SEVERABILITY	71
SECTION 33: ENGROSSMENT AND ENROLLMENT CLAUSE	71
SECTION 34: PUBLICATION CLAUSE	71
SECTION 35: VIOLATION AND PENALTIES	71
SECTION 36: EFFECTIVE DATE	71
Appendix A	72
Appendix B	72
Ordinance 259-2002: Amends Ordinance 242-2001	74
Ordinance 325-2007: Amends Ordinance 242-2001	75
Ordinance 344-2008: Amends Ordinance 242-2001	77

## **ZONING ORDINANCE NO. 242-2001**

AN ORDINANCE OF THE CITY OF VENUS, TEXAS, ADOPTING A COMPREHENSIVE ZONING PLAN AND ZONING MAP AND DIVIDING THE CITY INTO SEVERAL DISTRICTS; ESTABLISHING AND PROVIDING FOR ZONING REGULATIONS AND CREATING ZONING DISTRICTS IN ACCORDANCE WITH A COMPREHENSIVE PLAN; WITHIN SUCH DISTRICTS REGULATING THE USE OF LAND, BUILDINGS AND STRUCTURES; REGULATING THE HEIGHT, SIZE AND LOCATIONS OF BUILDINGS; ESTABLISHING DENSITY, OPEN SPACE, SCREENING AND MINIMUM OFF-STREET PARKING REQUIREMENTS; REGULATING THE ERECTION, REPAIR AND ALTERATION OF ALL BUILDINGS AND STRUCTURES; PROVIDING FOR CONDITIONAL USE PERMITS FOR CERTAIN USES; RECOGNIZING NONCONFORMING USES AND STRUCTURES AND PROVIDING RULES FOR THE REGULATION THEREOF; IDENTIFYING PLANNING AND ZONING COMMISSION DUTIES; CREATING A BOARD OF ADJUSTMENT AND SETTING FORTH RULES FOR THEIR ORGANIZATION, JURISDICTION AND POWERS; DEFINING CERTAIN TERMS; PROVIDING A METHOD OF AMENDMENT; PROVIDING A PENALTY FOR VIOLATION OF SUCH ORDINANCE AND FOR INJUNCTIVE RELIEF TO PERSONS AFFECTED BY THE VIOLATION OF SAID ORDINANCE; PROVIDING A SAVING CLAUSE.

WHEREAS, in order to promote the utilization of land in a manner to assure the best possible community environment in accordance with the master plan of the City of Venus, Texas; and

WHEREAS, the City of Venus, Texas, is a general law city operating pursuant to the laws of the State of Texas, by and through the action of its duly elected council members;

WHEREAS, the City is authorized and empowered to enforce ordinances necessary to protect welfare of its inhabitants (51.012, Texas Local Government Code); and

WHEREAS, the City Council has determined that it is necessary to enact this ordinance to protect the health and welfare of its residents.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF VENUS, TEXAS, that the comprehensive zoning ordinance and maps are hereby enacted and adopted, which shall provide as follows:

### **SECTION 1: AUTHORITY**

This ordinance is prepared under the authority of Chapter 211, Texas Local Government Code, of the State of Texas, to promote health, safety, and morals, and for the protection and preservation of places and areas of historical and cultural importance and significance, or the general welfare of the community, and the legislative body is empowered to regulate and restrict the height, number of stories and size of buildings and other structures, the percentage of lot that may be occupied, the size of the yards, courts and other open spaces, the density of population, and the location and use of buildings, structures, and land for trade, industry, residence, or other purpose; and, in the case of designated places and areas of historic and cultural importance, to regulate and restrict the construction, alteration, reconstruction or razing of buildings and other structures.

## **SECTION 2: PURPOSE**

These zoning regulations are made in accordance with the spirit of the comprehensive plan and designed to lessen congestion in the streets; to secure safety from fire, panic and other dangers; to promote health and the general welfare; to provide adequate light and air; to prevent overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements. These regulations are made with reasonable consideration, among other things, to the character of the district and its peculiar suitability for particular uses, and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the City.

## **SECTION 3: ADMINISTRATION, ENFORCEMENT AND FEES**

### **A. ADMINISTRATION**

The City Secretary, or designee, is hereby designated by the City Council as the administrative official to supervise the administration and enforcement of this ordinance. If the administrative official finds that any of the provisions of this ordinance are being violated, the official shall notify in writing the person responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it. The City Secretary, or designee, shall order discontinuance of illegal use of land, buildings, or structures, removal of illegal buildings or structures or of illegal additions, alterations, or structural changes, discontinuance of any illegal work being done; or shall take any other action authorized by this ordinance to insure compliance with or to prevent violation of its provisions.

### **B. INTERPRETATION AND APPEALS**

It is the intent of this ordinance that all questions of interpretation and enforcement shall be first presented to the administrative official, and that such questions shall be presented to the zoning Board of Adjustment only on appeal from the decision of the administrative official, and that recourse from the decisions of the Zoning Board of Adjustment shall be to the courts as provided by law.

### **C. CITY COUNCIL DUTIES**

It is further the intent of this ordinance that the duties of the City Council in connection with this ordinance shall not include hearing and deciding questions of interpretation and enforcement that may arise. The procedure for deciding such questions shall be as stated in this ordinance. Under this ordinance, the City Council shall have only the duties of considering and adopting or rejecting proposed amendments or the repeal of this ordinance, as provided by law, and, of establishing a schedule of fees and charges as stated in subsection D here below.

### **D. FEES**

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

## **SECTION 4: DEFINITIONS**

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

- (1) Accessory Building – means a subordinate building, the use of which is incidental to that of the main building on the same lot.
- (2) Administrative Official – is the City Secretary or other designated authority charged with the administration and enforcement of this Ordinance, or duly authorized representative.
- (3) Alley – is a public minor way which is used primarily for secondary vehicular service access to the back or side of properties otherwise abutting on a street or highway.
- (4) Apartment – is a room or suite of rooms in an apartment house arranged, designed or occupied as a dwelling unit residence by a single family, individual, or group of individuals living together as a single housekeeping unit.
- (5) Apartment Hotel – is an apartment house which furnishes services for the use of tenants which are ordinarily furnished by hotels.
- (6) Apartment House – is any building, or portion thereof, which is designed, build, rented, leased, let or hired out to be occupied as three (3) or more apartments or dwelling units, or which is occupied as the home or residence of three (3) or more families living independently of each other and maintaining separate cooking facilities.
- (7) Automobile Repair, Major – is any area used for general repair, rebuilding or reconditioning of engines, motor vehicles, trailers; collision services, including body, frame or fender straightening or repair; paint shop; vehicle steam cleaning.
- (8) Automobile Repair, Minor – is any area used for minor repair or replacement of parts, tires, tubes, batteries and minor motor services, such as, grease, oil, spark plug and filter changing of passenger cars and trucks not exceeding one and one-half (1½) ton capacity, but not including, any operation named under “automobile repair, major” or any other similar use thereto.
- (9) Automobile Sales Area – is an open area or lot used for the display or sale of automobiles, where no repair work is done.
- (10) Automobile Service Station – is any building and/or premises where gasoline, oil, grease, batteries, tires and automobile accessories may be supplied and dispensed at retail, including the servicing of vehicles designed or calculated to be performed by the customer. In addition, the following services may be rendered and sales made, and no other:
  - (a) Sale and service of spark plugs, batteries and distributors and distributor parts;
  - (b) Tire servicing and repair, but not recapping or regrooving;
  - (c) Replacement or adjustment or automobile accessories;
  - (d) Radiator cleaning and flushing; provision of water, anti-freeze and other additives;
  - (e) Washing and polishing and sale of automotive washing and polishing materials;
  - (f) Greasing and lubrication;
  - (g) Providing and repairing fuel pumps, oil pumps and lines;
  - (h) Servicing and repairing of carburetors;
  - (i) Adjusting and repairing brakes;
  - (j) Emergency wiring repairs;
  - (k) Motor adjustments, not involving removal of head or crankcase;
  - (l) Trailer rental;
  - (m) Provision of cold drinks, packaged foods, (including restaurants), tobacco and similar convenience goods, for customers, but only as accessory and incidental to the principal operation;
  - (n) Provision of road maps and other information material;
  - (o) Provision of restroom facilities;
  - (p) Parking lot, as an accessory use;

- (q) Wrecker service; and
- (r) Uses permissible at a service station do not include body work; transmission or brake overhauling; straightening of frames or body parts; team cleaning, painting, welding, storage of automobiles not in operating condition, nor the operation of a commercial garage as an accessory use.

- (11) Automobile Wash or Laundry – See Car Wash.
- (12) Basement – is a building story, the floor line of which is below grade at any entrance or exit, but may have at least one-half (½) of its height above the average level of the adjoining grade level.
- (13) Block – means that property abutting on one side of a street and lying between the nearest intersecting or intercepting streets, or nearest intersecting or intercepting street and railroad right-of-way, waterway, or other barrier to or gap in the continuity of development along such street.
- (14) Boarding-Lodging House – means a dwelling where in lodging or meals for three (3) or more persons, not members of the principal family therein, is provided for compensation, but not including a building in which ten (10) or more guest rooms are provided.
- (15) Building – is any roofed structure built for the support, shelter, or enclosure of persons, chattels, or movable property of any kind. When such structure is divided into separate parts by one (1) or more un-pierced walls extending from the ground up, each part is deemed a separate building, except as regards minimum side yards.
- (16) Building Height – is the vertical distance from the average contact ground level at the front wall of the building to the highest point of the coping of a flat roof, or the deck line of a mansard roof, or to the mean height level between eaves and ridge for gable, hip or gambrel roofs.
- (17) Building Line – a line parallel or approximately parallel to the street line, at a specific distance there from, marking the minimum distance from the street line that a building may be erected.
- (18) Building Official – See Administrative Official.
- (19) Car Wash – is a building, or part, where automobiles or other motor vehicles are automatically or manually washed regularly as a business.
- (20) Cemetery – is 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, if operated in connection with and within the boundaries of such cemetery.
- (21) Certificate of Occupancy – is an official certificate issued by the City Secretary which indicates conformance with, or approved conditional waiver from, the zoning regulations and authorized legal use of the premises for which it is issued.
- (22) City – is the City of Venus, Johnson and Ellis Counties, Texas.
- (23) Clinic – is a public or private, profit or nonprofit facility for the reception and treatment of outpatient persons, physically or mentally ill, injured, handicapped or otherwise in need of physical or mental diagnosis, treatment, care or similar service.
- (24) Club – is a nonprofit association of persons who are bona fide members, paying regular dues, and are organized for a common purpose, but not including a group organized solely or primarily to render a service customarily carried on as a commercial enterprise.

- (25) Club, Private (Class I) – is an establishment or enterprise wherein activities are carried on by, or for a group or association, of dues-paying members organized for some common purpose, no alcoholic beverages being sold.
- (26) Club, Private (Class II) – is a club, as defined above, except such establishments shall have been issued an alcoholic beverage permit by the Texas Alcoholic Beverage Commission are not allowed in the City in any zoning.
- (27) Community Center, Public – means any building and grounds owned and operated by the governmental body for the social, recreational, health and welfare of the community served.
- (28) Conditional Use – means any building, structure, and use which complies with the applicable regulations and standards governing conditional uses of the zoning district in which such building, structure, and use is located, and for which a permit is granted.
- (29) Convalescent (Rest) Home – is a home designed for the care of patients after they leave the hospital, but before they are released from observation and treatment.
- (30) Convenience Store – See Neighborhood Convenience Center.
- (31) Court – means an open, unoccupied space on the same lot with a building, and bounded on two (2) sides by such building, or the open space provided for access to a dwelling group.
- (32) Display Sign – is a structure that is arranged, intended, designed or used as an advertisement, announcement or direction, including sign, billboard and advertising device of any kind.
- (33) District – means a portion of the territory of the City, within which certain uniform regulations and requirements, or various combinations thereof, apply under the provisions of this ordinance. The term “R District” shall mean any AG, MH, MHS R-1L, R-1, R-2, R-3, or R-4 District; the term “I District” shall mean any I-1 or I-2 District; and the term “C District” shall mean any C-1 or C-2 District.
- (34) Dwelling Unit – means a room, or a group of rooms, including cooking accommodations, occupied by one (1) family, and in which not more than two (2) persons, other than members of the family, are lodged or boarded for compensation at any one time.
- (35) Dwelling Unit, Single-Family, Attached – means a dwelling which is joined to another dwelling at one (1) or more sides by a party wall or abutting separate walls, and is designed for occupancy by one (1) family, and is on a separate lot delineated by front, rear and side lot lines.
- (36) Dwelling Unit, Single-Family, Detached – means a building containing one (1) dwelling unit, and located on a lot or separate building tract, and having no physical connection to a building on any other lot.
- (37) Dwelling Unit, Two Family – means a building containing two (2) dwelling units.
- (38) Dwelling Unit, Multiple – means a building containing three (3) or more dwelling units.
- (39) Dwelling Group – means a group or row of dwellings, each containing one (1) or more dwelling units, and all occupying one (1) lot or site, as defined herein, and having a court in common; including a bungalow court or apartment court, but not including an automobile court or automobile camp.
- (40) Essential Services – means the erection, construction, alteration, or maintenance by public utilities or by governmental departments or commissions of such underground or overhead gas, electrical, steam, or water transmission or distribution systems and structures, collection, communication, supply or disposal systems and structures, including towers,

poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, street lights, traffic signals, hydrants and other similar equipment, and accessories in connection therewith, but not including buildings or microwave radio relay structures, as are reasonably necessary for the furnishing of adequate service by such public utilities or governmental departments or commissions, or as are required for protection of the public health, safety, or general welfare. For the purpose of this definition, the word “building” does not include “structures” for essential services.

- (41) Family – means one (1) or more persons, related by blood, marriage or adoption, occupying a dwelling unit as a single, nonprofit housekeeping unit, but not including a group occupying a hotel, boarding-house, club, dormitory, fraternity or sorority house.
- (42) Farm – is an area of three (3) acres or more which is used for the growing of usual farm products, such as vegetables, fruit, trees and grain, and storage on the area, as well as, the raising thereon of the usual farm poultry and farm animals, such as, horses, cattle and sheep, including dairy farms with necessary accessory uses, and for treating and storing the produce; provided, however, that the operation of such accessory shall be secondary to that of the normal activities.
- (43) Flood Plain – is the relatively flat, low lands adjoining the channel of a river, stream or watercourse which has been, or may be, covered by flood water. Any land covered by the water of a one-hundred (100) year frequency storm is considered in the flood plain and must comply with the Corp of Engineers requirements.
- (44) Frontage – is all the property abutting on one (1) side of a street between intersecting or intercepting streets, or between a street and a right-of-way, waterway, end of a dead-end street, or City boundary measured along the street line. An intercepting street shall determine only the boundary of the frontage on the side of the street, which it intercepts. Where a lot abuts more than one (1) street, the Planning and Zoning Commission shall determine the frontage for purposes of this ordinance.
- (45) Garage, Private – means an accessory building, or portion of a main building on the same lot, and used for the storage only of private passenger motor vehicles, not more than two (2) of which are owned by others than the occupants of the main building.
- (46) Garage, Public – means a building or portion of a building, except that herein defined as a private garage or as a repair garage, used for the storage of motor vehicles, or where any such vehicles are kept for remuneration or hire; in which any sale of gasoline, oil, and accessories is only incidental to the principal use.
- (47) Garage, Repair – means a building or space for the repair or maintenance of motor vehicles, but not including factory assembly of such vehicles, auto wrecking establishments or junkyards.
- (48) Garden Apartment – is a multi-family dwelling unit with not more than two and one-half (2 ½) stories. The building generally has private outdoor space, either on grade, or a private balcony.
- (49) Grade – when used as a reference point in measuring height of building, the “grade” shall be the average elevation of the finished ground at the exterior walls of the main building.
- (50) Gross Floor Area – means the living area of a building, including the walls thereof, but excluding all porches, open breezeways and garages.
- (51) Height of Building – means the vertical distance from the grade to the highest point of the coping of a flat roof, or to the deck line of a mansard roof, or to a point midway between elevation of the eaves and elevation of the ridges for gable, hip and gambrel roof.

- (52) Home Occupation – means any occupation, customarily conducted for gain or support, entirely within a dwelling, by a member or members of a family while residing therein, and which is clearly incidental and secondary to the residential use of the premises, and does not change the character thereof.
- (53) Hospital – may be a public or private, profit or nonprofit institution for the reception and treatment of the physically or mentally handicapped, sick or injured, and shall be distinguished by its in-patient facilities. It may also be an institutional sanctuary for the reception of the aged, or for the physically or mentally ill, retarded, infirm or deficient. Permitted accessory uses shall include medical and psychiatric clinics, doctors' offices, sale of medical and surgical specialties and supplies, crutches, artificial members and appliances, training in the use of artificial members and appliances, patient and out-patient services, pharmacies, gift shops, flower shops and similar uses; provided, however, that any such accessory use is so use-wide related to the principal use as to be in fact an integral part of the total purpose, and is incorporated within the same building or building complex; and provided further, that the floor area occupied by all accessory uses does not exceed one-third (1/3) of the total floor area. Whether or not a questionable use is "similar" or an "integral" part of the total purpose shall be subject to determination by the Board of Adjustment. Hospital related x-ray and laboratory facilities shall not be considered accessory uses in computation or area occupancy.
- (54) Hotel – means a building, or portion thereof, in which ten (10) or more guest rooms are provided for occupancy for compensation by transient guests.
- (55) Industry – is the storage, repair, manufacture, preparation or treatment of any article, substance or commodity.
- (56) Junkyard or Salvage Yard – means any area used for the storage, keeping or abandonment of junk, including scrap metals or other scrap materials or goods, or used for the dismantling, demolition or abandonment of automobiles or other vehicles or machinery, or parts thereof.
- (57) Kennel – is any structure or premises on which more than three (3) dogs, over six (6) months of age and/or more than one liter, are kept.
- (58) Land Use Plan – is the long-range plan for the desirable use of land in the City, as officially adopted, and as amended from time to time, by the City Council; the purpose of such plan being, among other things, to serve as a guide in the zoning and progressive changes in the zoning of land to meet the changing needs, in the subdividing and use of undeveloped land, and in the acquisition of rights-of-way or sites for public purposes, such as, streets, parks, schools and public buildings.
- (59) Loading Space – is an off-street space or berth on the same lot with a building, or contiguous to a group of buildings, for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials, and which abuts upon a street, alley or other appropriate means of access.
- (60) Lodging house – means the same as a boardinghouse.
- (61) Lot – means the entire parcel of platted land occupied, or to be occupied, by a main building and its accessory buildings, or be a group, such as, a dwelling group or automobile court and their accessory buildings, including the yards and open spaces required there-fore by this title and other applicable law.
- (62) Lot, Corner – means a lot abutting on two (2) intercepting or intersecting streets where the interior angle of intersection or interception does not exceed one hundred thirty-five degrees (135°).



- (63) Lot Coverage – the total area of a lot occupied by the base (first story of floor) of buildings located on the lot.
- (64) Lot, Interior – means a lot other than a corner lot.
- (65) Lot lines – means the property lines bounding the lot as defined herein.
- (66) Lot, Through – means a lot having its front and rear lines on different streets, or having its front or rear line on a street and the other line on a river, lake, creek or other permanent body of water.
- (67) Lot Depth – means the average depth from the front line of the lot to the rear line of the lot.
- (68) Lot Width – means the width measured at a distance back from the front line equal to the minimum depth required for a front yard.
- (69) Lot of Record – is a lot which is part of a sub-division, the plat of which has been recorded in the office of the County Clerk of Johnson and Ellis Counties, or a parcel of land, the deed for which was recorded in the Office of the County Clerk, Johnson and Ellis Counties, prior to January 1, 1986.
- (70) Main Building – means a building in which is conducted the principal use of the lot on which it is situated.
- (71) Manufactured Home, HUD Code – means a structure constructed on or after June 15, 1976, according to the rules of the United States Department of Housing and Urban Development, transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width, or 40 body feet or more in length, or, when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling, with or without a permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air conditioning and electrical systems. References in this ordinance to “mobile homes(s)” shall be taken to be references to HUD Code Manufactured Home(s). Mobile homes, as defined in the Manufactured Housing Standards Act, Article 5221f, Section 3(a), V.T.C.S., shall not be used as dwelling units within the corporate limits of the City.
- (72) Mobile Home – See “Manufactured Home, HUD Code.”
- (73) Manufactured Home Park or Subdivision – means a parcel of land which is owned by an individual, a firm, trust, partnership, public or private association or corporation, and has been developed for rental or sale of lots to persons with HUD Code manufactured homes (mobile home).
- (74) Manufactured Home Lot – means that part of a parcel of land (manufactured home site) in a Manufactured Home Park which has been reserved for the placement of one (1) HUD Code manufactured home (mobile home).
- (75) Modular Home – means a dwelling that is constructed in one or more modules, at a location other than the home site, or is constructed utilizing one or more modular components, and which is designed to be used as a permanent residence when the modular components or modules are transported to the home site and are joined together, or are erected and installed on a permanent foundation system. The term includes the plumbing, heating, air conditioning and electrical systems. It is expressly provided, however, that the term modular home shall not mean nor apply to:
- (a) housing constructed of sectional or panelized systems not utilizing modular components; or

- (b) any ready-built home which is constructed so that the entire living area is contained in a single unit or section at a temporary location for the purpose of selling it and moving it to another location; or
  - (c) any manufactured home, HUD code.
  - (d) Any manufactured home, HUD code.
- (76) Motel – means a building, or a group of two (2) or more buildings, containing guest rooms or apartments, with automobile storage space provided in connection therewith, and used primarily for the accommodation of automobile travelers, including groups designated as auto cabins, motor lodges, motor courts, motels, and similarly designated groups.
- (77) Neighborhood Convenience Center – means centers which carry convenience goods, such as, groceries, drugs, hardware, and some variety items, and also includes some service stores. The neighborhood convenience center may contain one (1) or two (2) small apparel or shoe stores, but it is clearly dominated by convenience goods, which are items of daily consumption and very frequent purchase, sometimes called “spot necessity” items. This neighborhood serving store group is within convenient walking distance of families served (within convenient driving range in low-density areas), with due consideration for pedestrian access and amenity of surrounding areas.
- (78) Nonconformity Use – means use of a building or land, which existed previously, that does not conform to the present regulations as to use for the district in which it is situated.
- (79) Nursing Home – is a structure or building where ill or elderly people are provided with lodging and meals, with or without nursing care.
- (80) Open Space – is that part of any lot or tract that is used for recreational purposes, both passive and active, but not including areas used for parking or maneuvering of automobiles, or drives or approaches to and from parking areas. Floodplains, or 50 percent of any standing surface water, may be considered as open space, provided such open space is contiguous and part of the platted lot, and is maintained and utilized in the same manner and to the same degree as all other open space areas, as designated on the site plan as filed with the building permit application.
- (81) Parking Area, Private – means a permanently surfaced, open area for the same uses as a private garage.
- (82) Parking Area, Public – means a permanently surfaced, open area, other than a street, or other public way, used for parking of automobiles, and available to the public for a fee, free, or as an accommodation for clients or customers.
- (83) Parking Space – means a permanently surfaced area not less than one hundred eighty (180) square feet (measured approximately nine (9) feet by twenty (20) feet), either within a structure or in the open, not on public right-of-way, exclusive of driveways or access drives, for the parking of one (1) vehicle.
- (84) Planned Development – shall mean land under unified control, planned and developed as a whole; in a single development operation or a definitely programmed series of development operations, including all lands and buildings; for principal and accessory structures and uses substantially related to the character of the district; according to comprehensive and detailed plans which include not only streets, utilities, and lots or buildings sites, but also site plans, floor plans, and elevations of all buildings, as intended, to be located, constructed, used, and related to each other, and detailed plans for other uses and improvements on the land as related to the buildings; and with a program for provision, operation and maintenance of such areas, improvements, facilities, and services as will be for common use by some or all of the occupants of the district, but will not be provided, operated, or maintained at general public expense.

Planned development is both a concept and a zoning classification which may include, in addition to planned unit development, commercial, shopping center, and industrial uses or combination thereof, which may be intended to serve areas within the district and areas without the district.

- (85) Private Garage – is an accessory building, housing vehicles owned and used by the occupant of the main building.
- (86) Recreational Vehicle – is a vehicular, portable structure designed to be transported over the high-ways, and containing living or sleeping accommodations, such structure being designed and actually used as a temporary dwelling during travel for recreation and pleasure purposes, and not exceeding eight (8) feet in width.
- (87) Rooming House – is a dwelling occupied by a resident family or resident occupant, and three (3) or more rent-paying persons.
- (88) Satellite Dishes – means a device used to receive any satellite signal.
- (89) School, Business or Trade – means a business organized to operate for a profit and offering instruction and training in a service or art, such as, a secretarial school, barber college, beauty school or commercial art school.
- (90) School, Elementary and High – means an institution of learning which offers instruction in several branches of learning and study required to be taught in the public schools. High schools include junior and senior grades.
- (91) Screening Element (Device) – or suitably screened, as herein referred, shall mean any of the following:
  - (a) Any solid material constructed of brick, masonry, or of a concrete or metal frame, or wood, or base which supports a permanent type material, the vertical surface of which is not more than 30 percent open; or
  - (b) Any dense evergreen hedge or plant material suitable for providing a visual barrier, for which such material shall be maintained in a healthy growing condition.
  - (c) Landscaped earth berms may, when appropriate in scale, be considered and used as a screening element in lieu of a fence, wall, hedge, or other dense planting material.
- (92) Service Stations – See Automobile Service Station.
- (93) Shopping Center – is an area consisting of one (1) acre or more, arranged according to a site plan, to be submitted to and to be approved by the Planning and Zoning Commission and the City Council on which is indicated the amount of land to be devoted to the shopping center, the detailed arrangement of various buildings, parking area, streets and type of zoning desired. The installation of all utilities, drainage structure, paving of streets, parking area, alley, and installation of sidewalks shall be in accordance with the City specifications for each type of improvement.
- (94) Story – means that portion of a building included between the surface of a floor and the surface of a floor next above it, or if there is no floor above it, then the portion of the building between the surface of a floor and the ceiling or roof above it. A basement shall be counted as a story for the purposes of height regulations, if the vertical distance from grade to the ceiling is more than seven (7) feet.
- (95) Story, Half – means the topmost story under a gable, hip, or gambrel roof, the wall plates of which on at least two (2) opposite exterior walls are not more than two (2) feet above the floor of such story.

- (96) Street – means a public or private thoroughfare which affords the principal means of access to abutting property.
- (97) Structural Alteration – means any change, addition, or modification in construction in the supporting members of a building, such as, exterior walls, bearing walls, beams, columns, foundations, girders, floor joists, roof joists, rafters, or trusses.
- (98) Towers – Radio, Television or Microwave – means structures supporting commercial antennae for transmitting or receiving any of the radio spectrum (includes structures used for satellites dishes).
- (99) Trailer (including automobile trailer and trailer coach) – is any vehicle or structure constructed in such a manner as to permit occupancy thereof as sleeping quarters or the conduct of any business, trade, or occupation or use as a selling, or advertising device, or use for storage or conveyance of tools, equipment, and machinery, and so designed that it is or may be mounted on wheels and used as a conveyance on highways and streets, propelled or drawn by its own or other motor power.
- (100) Trailer Park – means any lot or part thereof, or any parcel of land, which is used or offered as a location for one (1) or more trailers.
- (101) Thoroughfare – means an officially designated, federal, state, or county numbered highway or other road or street designated as a primary thoroughfare on the official thoroughfare plan of the City.
- (102) Thoroughfare Plan – means the official thoroughfare plan of the City, adopted by the City Council, establishing the location and official right-of-way width of principal highways and streets in the City, together with all amendments thereto subsequently adopted.
- (103) Townhouse or Row House – means three (3) or more dwelling units attached by common vertical walls.
- (104) Use – means the purpose for which land, or a building or structure thereon, is designed, arranged, intended or maintained, or for which it is or may be used or occupied.
- (105) Use, Accessory – means a subordinate use on the same lot, with the principal use and incidental and accessory thereto.
- (106) Used Car Lot – is a lot or tract of land used for the sale, or display for sale, of two (2) or more previously owned motor vehicles designed for use upon the public roads or for pleasure off public roads, but not including farm implements, manufactured homes, campers and recreational vehicles, or construction equipment, such as, cranes, bulldozers and related equipment and trucks over one ton capacity.
- (107) Vehicle Service Center – means a center for the repair and maintenance of, or diagnosis upon, motor vehicles, including tire installation, but not including the sale of gasoline, body work, or spray painting.
- (108) Yard – means an open space, other than a court, on the same lot with a building.
- (109) Yard, Front – means a yard extending across the full width of a lot and having a depth equal to the shortest distance between the front line of the lot and the nearest portion of the main building, including an enclosed or covered porch, provided that the front yard depth shall be measured from the future street line for a street on which a lot fronts, when such line is shown on the official map or is otherwise established.
- (110) Yard, Rear – means a yard extending across the full width of a lot and having a depth equal to the shortest distance between the rear line of the lot and the main building.

- (111) Yard, Side – means a yard between the side line of the lot and the main building extending from the front yard to the rear yard and having a width equal to the shortest distance between said side line and the main building.
- (112) Zoning Map – means the official zoning map of the City, together with all amendments subsequently adopted.

**SECTION 5: GENERAL PROVISIONS**

**A. ESTABLISHMENT OF DISTRICTS**

For the purpose of this ordinance, the City is hereby divided into twelve (12) districts as follows:

- AG      Agricultural District
- R-1L    Single-Family Rural Estate – Large Lot
- R-1      Single-Family Residential
- R-2      Two Family Residential
- R-3      Multiple Family Residential – Low Density
- R-4      Multiple Family Residential – High Density
- C-1      Restricted Commercial
- C-2      General Commercial
- I-1      Light Industrial
- I-2      Heavy Industrial
- MH      Manufactured Home Park District
- MHS     Manufactured Home Subdivision District
- PD      Planned Development District
- S        Sign Overlay District

**B. FLOODPLAIN DESIGNATION OVERLAY**

Notwithstanding the foregoing, there shall be a district known as a “FP” floodplain district, which may be coextensive with, or overlap any or all of the foregoing districts, or portions thereof, and any tract of land or portion thereof may, at the same time, be zoned for the uses in one of the foregoing district and be zoned “FP” floodplain.

Where a tract of land or portion thereof is zoned for the uses of one of the foregoing districts and is also zoned “FP” floodplain, the restrictions contained in the “FP” floodplain district shall be applicable to said tract or portion thereof and shall take precedence over the other zoning districts.

**C. OFFICIAL ZONING MAP**

The City is hereby divided into zones, or districts, as shown on the official zoning map, which together with all explanatory matter thereon, is in existence and is hereby adopted and declared to be a part of this ordinance.

**D. MAP CERTIFIED**

The official zoning map shall be identified by the signature of the mayor, attested by the City Secretary, and bearing the seal of the City under the following words:

“This is to certify that this is the official zoning map adopted as part of Ordinance No. 242-2001 of the City of Venus, Texas”.

**E. LOCATION OF MAP**

The official zoning map shall be in the custody of, and shall remain on file in the office of, the City Secretary.

#### F. PUBLIC INSPECTION OF MAP

The official zoning map, or a copy, shall be available for public inspection for all matters which are of public record.

#### G. AMENDMENT OF OFFICIAL ZONING MAP

When changes are made in district boundaries or other matter portrayed on the official zoning map, such changes shall be entered on the official zoning map promptly after the amendment has been approved by the City Council.

#### H. OFFICIAL ZONING MAP REPLACEMENT

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

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

#### I. INTERPRETATION

- (1) When the district boundaries are either roads or streets, unless otherwise shown, and where the designation of the district map indicates that the various districts are bounded by a road or street line, the center line of such road or street shall be construed to be the district boundary line.
- (2) Where the district boundaries are not otherwise indicated and where property has been subdivided into lots and blocks, the subdivision boundaries shall be construed to be the boundary of the district.
- (3) Where the district boundaries are not otherwise indicated for un-subdivided property, the district boundaries are property lines or section lines, or quarter section lines, or quarter-quarter section lines.
- (4) Where district boundaries are disputed or not otherwise clearly designated, or where the physical or structural features are at variance with the official zoning map, or in other circumstances not covered in this section, the Board of Adjustment shall interpret the district boundaries.

#### J. RULES FOR WORDS AND PHRASES

For the purposes of this ordinance, words used in the present tense include the future tense; words in the singular number include the plural number, and words in the plural number include the singular number; the word "shall" is mandatory, not directory; the word "may" is permissive; the word "person" includes a firm, association, organization, partnership, trust, foundation, company, or corporation, as well as, an individual; the word "used" includes designed and intended or arranged to be used; the word "building" includes the word "structure"; the word "lot" includes "building lot" or parcel. Wherever this ordinance imposes a greater restriction than imposed by other ordinances, laws, or regulations, the provisions of this ordinance shall govern.

#### K. COMPLIANCE WITH REGULATIONS

The regulations set by the ordinance within each district shall be minimum regulations and shall apply uniformly to each class and kind of structure or land, except as hereinafter provided.

- (1) No building, structure, or land shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, repaired, moved, or structurally altered except in conformity with all of the regulations herein specified for the district in which it is located.
- (2) No building or other structure shall hereafter be erected or altered to exceed the height or bulk, to accommodate or house a greater number of families, or to occupy a greater percentage of lot area than that specified herein for the district in which it is located.
- (3) No building or other structure shall have narrower or smaller rear yards, front yards, side yards, or other open spaces than herein required, or in any other manner contrary to the provisions of this Ordinance.
- (4) No part of a yard, other open space, off-street parking or loading space, required about or in connection with any building for the purpose of complying with this section, shall be included as a part of a yard, open space, off-street parking, or loading space similarly required for any other building.

#### L. STRUCTURES TO HAVE ACCESS

Every building, hereafter erected or moved, shall be on a lot adjacent to a public street or with access to an approved private street, and all structures shall be so located on lots as to provide safe and convenient access for servicing, fire protection, and required off-street parking.

#### M. VISIBILITY AT INTERSECTIONS

On a corner lot, nothing shall be erected, placed, planted, or allowed to grow in such a manner (as with traffic visibility across materially) to interfere the corner. This visibility area shall be a triangle measured twenty-five feet (25') from the point of right-of-way line intersection. All objects on the ground in said triangle should not exceed two feet (2') in height and vegetation should not droop to less than ten feet (10') from the ground.

#### N. FENCES, WALLS, AND HEDGES

Refer to the City's Fence Ordinances for specific restrictions.

#### O. HEIGHT AND AREA EXCEPTIONS

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

- (1) Churches, schools, and other public and quasi-public buildings may be erected to a height not exceeding sixty feet (60') or five (5) stories, provided the front, side, and rear yards required in the district in which such a building or structure is to be located are each increased at least one foot (1') for each foot of additional height above the height otherwise established for the district in which such building or structure is to be located.
- (2) Chimneys, cooling towers, church steeples or spires, tanks, water towers, television antennas, microwave radio relay or broadcasting towers, television antennas, microwave radio relay or broadcasting towers, mast or aerials, and necessary mechanical appurtenances, are hereby excepted from the height regulations of this section.
- (3) When a lot has an area less than the minimum number of square feet per family, as required for the district in which it is located, and was of record, as such, at the time of

the passage of this ordinance, such lot may be occupied by one (1) family subject to the setback, rear yard, and side yard regulations for the district in which it is located.

**P. HOME OCCUPATIONS**

The purpose of the home occupation provision is to permit the conduct of home occupations which are compatible with the neighborhoods in which they are located. Home occupations are a permitted accessory use in all residential districts, and are subject to the requirements of the district in which the use is located, in addition to the following:

- (1) Only the members of the immediate family occupying the dwelling shall be engaged in the home occupation.
- (2) The home occupation shall be conducted only within the enclosed area of the dwelling unit or the garage.
- (3) No more than twenty-five percent (25%) of the area of one (1) story of the principal building shall be devoted to the home occupation.
- (4) There shall be no exterior alterations which change the character thereof as a dwelling, other than those signs permitted in the district.
- (5) No storage or display of materials, goods, supplies, or equipment related to the operation of the home occupation shall be visible outside any structure located on the premises.
- (6) No use shall create smoke, glare, noise, dust, vibration, fire hazard, small electrical interference, or any other nuisance not normally associated with the average residential use in the district.
- (7) The home occupation shall not create any increase in vehicular flow or parking by more than two (2) additional vehicles at a time and shall not create greater pedestrian traffic than normal for the district.
- (8) No more than one (1) advertising sign with a maximum of four (4) square feet of a non-illuminating nature may be placed on the main building.
- (9) Examples of home occupations:  
The following are examples of uses that can often be conducted within the limits of this section. Uses listed in this paragraph do not automatically qualify as a home occupation, nor does this listing limit the uses that may qualify as home occupations: handicraft, dressmaking, preserving, accountant, artist, author, consultant, individual tutoring (music lessons included), millinery, attorney, and realtor.
- (10) Prohibited uses:  
The following uses have a tendency to violate the provisions for home occupations, and thereby, impair the character of residential areas. Therefore, the uses specified shall not be permitted as accessory uses in residential districts: auto repairs, painting of vehicles or boats, private schools, photo studios, dance instruction, television repair, and child day care center.
- (11) Interpretation of home occupations:  
The Board of Adjustment shall interpret the provisions of this section to determine the validity of a home occupation. A use considered not within the scope of the home occupation provisions shall be subject to the provisions of the commercial zones of this chapter.

**SECTION 6. CONDITIONAL USES**

After public hearing and proper notice, and after recommendation by the Planning and Zoning Commission, the City Council may authorize the issuance of conditional use permits when the Council finds all of the following conditions present:

- (1) That the establishment, maintenance, or operation of the conditional use will not be materially detrimental to, or endanger, the public health, safety, morals, or general welfare;



- (2) That the uses, values and enjoyment of other property in the neighborhood, for purposes already permitted, shall be in no foreseeable manner substantially impaired or diminished by the establishment, maintenance, or operation of the conditional use;
- (3) That the establishment of the conditional use will not significantly impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district;
- (4) That adequate utilities, access roads, drainage and other necessary site improvements have been or are being provided;
- (5) That adequate measures have been or will be taken to provide ingress or egress, so designed as to minimize traffic congestion in the public streets; and
- (6) That the conditional use shall conform to all applicable yard area regulations of the district in which it is located.

Prior to the granting of any conditional use, the City Council may stipulate such conditions, restrictions, and duration upon the establishment, location construction, maintenance, and operation of the conditional use as deemed necessary to protect the public health, safety and general welfare of the community, and to secure compliance with the standards and requirements specified in subsections (1) through (6) of Section 6. In all cases in which conditional uses are granted, the Council shall require such evidence and guarantees as it may deem necessary as proof that the conditions stipulated in connection therewith are being and will be complied with. The granting of a conditional use does not create a right to the use and the conditional use may be canceled at the City Council's sole discretion.

No application for a conditional use which has been denied wholly or in part by the City Council shall be resubmitted for a period of six (6) months from the date of said denial.

## **SECTION 7: ANNEXED TERRITORY**

### **A. ANNEXED TERRITORY TO BE ZONED AG**

All territory, hereafter annexed to the City, shall be temporarily classified as AG Agricultural District until permanent zoning is established by the City Council, except as provided in Section 7.C below. The procedure for establishing permanent zoning on annexed territory shall conform to the procedure established by law for the adoption of the original zoning regulations.

### **B. REGULATIONS FOR TEMPORARY AG DISTRICTS**

In an area temporarily classified as AG:

- (1) No person shall erect, construct or add to any building or structure, or cause same to be done in any newly annexed territory, without first applying for and obtaining a building permit or certificate of occupancy from the City, as required herein.
- (2) No permit for the construction of a building or use of land shall be issued other than a permit which will allow construction of a building permitted in AG district(s), unless and until, such territory has been classified in a zoning district other than an agricultural district.
- (3) An application for a permit for any use, other than that specified above, shall be made to the administrative official and referred to the Planning and Zoning Commission for consideration and recommendation to the City Council. The Planning and Zoning Commission, in making its recommendation, shall take into consideration the appropriate land use for the area and the overall plans for the City. The City Council, after receiving and reviewing the recommendations of the Planning and Zoning

Commission may, by majority vote, authorize the issuance of a building permit or certificate of occupancy, or may disapprove the application as their findings may indicate appropriate in the public interest.

C. CONCURRENT REZONING AND ANNEXATION

Application(s) for permanent zoning of a newly annexed area may be considered by the City at the same time as the area is being considered for annexation.

**SECTION 8: CLASSIFICATION OF NEW AND UNLISTED USES**

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

- (1) The zoning administrative official shall refer the question of any new or unlisted use to the Planning and Zoning Commission, requesting an interpretation as to the zoning classification into which such use should be placed. The referral of the use interpretation question shall be accompanied by a statement of facts, listing the nature of the use and whether it involves dwelling activity, sales, processing, type of product, storage, and amount or nature thereof, enclosed or open storage, anticipated employment, transportation requirements, the amount of noise, odor, fumes, toxic material and vibration likely to be generated, and the general requirements for public utilities, such as, water and sanitary sewer.
- (2) 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, after public hearing, determine the zoning district or districts within which such use should be permitted.

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 may approve the recommendation of the Planning and Zoning Commission or make such determination concerning the classification of such use, as is determined appropriate after giving consideration to the facts and recommendations.

**SECTION 9: AG AGRICULTURAL DISTRICT**

A. PURPOSE

The AG District is intended to be used primarily in areas where agricultural uses should be retained, where scattered non-farm growth should be prevented, and as a temporary classification for newly annexed lands.

B. USES PERMITTED

The following uses shall be permitted:

- (1) Any customary agricultural use, building, or structure, including nurseries, greenhouses, orchards, truck farms and animal farms.
- (2) Single-family detached residential dwellings.
- (3) Churches and parish houses; cemeteries and crematories for the human dead; school(s) and colleges, including dormitories; public buildings and structures of the recreational,

cultural, administrative and public service type; parks, playgrounds, and neighborhood recreational centers.

- (4) Private noncommercial recreation areas, including country clubs, riding stables, swim clubs, and similar uses.
- (5) Dairies and related establishments for processing milk products, not including retailing.
- (6) Public utilities and railroad right-of-way and tracks, not including terminals, railroad yards, reservoirs, water towers pumping plants, or storage yards.

#### C. CONDITIONAL USES

The following uses shall be permitted only if expressly authorized by the City Council:

- (1) Hospitals for human care and veterinary hospitals of any kind, provided that the hospital grounds shall be distant at least two hundred (200) feet from any residential district.
- (2) Utility stations and communications. Static transformer stations, booster stations, transmitters and utility stations, when operating requirements necessitate locating in the district, provided there is no yard or garage for service or storage, and provided further that the premises upon which the utility station is erected and maintained shall be appropriately landscaped and screened so as to be in harmony with the general appearance of the neighborhood, and not objectionable as to noise, odor, vibration or other disturbances.
- (3) Radio and television transmitter tower.
- (4) Satellite dishes.
- (5) Essential services. Defined in Section 4.A (39).
- (6) Bunkhouse.

#### D. ACCESSORY USES

Accessory uses, buildings, or structures customarily incidental to any aforesaid permitted or conditionally permitted uses, including the following:

- (1) Temporary fruit stands on any premises used for agricultural purposes.
- (2) Parking facilities. Garages, carports, or other parking spaces for the exclusive use of residents of the premises in accordance with Section 25.
- (3) Swimming pools.

#### E. AREA, YARD; HEIGHT; AND LOT COVERAGE REQUIREMENTS

The requirements regulating the minimum lot size, minimum yard sizes (front, side, and rear) maximum building height (stories and feet), and maximum percent of lot coverage by buildings, as pertains to this district, shall conform with the provisions of Section 23, "Schedule of District Regulations" and other applicable provisions of Section 24, "Supplementary District Regulations."

## **SECTION 10: R-1L SINGLE FAMILY RESIDENTIAL – LARGE LOT**

### **A. PURPOSE**

The R-1L District is established to allow for larger lots with one (1) family dwelling structures per three (3) or more acres lot. This district is intended to provide for residential lands to accommodate more rural settings and accessory yard uses. These lots shall be located in groups, blocks, or areas (there can be not single lot zoning in this District) where the accessory uses of the land do not either materially or in an obnoxious manner influence neighboring properties.

### **B. USES PERMITTED**

The following uses shall be permitted:

- (1) One family dwellings, detached.
- (2) Agricultural uses, such as, horse ranching and riding, but not including commercial dairies, commercial dog kennels, commercial hatcheries, and commercial mink, fox, or other fur-bearing animal farms and rat farms. Buildings and structures used for sheltering or feeding livestock shall be located not less than twenty-five feet (25') from any adjoining lot in any residential district.
- (3) Parks and playgrounds.
- (4) Accessory uses, including but not limited to, the following:
  - (a) Athletic field and playfields, noncommercial, including stadiums or grandstands.
  - (b) Dwelling units and lodging rooms in detached buildings for persons regularly employed on the premises and the employees' immediate families.

### **C. CONDITIONAL USES**

The following conditional uses may be allowed in an R-1L District subject to the provisions of Section 6, and the distances specified in this subsection shall prevail unless they are modified by the Board of Adjustment in accordance with the provisions of Section 6.

- (1) Public utility and public service uses as follows:
  - (a) Electric substations.
  - (b) Gas odorizing stations and gate stations.
  - (c) Radio and television towers.
  - (d) Satellite dishes.
  - (e) Railroad right-of-way, but not including railroad yards and shops, freight and service buildings, or right-of-way for switch, lead, spur, or team tracks.
  - (f) Telephone exchanges and transmission equipment buildings.
  - (g) Privately owned water pumping stations and water reservoirs.
- (2) Outdoor recreational premises, clubs, and grounds for swimming, tennis, boating, skiing, and other sports accessory clubhouses and maintenance buildings.
- (3) Churches, parish houses, and convents.
- (4) Public and private schools.
- (5) This limited use zoning allows the following exceptions to other ordinances of the City:
  - (a) Front building line fifty (50) feet;
  - (b) Side building line ten (10) feet;
  - (c) No out buildings in front of house;
  - (d) Utility easements will be fifteen (15) feet;

- (e) No barbed wire fencing on the street side(s) of a lot;
- (f) The grass and weed regulations of the City shall apply to the area of the house and one (1) acre, set aside as homestead, and the area between the homestead and the street, cultivation of hay behind this reserved front area shall be permitted (height in excess of thirty-six (36) inches shall be prima facie evidence that the grass and/or weeds are not being cultivated);
- (g) The animal regulation of the City shall apply in this zoning classification with the following exceptions:
  - (i) on a two (2) acre tract, one (1) head of livestock may be kept (the term “livestock” means a horse or cow or one of each);
  - (ii) one additional head of livestock may be added for each additional one (1) acre;
  - (iii) all livestock shall be pastured behind the house or the side of the house that faces the street in front of the lot, as determined by the front building line; key lots may have two front building lines;
  - (iv) no barn shall be within seventy-five (75) feet of the main structure; and
  - (v) livestock shall always be maintained in a clean environment.
- (h) Driveways must be entirely concrete unless longer than 75 linear feet. In that case, the property owner may opt to concrete only the first 40 feet connecting with the public road, and construct the remainder of the driveway with asphalt and proper base, or approved road base and gravel.

**D. AREA; YARD; HEIGHT; AND LOT COVERAGE REQUIREMENTS**

The requirements regulating the minimum lot size, minimum yard sizes (front, side, and rear), maximum building height (stories and feet), and maximum percent of lot coverage by buildings, as pertains to this district, shall conform with the provisions of Section 23, “Schedule of District Regulations” and other applicable provisions of Section 24, “Supplementary District Regulations”

**E. AUTOMOBILE PARKING SPACE REGULATIONS**

For automobile parking requirements, see Section 25.

**F. LANDSCAPING**

For landscaping requirements, see Section 26.

**SECTION 11: R-1 SINGLE FAMILY RESIDENTIAL**

**A. PURPOSE**

This district is the predominant single family housing district in the City. Unless otherwise specified or requested, all residentially suited areas presently undeveloped, should be zoned in this district. Development in the R-1 district is limited primarily to single family dwellings and certain community and recreational facilities to serve residents of the district.

**B. USES PERMITTED**

The following uses shall be permitted:

- (1) One-family dwellings, detached and constructed on site. Manufactured homes are prohibited from occupying sites in the R-1 District.

- (2) Parks and playgrounds.
- (3) Accessory uses, including, but not limited to the following:
  - a) Athletic fields and playfields, noncommercial, including stadiums and grandstands.
  - b) Temporary buildings for storage of building materials and equipment and construction purposes, when on the same or adjoining lot as the principal use, for a period not to exceed the duration of such construction.

#### C. CONDITIONAL USES

The following conditional uses may be allowed in the R-1 District, subject to the provisions of Section 6, and the distances specified in this subsection shall prevail, unless they are modified by the Board of Adjustment in accordance with the provisions of Section 6.

- (1) Public utility and public services uses as follows:
  - (a) Electric substations.
  - (b) Gas odorizing stations and gate stations.
  - (c) Railroad right-of-way, but not including railroad yards and shops, freight and service buildings, or rights-of-way for switch, lead, spur or team tracks.
  - (d) Telephone exchanges and telephone transmission equipment buildings.
- (2) Colleges and universities, provided that the zoning lot shall not be less than forty (40) acres.
- (3) Churches, parish houses, convents.
- (4) Public and private schools.

#### D. AREA; YARD; HEIGHT; AND LOT COVERAGE REQUIREMENTS

The requirements regulating the minimum lot size, minimum yard sizes (front, side, and rear), maximum building height (stories and feet), and maximum percent of lot coverage by buildings, as pertains to this district, shall conform with the provisions of Section 23, "Schedule of District Regulations" and other applicable provisions of Section 24, "Supplementary District Regulations."

#### E. AUTOMOBILE PARKING SPACE REGULATIONS

For parking space requirements, see Section 25.

#### F. LANDSCAPING

For landscaping requirements, see Section 26.

### **SECTION 12: R-2 TWO FAMILY RESIDENTIAL**

#### A. PUPOSE

The R-2, two family dwelling district, is established to stabilize and protect characteristics of low density residential areas. This district may be suitable as a buffer zone between single family and higher intensity uses. Development in the R-2 District is limited primarily to two-family dwellings and certain community and recreational facilities to service residents of the district.

**B. PERMITTED USES**

The following uses shall be permitted:

- (1) Two-family dwellings with additional lot area(s) required herein and constructed on site. Manufactured homes are prohibited from occupying sites in the R-2 District.

**C. CONDITIONAL USES**

Permitted conditional uses shall be any use allowed as a conditional use in the R-1 District, subject to the provisions of Section 6.

**D. AREA; YARD; HEIGHT; AND LOT COVERAGE REQUIREMENT**

The requirements regulating the minimum lot size, minimum yard sizes (front, side, and rear), maximum building height (stories and feet), and maximum percent of lot coverage by buildings, as pertains to this district, shall conform with the provisions of Section 23, "Schedule of District Regulations" and other applicable provisions of Section 24, "Supplementary District Regulations".

**E. AUTOMOBILE PARKING SPACE REGULATIONS**

For parking space requirements, see Section 25.

**F. LANDSCAPING**

For landscaping requirements, see Section 26.

**SECTION 13: R-3 MULTIPLE FAMILY RESIDENTIAL MEDIUM DENSITY**

**A. PUPOSE**

The R-3 District is established to meet the needs for medium density residential areas, where such development is in concert with area aesthetics, is environmentally sound, is compatible to the neighborhood, and promotes the character of the community.

**B. USES PERMITTED**

The following uses shall be permitted:

- (1) Multiple family dwellings and clustered multiple family dwellings, which clustered multiple family dwellings have a site plan approved by the Planning and Zoning Commission for the particular project in which they are proposed;
- (2) Two-family dwelling units;
- (3) Churches, parish houses, convents;
- (4) Country clubs, tennis courts, and such additional recreational uses as are for private recreation purposes or private club recreational purposes;
- (5) Parks

**C. CONDITIONAL USES**

The following conditional uses may be allowed in an R-1L District subject to the provisions of Section 6, and the distances specified in this subsection shall prevail unless they are modified by the Board of Adjustment in accordance with the provisions of Section 6.

- (1) Public utility and public service uses as follows:
  - (a) Electric substations.
  - (b) Gas odorizing stations and gate stations.
  - (c) Radio and television towers.
  - (d) Satellite dishes.
  - (e) Railroad right-of-way, but not including railroad yards and shops, freight and service buildings, or right-of-way for switch, lead, spur, or team tracks.
  - (f) Telephone exchanges and transmission equipment buildings.
  - (g) Privately owned water pumping stations and water reservoirs.
- (2) Outdoor recreational premises, clubs, and grounds for swimming, tennis, boating, skiing, and other sports accessory clubhouses and maintenance buildings.
- (3) Churches, parish houses, and convents.
- (4) Public and private schools.
- (5) This limited use zoning allows the following exceptions to other ordinances of the City:
  - (a) front building line fifty (50) feet;
  - (b) side building line ten (10) feet;
  - (c) no out buildings in front of house;
  - (d) utility easements will be fifteen (15) feet;
  - (e) no barbed wire fencing on the street side(s) of a lot;
  - (f) the grass and weed regulations of the City shall apply to the area of the house and one (1) acre, set aside as homestead, and the area between the homestead and the street, cultivation of hay behind this reserved front area shall be permitted (height in excess of thirty-six (36) inches shall be prima facie evidence that the grass and/or weeds are not being cultivated);
  - (g) the animal regulation of the City shall apply in this zoning classification with the following exceptions:
    - (i) on a two (2) acre tract, one (1) head of livestock may be kept (the term "livestock" means a horse or cow or one of each);
    - (ii) one additional head of livestock may be added for each additional one (1) acre;
    - (iii) all livestock shall be pastured behind the house or the side of the house that faces the street in front of the lot, as determined by the front building line; key lots may have two front building lines;
    - (iv) no barn shall be within seventy-five (75) feet of the main structure; and
    - (v) livestock shall always be maintained in a clean environment.

#### D. AREA; YARD; HEIGHT; AND LOT COVERAGE REQUIREMENTS

The requirements regulating the minimum lot size, minimum yard sizes (front, side, and rear), maximum building height (stories and feet), and maximum percent of lot coverage by buildings, as pertains to this district, shall conform with the provisions of Section 23, "Schedule of District Regulations" and other applicable provisions of Section 24, "Supplementary District Regulations"

#### E. AUTOMOBILE PARKING SPACE REGULATIONS

For automobile parking requirements, see Section 25.

#### F. LANDSCAPING

For landscaping requirements, see Section 26.



**SECTION 14: R-4 MULTIPLE FAMILY RESIDENTIAL – HIGH DENSITY**

**A. PURPOSE**

High density, multiple family zoning is primarily intended as the appropriate designation for lands suitable for higher impact development and higher volume traffic, while serving the residential needs for higher density living quarters.

**B. PERMITTED USES**

The following uses shall be permitted:

- (1) Any use permitted in the R-3 District, except two family dwelling units;
- (2) Libraries and museums;
- (3) Hospitals, sanitariums, nursing homes, and personal care facilities.

**C. CONDITIONAL USES**

The following conditional uses may be allowed in the R-4 District subject to the provisions of Section 6.

- (1) Any use allowed as a conditional use in the R-3 District, except one-family and two-family dwelling units, unless permitted above;
- (2) Hotels and motels, provided that the zoning lot shall be not less than two (2) acres;
- (3) Offices for professional uses, such as (without limitation due to enumeration), building contractors, doctors, chiropractors, dentists, attorneys, insurance, real estate, abstract and title, accountants, architects, brokers, engineers, designers, and psychologists.

**D. AREA; YARD; HEIGHT; AND LOT COVERAGE REQUIREMENTS**

The requirements regulating the minimum lot size, minimum yard sizes (front, side, and rear), and maximum building height (stories and feet), and maximum percent of lot coverage by buildings, as pertains to this district, shall conform with the provisions of Section 23, “Schedule of District Regulations”, and other applicable provisions of Section 24, “Supplementary District Regulations”.

**E. AUTOMOBILE PARKING SPACE REGULATIONS**

For parking space regulations, see Section 25.

**F. LANDSCAPING**

For landscaping requirements, see Section 26.

**SECTION 15: C-1 RESTRICTED COMMERCIAL**

**A. PURPOSE**

The C-1 District is established to accommodate the shopping needs of residents in adjacent residential areas. This district is meant to be used in limited areas, where retail or service establishments deal directly with customers. Businesses in the C-1 District should be oriented to satisfying the daily and frequent shopping needs of the neighborhood consumer.

## B. GENERALLY

- (1) Business uses above the ground floor are permitted on any floor above the ground floor, except in those buildings where dwelling units are established.
- (2) All business establishments shall be retail or service establishments which deal directly with the customers. All goods produced on the premises shall be sold to consumers only on the premises where produced.
- (3) All business, servicing or processing, except for off-street parking, off-street loading, temporary display of merchandise such as garden, lawn, and recreational supplies and equipment for sale to the public, and automobile service station operation, shall be conducted within completely enclosed buildings of permanent structure.
- (4) Parking of trucks as an accessory use, when used in the conduct of a permitted business listed in this section, shall be limited to vehicles of not over one and one-half (1 ½) ton capacity when located within one hundred-fifty feet (150') of a residence district boundary line.

## C. USES PERMITTED

The following uses shall be permitted:

- (1) Existing residential dwelling units and lodging used as such on the effective date of this ordinance;
- (2) Dwelling units may not be located on the second floor of a ground floor business use.
- (3) Neighborhood retail sales and service uses such as:
  - (a) Art shops, artist's and professional studios, beauty parlors, clothing stores, drugstores, grocery stores, markets, or supermarkets, hardware stores, household appliance and fixture repair shops, post office stations and self-service laundries;
  - (b) Shops for the following and similar occupations; barber, cabinet maker, electrician, jeweler, watchmaker, locksmith, optician, painter, plumber, shoemaker and tailor;
- (4) Business offices;
- (5) Professional offices, such as, doctors, dentists, attorneys, chiropractors, psychologists, insurance, real estate, architects, engineers, accountants, building contractors, and other similar uses;
- (6) Clinics, both medical and dental, that could include pharmaceutical sales, provided that such pharmacies are complementary to the primary clinic use of the structure. Other similar medical or dental, diagnostic or therapeutic facilities (except residences) are permitted;
- (7) Bakeries, cafes, confectioneries, ice cream shops, and restaurants which prepare foodstuffs for onsite retail sale only;
- (8) Automobile parking lots and structures;
- (9) Other neighborhood retail sales or service uses, which are similar in character to those enumerated above, and which will not be dangerous or otherwise detrimental to persons residing or working in the vicinity thereof, or to the public welfare, and will not impair the use, enjoyment or value of any property, but not including any use permitted in a C-2, I-1, or I-2 District;

- (10) Churches;
- (11) Public utility and public service uses as follows:
  - (a) Electric substations;
  - (b) Gas odorizing stations, and gate stations;
  - (c) Radio and television towers;
  - (d) Railroad rights-of-way, but not including railroad yards and shops, freight and service buildings, or rights-of-way for switch, lead, spur or team tracks;
  - (e) Telephone exchanges and transmission equipment buildings;
  - (f) Privately owned water pumping stations and water reservoirs;
- (12) Printer;
- (13) Antique shops;
- (14) Art galleries and museums;
- (15) Banks and financial institutions;
- (16) Camera and photographic supply stores;
- (17) Coin and philatelic stores;
- (18) Department stores;
- (19) Dry goods stores;
- (20) Florist shops and conservatories;
- (21) Furniture stores;
- (22) Furrier shops, including the incidental storage and conditioning of furs;
- (23) Household appliance stores, including radio and television sales and services;
- (24) Leather goods and luggage stores;
- (25) Loan offices;
- (26) Musical instruments sales and repair; office supply stores; optical sales;
- (27) Physical culture and health services and reducing salons;
- (28) Picture framing;
- (29) Sewing machine sales and service, household appliances only;
- (30) Sporting goods stores;
- (31) Tailor shops;
- (32) Telegraph offices;
- (33) Theater, indoors;
- (34) Ticket agencies, amusement;
- (35) Tobacco shops;

(36) Travel bureaus and transportation ticket offices;

(37) Radio and television studios and stations;

(38) Schools, Trade;

#### D. CONDITIONAL USES

The following conditional uses may be allowed in the C-1 District subject to the provisions of Section 6.

(1) Hotels and motels, provided that the zoning lot shall be not less than two (2) acres;

(2) Dwelling units, restricted to a total gross floor area of five thousand (5,000) square feet above the ground floor of a commercial building.

(3) Other uses as may be permitted by the Board of Adjustments under Section 28.

#### E. AREA; YARD; HEIGHT; AND LOT COVERAGE REQUIREMENTS

The requirements regulating the minimum lot size, minimum yard sizes (front, side, and rear), maximum building height (stories and feet), and maximum percent of lot coverage by buildings, as pertains to this district, shall conform with the provisions of Section 23, "Schedule of District Regulations", and other applicable provisions of Section 24, "Supplementary District Regulations".

#### F. AUTOMOBILE PARKING SPACE REGULATIONS

For parking space regulations, see Section 25.

#### G. SCREENING

In the C-1 District, whenever a C-1 use abuts the R-1L, R-1, R-2, R-3, R-4, a wall or fence of not less than six feet (6') nor more than eight feet (8') in height is required.

#### H. LANDSCAPING

For landscaping requirements, see Section 26.

### **SECTION 16: C-2 GENERAL COMMERCIAL**

#### A. PURPOSE

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

#### B. GENERALLY

(1) All business, servicing or processing, except for off-street parking, off-street loading and automobile service station operation, shall be conducted within completely enclosed buildings, except as otherwise provided.

(2) No use hereunder shall be permitted if said use entails storage or display of items for sale not enclosed by a building, except for incidental display of sale or seasonal retail items and such incidental display shall be permitted.

(3) Accessory off-street parking is required for C-2 Districts as provided in Section 25.

### C. USES PERMITTED

The following type of uses shall be permitted:

- (1) Any use permitted in the C-1 District;
- (2) Existing residential dwelling units and lodging uses as such on the effective date of this ordinance;
- (3) Cleaning and dyeing facilities;
- (4) Commercial recreation uses, including bowling alleys, arcades, golf driving ranges, gymnasiums, miniature golf courses, pool halls, swimming pools and skating rinks;
- (5) Creameries and ice cream plants;
- (6) Hotels, apartment hotels and motels;
- (7) Ice plants, cold-storage plants;
- (8) Laundries, including automobile washes;
- (9) Mortuaries;
- (10) Pumping stations;
- (11) Radio, AM or FM, or televisions broadcasting stations or transmitters and microwave radio relay structures;
- (12) Repair and storage garages;
- (13) Telephone exchanges;
- (14) Theaters, lodges, assembly halls, auditoriums;
- (15) Tire repair shops;
- (16) Auto body operations;
- (17) Spray-painting operations;
- (18) Auction rooms;
- (19) Automobile accessory stores;
- (20) Automobile service stations, including the incidental storage of rental trucks and trailers, except that trucks and trailers for storage or rental may not be parked within the public right-of-way;
- (21) Blueprinting and Photo staving establishments;
- (22) Business machine sales and service establishments;
- (23) Carpet and rug stores; Catering establishments;
- (24) China and glassware stores;

- (25) Clothing and costume rental stores;
- (26) Employment agencies;
- (27) Exterminating shops;
- (28) Floor covering;
- (29) Fraternal, philanthropic and eleemosynary uses;
- (30) Hospitals and sanitariums;
- (31) Interior decorating shops, including upholstering and making of draperies, slipcovers, and other similar articles when conducted as part of the retail operation and secondary to the principal use;
- (32) Laboratories for research development and testing;
- (33) Meat markets, including sale of meat and meat products to restaurants, hotels, clubs and other similar establishments when such sale is conducted as part of the retail business on the premises;
- (34) Orthopedic and medical appliance and supply stores;
- (35) Paint and wallpaper stores;
- (36) Phonograph, record, sound equipment and sheet music stores;
- (37) Schools for music, dance business or trade;
- (38) Taxidermists;
- (39) Upholstery shops;
- (40) Water softener sales and services;
- (41) Vehicle service centers;
- (42) Other retail sales and service uses which are similar in character to those enumerated in this subsection, and which will not be dangerous or otherwise detrimental to persons residing at, or enjoyment, or value of, any property, but not including any of the following uses:
  - (a) Any use permitted only in an I-1 or I-2 District;
  - (b) Manufacturing and processing other than an accessory use customarily incidental to permitted commercial sales and service uses; or
  - (c) Any use which is objectionable by reason of emission of odor, dust, smoke, gas, vibration or noise, or which may impose hazard to health or property.

#### D. CONDITIONAL USES

Conditional uses in the C-2 District shall include:

- (1) Any uses not specifically enumerated in Section 15 that can be considered commercial in character.
- (2) Machinery and equipment sales and service establishments for equipment under one and one-half (1 ½) tons gross weight.

E. AREA; YARD; HEIGHT; AND LOT COVERAGE REQUIREMENTS

The requirements regulating the minimum lot size, minimum yard sizes (front, side, and rear), maximum building height (stories and feet), and maximum percent of lot coverage by buildings, as pertains to this district, shall conform with the provisions of Section 23, "Schedule of District Regulations", and other applicable provisions of Section 24, "Supplementary District Regulations".

F. AUTOMOBILE PARKING SPACE REGULATIONS

For parking space regulations, see Section 25.

G. SCREENING

In the C-2 District, whenever a C-2 use abuts an R-1L, R-1, R-2, R-3, or R-4 use, a wall or fence of not less than six feet (6') nor more than eight feet (8') in height is required. Natural screening may be substituted for a wall or fence upon approval of the City Council. Refer to Venus Fence Ordinance for further clarification.

H. LANDSCAPING

For landscaping requirements, see Section 26.

**SECTION 17: I-1 LIGHT INDUSTRIAL**

A. STATEMENT OF PURPOSE

The I-1 District is established to accommodate those uses which are of a non-nuisance type located in relative proximity to residential areas, and to preserve and protect lands designated on the comprehensive plan for industrial development and use from the intrusion of certain incompatible uses which might impede the development and use of lands for industrial purpose. Development in the I-1 District is limited primarily to certain wholesale and jobbing commercial uses and certain industrial uses, such as, the fabrication of material, and specialized manufacturing and research institutions, all of a non-nuisance type. No use or types of uses specifically limited to the I-2 District may be permitted in the I-1 District.

B. GENERALLY

Uses permitted in the I-1 district are subject to the following conditions:

- (1) All business, servicing, or processing, except for off-street parking, off-street loading, display of merchandise for sale to the public, and establishments of the "drive-in" type, shall be conducted within completely enclosed buildings, unless otherwise indicated in this Section;
- (2) All storage within one hundred feet (100') of a residence district, except for motor vehicles in operable condition, shall be within completely enclosed buildings or effectively screened with screening, not less than six feet (6') nor more than eight feet (8') in height, provided no storage located within fifty feet (50') of such screening shall exceed the maximum height of such screening.

C. USES PERMITTED

Uses permitted in the I-1 District shall be as follows:

- (1) Advertising products, such as signs and billboards;
- (2) Ambulance, bus, train, and taxi stations, truck yards;

- (3) Awnings, Venetian blinds, and window shades;
- (4) Dairy and other food products, but not including fish and meat products, sauerkraut, vinegar, yeast, alcohol or alcoholic beverages;
- (5) Boat-building of small craft and other similar assembling;
- (6) Bottling or distribution plants, milk or soft drinks;
- (7) Building materials yard, contractor's yard, lumberyard;
- (8) Cameras and other photographic equipment;
- (9) Ceramic products, such as pottery, figurines, and small glazed tiles;
- (10) Cleaning and dyeing plants;
- (11) Cosmetics and toiletries, drugs, perfumes, and perfumed soaps, and pharmaceutical products;
- (12) Electrical appliances, such as lighting fixtures, irons, fans, and toasters;
- (13) Electrical equipment assembly, such as home radio and television receivers and home-movie equipment, but not including electrical machinery;
- (14) Electrical supplies, manufacturing and assembly, such as wire and cable assembly, switches, lamps, insulation and dry-cell batteries;
- (15) Electronic instruments;
- (16) Furniture refinishing using a manufacturing or chemical dipping process;
- (17) Insecticide and pesticide, packaging only;
- (18) Jewelry;
- (19) Machine shops and fabrication of metal not more than ten (10) gauge in thickness;
- (20) Medical, dental, and optical supplies;
- (21) Metal finishing, plating, grinding, sharpening, polishing, cleaning rust proofing, and heat treatment;
- (22) Metal stamping and extrusion of small products, such as costume jewelry, pins and needles, razor blades, bottle caps, buttons, and kitchen utensils;
- (23) Milk and ice cream processing;
- (24) Monument works;
- (25) Musical instruments;
- (26) Orthopedic and medical appliances, such as artificial limbs, braces, supports, and stretchers;
- (27) Photo finishing associated with a manufacturing process;
- (28) Repair of farm, household, office machinery or equipment;



- (29) Scientific and precision instruments;
- (30) Sheet metal shops;
- (31) Silverware, plate and sterling;
- (32) Shell egg business, candling, cartooning, and distributing;
- (33) Existing commercial and residential uses in use as such on the effective date of this ordinance;
- (34) Public utility and public service uses as follows:
  - (a) Bus stations, bus terminals, bus turnaround (off-street), bus garages, and bus lots;
  - (b) Electric substations;
  - (c) Gas regulator stations, mixing stations, and gate stations;
  - (d) Radio and television towers;
  - (e) Railroad passenger stations;
  - (f) Telephone exchanges, microwave relay towers, telephone transmission equipment buildings and service yards;
- (35) Radar installations and towers;
- (36) Stadiums, auditoriums, and arenas, open or enclosed;
- (37) Storage and warehousing establishments;
- (38) Storage yards, but not including junkyards;
- (39) Trailer sales and rental, for use with private passenger motor vehicles;
- (40) Weighing stations;
- (41) Wholesaling establishments;
- (42) Accessory uses, including but not limited to the following:
  - Temporary buildings for construction purposes for a period not to exceed the duration of such construction;
- (43) Other wholesale, light manufacturing, construction or service uses which are similar in character to those enumerated in this subsection, and which will not be dangerous or otherwise detrimental to persons residing or working in the vicinity thereof, or to the public welfare, and will not impair the use, enjoyment, or value of any property;
- (44) Factory outlet retail or wholesale store for the sales and servicing of goods or materials on the same premises as the manufacturing company to which they are related, including sales and service in a separate building or buildings.

**D. CONDITIONAL USES**

The following conditional uses may be allowed in the I-1 District subject to the provisions of Section 6:

- (1) Amusement establishments, livestock exhibition halls, including fairgrounds, permanent carnivals, kiddy parks, and other similar outdoor amusement facilities;
- (2) Asphalt and concrete hatching or ready-mix plants;

- (3) Concrete products casting;
- (4) Dwelling units may be permitted only as an accessory use and only for employees having duties in connection with any premises requiring them to live on said premises, including families of such employees when living with them;
- (5) Gasoline and oil storage, wholesale, provided all applicable safety regulations are complied with, and provided, however, that the location is approved by the Board of Adjustment;
- (6) Motor freight terminals;
- (7) Railroad freight terminals, railroad switching and classification yards, repair shops, and roundhouses;
- (8) Restaurant;
- (9) Theaters, automobile drive-in; or
- (10) Automobile and motorized vehicle and equipment display, sales, and service.

**E. DENSITY; AREA; YARD; HEIGHT; AND LOT COVERAGE REQUIREMENTS**

The requirements regulating the maximum permissible residential density, minimum lot size, minimum yard sizes (front, side, and rear), and maximum building height (stories and feet), and maximum percent of lot coverage by buildings, as pertains to this district, shall conform with the provisions of Section 23, "Schedule of District Regulations", and other applicable provisions of Section 24, "Supplementary District Regulations".

**F. AUTOMOBILE PARKING SPACE REGULATIONS**

For parking space regulations, see Section 25.

**G. LANDSCAPING**

For landscaping requirements, see Section 26.

**SECTION 18: I-2 HEAVY INDUSTRIAL**

**A. STATEMENT OF PURPOSE**

The I-2 District is established to accommodate most industrial uses and protect such areas from the intrusion of certain incompatible uses which might impede the development and use of lands for industrial purpose.

**B. GENERALLY**

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

- (1) All business, servicing, or processing, except for off-street parking, off-street loading, display or merchandise for sale to the public, and establishments of the "drive-in" type, shall be conducted within completely enclosed buildings unless otherwise indicated in this Section;
- (2) All storage within one hundred feet (100') of a residence district, except for motor vehicles in operable condition, shall be within completely enclosed buildings or effectively screened with screening, not less than six feet (6') nor more than eight feet

(8') in height, provided no storage located within fifty feet (50') of such screening shall exceed the maximum height of such screening.

#### C. USES PERMITTED

The following uses shall be permitted:

- (1) Existing commercial and residential uses used as such on the effective date of this ordinance;
- (2) Uses permitted in I-1 Districts, provided that no dwelling or dwelling unit is permitted except those for employees having duties in connection with any premises requiring them to live on said premises, including families of such employees when living with them;
- (3) Paper and paper products;
- (4) Motor freight terminals
- (5) Railroad freight terminals, railroad switching and classification yards, repair shops, and roundhouses;
- (6) Feed mixing and grinding plants;
- (7) Foundry or metal fabrication;
- (8) Concrete products casting, mixing and products manufacture;
- (9) Meat product processing;
- (10) Cartage establishments;
- (11) Tire manufacture;
- (12) Storage of petroleum products, wholesale;
- (13) Automobile, airplane and other similar assembling.

#### D. CONDITIONAL USES

The following conditional uses may be allowed in the I-2 District subject to the provisions of Section 6:

- (1) Any use allowed as a conditional use in the I-1 District, unless permitted above.

#### E. DENSITY; AREA; YARD; HEIGHT; AND LOT COVERAGE REQUIREMENTS

The requirements regulating the maximum permissible residential density, minimum lot size, minimum yard sizes (front, side, and rear), and maximum building height (stories and feet), and maximum percent of lot coverage by buildings, as pertains to this district, shall conform with the provisions of Section 23, "Schedule of District Regulations", and other applicable provisions of Section 24, "Supplementary District Regulations".

#### F. AUTOMOBILE PARKING SPACE REGULATIONS

For parking space regulations, see Section 25.

G. LANDSCAPING

For landscaping requirements, see Section 26.

**SECTION 19: MH MANUFACTURED HOME PARK**

A. PURPOSE AND SCOPE

It is the purpose of the MH Manufactured Home Park District to provide areas for the location of manufactured homes in an attractive, moderate density setting and insure the presence of amenities required for satisfactory quality of life in areas designated for manufactured home use. It shall be unlawful for any person to park, place or locate a Manufactured Home anywhere in the corporate City limits, unless it meets the requirements of this Section.

B. PRINCIPAL PERMITTED USES

- (1) HUD Code manufactured home (mobile home); and
- (2) Public parks, playgrounds, recreational and community center buildings and grounds; public golf courses, public swimming pools, tennis courts and similar recreational uses, all of a noncommercial nature.
- (3) Any principal building or any swimming pool shall be located not less than one hundred (100) feet from any other lot in any residential district.

NOTE: Mobile homes as defined in the Manufactured Housing Standards Act, Article 5221f, Section 3(a), V.T.C.S., shall not be used as dwelling units in the City.

C. CONDITIONAL USES

All conditional uses permitted in the R-1 Single-Family District.

D. ACCESSORY USES

All accessory uses permitted in the R-1 Single-Family District.

E. HEIGHT REGULATIONS

No principal structure shall exceed two and one-half (2 ½) stories or thirty-five (35) feet in height, and no accessory structure shall exceed one (1) story, or twenty (20) feet in height.

F. MANUFACTURED HOME PARK PLAN REQUIRED

The Manufactured Home Park Plan shall comply with the City of Venus Subdivision Ordinance

G. ENLARGEMENT

Any enlargement or extension of any existing Manufactured Home Park shall require application for a building permit as if it were a new establishment.

Enlargement – Existing facilities to Comply. No enlargement or extensions to any Manufactured Home Park shall be permitted unless the existing facility is made to conform with all of the requirements for new construction for such an establishment.

H. MINIMUM STANDARDS AND REQUIREMENTS

Manufactured Home Parks shall be designed and maintained in accordance with the following requirements:

(1) Park Area – The minimum Manufactured Home Park shall be ten (10) acres.

(2) Manufactured Home Lots – Minimum Requirements

Area . . . . .	4,500 sq. ft.
Width . . . . .	50 ft.
Front Yard . . . . .	25 ft.
Rear Yard . . . . .	20 ft.
Side Yard . . . . .	10 ft.

I. GENERAL REQUIREMENTS

(1) License Requirements & Regulations – Manufactured Home Rental Community License Required: It shall be unlawful for any person(s) to maintain or operate within the City of Venus any Manufactured Home Rental Community unless such person(s) shall first comply with the following and obtain a license therefore.

(a) Pre-existing Rental Communities: Notwithstanding the provisions of this ordinance, a license shall be issued within 30 days to any Manufactured Home Rental Community, which was in operation prior to the adoption of this ordinance, for operations only to the extent that they were carried on such date of the adoption. All pre-existing rental communities obtaining licenses as set out herein shall be considered legal non-conforming uses. At any time that the ownership of a legally non-conforming Manufactured Home Rental Community operating under this ordinance is transferred, the Manufactured Home Rental Community shall be required to conform with all sections of this ordinance before a license to the new owners will be issued. Ownership transfer is defined as a majority stock transfer or a transfer of title to the real property except for a bonafided gift, devise or descent. Any Manufactured Home Rental Community annexed and/or subdivision constructed after the adoption of this ordinance, shall likewise comply as here above described in this section.

Application for a Manufactured Home Rental Community license shall be in writing, signed by the applicant, and shall contain the following:

- The name and address of the applicant and owner if not the same.
- The location survey and legal description of the manufactured home rental community by metes and bounds.
- A complete plan of the rental community with lot numbers.
- Design and engineering drawings properly sealed. Plans of all buildings, lots and other improvements constructed including water, sewer installations shall be in accordance with City standards.
- Such further information as may be requested by the City to enable the City to determine if the Manufactured Home Rental Community will comply with the legal requirements.
- The application and all accompanying plans shall be filed in triplicate. The City Secretary, City Code Enforcement, City Engineer, City Fire Marshal and City Planning and Zoning Commission shall investigate the application and inspect the plans. If the Manufactured Home Rental Community is in compliance with all provisions of this ordinance and all other applicable ordinances or statues, the Planning and Zoning

Commission may approve the application. The City Secretary at the direction of the Planning and Zoning Commission shall issue the license.

- The license application form for a Manufactured Home Rental Community shall be obtained from the City Secretary at the fee of one hundred dollars (\$100.00). Such license shall expire on December thirty-first (31<sup>st</sup>) of the year in which it is issued and must be renewed on a yearly basis.
- (b) The City Council may revoke any license to maintain and operate a Manufactured Home Rental Community when the licensee has been found guilty by a court of competent jurisdiction of violating any provisions of this ordinance. After such conviction, the license may be reissued if the circumstances leading to conviction has been remedied and the Rental Community is being maintained and operated in full compliance with the law of this Ordinance, the fee for which shall be set by the City Council.
- (c) The City Council may revoke any Manufactured Home Rental Community license upon recommendation of the Planning and Zoning Commission in case any of the provisions hereof are violated. However, before the license may be revoked, the City Council must give a ten (10) day notice, delivered in person or by registered mail to the holder of the license, and after ten (10) days, a hearing thereon. After the license has been revoked, the license may be reissued if the reasons for the revocation have been duly corrected.
- (d) The license certificate issued under the provisions of this Ordinance shall be conspicuously posted in the office of the Manufactured Home Rental Community at all times.

(2) Manufactured Home Park Regulations

- (a) Each Manufactured Home Rental Community shall be provided with a structure to be known and marked as the offices. In which, shall keep copies of all records pertaining to the management and supervision of the rental community, as well as all rules and regulations of the rental community and such records, rules and regulations to be available to be available for inspection.
- (b) It shall be the duty of the licensee to keep a register containing a record of all occupants located within the Rental Community. The register shall contain the following information:
- Name and address of each occupant and/or owner.
  - Make, model, serial number, year and size of home.
  - The make, model and year of all recreational vehicles, camping of travel trailers, coaches, and motor homes used as dwelling temporary.
  - The date of arrival and of departure of each of the above.

The manager of the Rental Community shall keep the register available in the office for inspection at all times by law enforcement officers, public health officials and other officials whose duties necessitate acquisition of the information contained in the register. The register records shall be kept up-to-date and shall not be destroyed for a period of two (2) years following the date of registration.

- (c) It shall be the duty of the owner of each Manufactured Home Rental Community, his agent, representative or manager, to prescribe rules and

regulations for the management of the Rental Community. To make adequate provision for the enforcement of such rules, and to subscribe to any and all subsequent rules and regulations which may be adopted or the management of such Rental Community. Copies of such rules and regulations shall be furnished to each occupant upon registration and a copy to the Planning & Zoning Clerk. In addition thereto, it shall be the duty of the owner, his agent, representative or manage to comply.

(d) It shall be the responsibility of the Manufactured Home Rental Community owner or his agent to maintain said Rental Community in a safe, clean and sanitary condition and:

- Provide that each structure be installed in accordance with the Sate of Texas regulations and skirted within 30 days after being placed on a lot or pad.
- Provide that the City Secretary be notified upon approval of the installations by State Inspectors.
- Provide for regular inspection of water and sanitary conveniences.
- Provide for the collection and removal of garbage, other waste materials and refuge.
- Provide for the removal of any unsightly, wrecked, abandoned or junked vehicles, machinery or equipment.
- Inspected by City Code Enforcement.

(3) It shall be unlawful for any person operating a Manufactured Home Rental Community or occupying a manufactured home to construct or permit to be constructed in such rental community or in connection with such Manufactured Home any additional structure, building or shelter in connection with or attached to a Manufactured Home except, however, awnings of wood or metal may be attached to such Manufactured Home as well as portable, prefabricated Home storage or living area, which meet the following requirements:

- To secure a building permit from the City Secretary.
- Strength of materials and structure to meet minimum of the City Building Code.
- Such room shall be completely dismantled and/or removed from the site at the time the Manufactured Home to which it is an accessory is moved.
- Finished in appearance to be as near the same as possible to the Manufactured Home to which it is an accessory.
- The length must not exceed the length of the Manufactured Home to which it is an accessory.
- The width shall not exceed the width of the Manufactured Home.
- Any structure building or shelter added to or placed on Manufactured Home site shall meet all of the setback requirements contained in this Ordinance.
- Only one such room for dwelling purposes per Manufactured Home shall be permitted.

(4) Subdivision Ordinance Variations

- (a) Centrally located refuse containers having a capacity of three cubic yards or larger shall be provided, one for each thirty (30) lots. Such containers shall be designed so as to prevent spillage, container deterioration, and to facilitate cleaning around them. Refuse and garbage shall be removed from the park at least twice each week. These containers shall be screened and set apart by at least twenty-five (25) feet from any dedicated right-of-way or Manufactured Home.
- (b) Fire hydrants must follow both of two rules:
  - No structure shall be further away, in a direct line, than 500 feet from a fire hydrant.
  - Hydrant spacing along a water main shall not exceed 500 feet.
- (c) Bottled gas for cooking and or heating purposes shall not be used at individual Manufactured Home lots unless the containers are properly connected, by copper or other suitable metallic tubing. Bottled gas cylinders shall be securely fastened in place. No cylinder containing bottled gas shall be located in a Manufactured Home, under or within then (10) feet of any Manufactured Home and twenty-five (25) feet of any street or drive. State and local regulations applicable to the handling of bottled gas and fuel oil must be followed.
- (d) Street lights within the Manufactured Home Rental Community or subdivision shall be provided along all internal streets at 300 feet intervals. Each fixture shall have a minimum 200-watt lamp of high-pressure sodium.

(5) Parking

All areas used for automobile access and parking shall comply with the applicable provisions of this ordinance, provided that there shall be at least two (2) off-street parking spaces for each manufactured home lot, and one (1) additional space for each three (3) lots to accommodate guests.

(6) Entrance to Manufactured Home Parks

No vehicular entrance to, or exit from, any Manufactured Home Park, wherever such may be located, shall be within two hundred (200) feet along streets from any school, public playground, church, hospital, library, or institution for dependents or for children, except where such property is in another block or another street which the premises in question do not abut.

(7) Landscaping – Unused Areas

All areas not used for access, parking, circulation, buildings, and service shall be completely and permanently landscaped and the entire site maintained in good condition. A landscaped strip of land not less than ten (10) feet in width shall be established and maintained within the Manufactured Home Park along the exterior boundaries.

(8) Screening

Screening shall be provided according to the following requirements:

- (a) In the event that a Manufactured Home Park backs or sides upon a residential, commercial, or industrial district, a solid masonry screening fence not less than six (6) feet in height shall be erected and maintained along the property line dividing the two districts;
- (b) A masonry screening fence shall consist of materials of equal composition and characteristics as the main buildings in the district; and



(c) No such screening fence shall be so erected as to obstruct the vision of motorists at alley, street or drive intersections.

(9) Access

Each Manufactured Home Park shall abut a public street, and each manufactured home lot shall have direct access to a private interior street.

(10) Concrete Slab

Each manufactured home lot shall be equipped with a concrete slab of sufficient size to support the wheels and front parking jack. Said slab shall have a minimum horizontal dimension of eight, (8) by ten (10) feet and a minimum thickness of four (4) inches.

(11) Utilities

Each manufactured home unit shall be equipped with one (1) electrical outlet. Manufactured home units not equipped with water and sewer facilities shall be located no more than two hundred (200) feet from the community utility building which shall provide separate toilet and shower facilities for each sex.

(12) Recreational Areas

There shall be provided within each Manufactured Home Park an adequate site or sites for recreation for the exclusive use of the park occupants. Such recreational site or sites shall have a minimum area of at least eight percent (8%) of the gross land area of the Manufactured Home Park.

(13) Length of Occupancy

No trailer or manufactured home shall remain in a Manufactured Home Park for a period exceeding ten (10) days without connection to the permanent sanitary sewer system of the park.

(14) Recreational Vehicles and Boat Storage

A storage area must be provided within each Manufactured Home Park for the parking and storage of boats and recreational vehicles. Said storage area shall be of sufficient size to accommodate all boats and recreational vehicles in the Manufactured Home Park. Said storage area shall be screened with a six, (6) foot solid fence.

(15) Camping/Travel Trailers

- (a) It shall be unlawful for any person to park, place or locate a camping or travel trailer in any place, in the City except in accordance with this section.
- (b) No camping or travel trailer may be placed in a Manufactured Home Rental Community or approved campground for over ten (10) days out of any period of thirty (30) consecutive days. The owner of the Manufactured Home Rental Community shall keep a record book showing the day and time of arrival of each travel trailer, the license number, the owner or resident of the trailer, a description of the travel trailer, and upon departure, show the date and time of leaving. Entries shall be made in this book promptly upon arrival of such travel trailer, and these books shall be open to inspection by officers of the City at any time. Special camping or travel trailer or recreational vehicle parking areas shall be subject to the requirements for records and length of stay.
- (c) It is specifically provided that camping or travel trailers may be located, for storage purposes only, on the premises of the owner of the camping or travel

trailer or City approved storage area within a Manufactured Home Rental Community.

- (d) It shall be unlawful for any person to park, place or locate a HUD-Code Manufactured Homes in any place in the City other than a duly licensed Manufactured Home subdivision, unless the Manufactured Home is temporarily located on business property for purpose of sale by a dealer in Manufactured Homes.

**J. ADDITIONAL REQUIREMENTS**

In addition to the foregoing, the City Council may impose such other conditions, requirements, or limitations concerning the design, development, and operation of such Manufactured Home Park as it may deem necessary for the protection of adjacent properties and public interest.

**SECTION 20: MANUFACTURED HOME SUBDIVISION DISTRICT**

**A. PURPOSE AND SCOPE**

The Manufactured Home Subdivision District is designed to provide areas for the location of manufactured homes in an attractive, low density setting and insure the presence of amenities required for satisfactory quality of life in areas designated for manufactured home use.

**B. PRINCIPAL PERMITTED USES**

- (1) HUD Code manufactured home (mobile); and
- (2) Public parks, playgrounds, recreational and community center buildings and grounds; public golf courses, public swimming pools, tennis courts and similar recreational uses, all of a noncommercial nature.
- (3) Any principal building or any swimming pool shall be located not less than one hundred (100) feet from any other lot in any residential district.

NOTE: Mobile homes as defined in the Manufactured Housing Standards Act, Article 5221f, Section 3(a), V.T.C.S., shall not be used as dwelling units in the City.

**C. CONDITIONAL USES**

All conditional uses permitted in the R-1 Single-Family District.

**D. ACCESSORY USES**

All accessory uses permitted in the R-1 Single-Family District.

**E. HEIGHT REGULATIONS**

No principal structure shall exceed one (1) stories or twenty (20) feet in height, and no accessory structure shall exceed one (1) story, or twenty (20) feet in height.

**F. MINIMUM STANDARDS AND REQUIREMENTS**

Manufactured Home Subdivisions shall be designed and maintained in accordance with the R-1 Single-Family District of this Ordinance. All Manufactured Subdivisions must meet all of the requirements in the R-1 Single-Family District of the Ordinance.

## **SECTION 21: PD PLANNED DEVELOPMENT DISTRICT**

### **A. PURPOSE AND SCOPE**

The PD Planned Development District is designed to provide flexibility in development planning and the opportunity for the application of planning concepts. Planned development zoning shall require the submission and approval of a development site plan.

The City Council after public hearing and proper notice to all parties affected, and after recommendation from the Planning and Zoning Commission, may require the creation of Planned Development Districts when any of the following developments are being considered:

- (1) Large shopping center;
- (2) Housing development on tracts of five (5) acres or more;
- (3) Industrial parks or districts on tracts of ten (10) acres or more;
- (4) Medical center or hospital;
- (5) Civic center and/or community center;
- (6) Office, motel or hotel center on tracts of two (2) acres or more;
- (7) Recreation center;
- (8) Research park or scientific research center; or
- (9) A combination of uses, which are not customarily allowed in any one of the districts established in this ordinance.

### **B. APPLICATION PROCEDURES**

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

#### **(1) Proposed Uses**

An application for a PD District shall specify and describe the category or type of use or the combination of uses proposed. Permitted uses under PD zoning shall be specified in each PD ordinance. If such ordinance specifies permitted uses by references to a zoning district, the permitted uses shall include those uses permitted in the reference district, including those permitted through the cumulative provision of the zoning ordinance.

#### **(2) Development Requirements**

An application for a PD District shall include a list of development requirements, which may be incorporated into the PD ordinance. Development requirements may include, but not be limited to, density, lot size, unit sizes, setbacks, building heights, lot coverage, parking ratios, screening and other requirements the Council may deem appropriate.

Standards set forth in specific zoning districts will be used as guidelines for planned developments. Modifications of standards may be considered if the modification substantially meets the intent of the ordinance and improves the overall development design, or if a unique project design is proposed which cannot readily be accommodated through other districts. Pecuniary reasons shall not be the sole reason for modifying standards.

#### **(3) Concept Plan**

An application for a PD District shall include a concept plan showing the relationship to existing natural features and adjacent properties and uses.

The concept plan shall be construed as an illustration of the development concepts and not as an exact representation of all specific development details.

### C. DEVELOPMENT SITE PLAN

Approval of a development site plan shall be a prerequisite to the issuance of building permits for any property in a PD District. The approval of a development site plan may also serve as preliminary plat approval, provided that all requirements of the subdivision ordinance and its subsequent amendments are satisfied.

#### (1) Compliance with Approvals

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

#### (2) Review Process

The development plan review process shall include review by the Planning and Zoning Commission, referral by the Planning and Zoning Commission to the City Council with a recommendation, and review and final approval of the development plan by the City Council.

#### (3) Modifications

The Planning and Zoning Commission may recommend, and the Council may require, such modifications of a development site plan that will ensure the proposed project will be in harmony with the existing and anticipated development of surrounding areas.

#### (4) Requirements

- (a) General Information: Twenty (20) copies of development site plan; vicinity map or adequate reference to intersecting streets to locate specific property; north arrow, date, scale (not less than 1" = 100').
- (b) Site/Adjacent Property Information: Site, indicating boundaries and project phase lines, if any; public or private rights-of-way and easements on site or abutting or intersecting the site; adjacent properties, with zoning and existing uses identified.
- (c) Building Layout: Existing and proposed structures; front, side and rear building setback lines; proposed category of use or uses of structures; elevation views or renderings indicating architectural design, building materials proposed and window orientations (one copy required); number of stories, in height and feet; gross floor area; location of entrances and exits.
- (d) Circulation and Parking: Location, dimensions and proposed construction of all streets, private drives, alleys, parking areas and drive approaches; street drives and alleys which are adjacent to or dead-end into the site, including the location of existing and proposed median openings and left-turn lanes in boulevard streets; number and dimensions of parking spaces and width of drive approaches and aisles; sidewalks and other facilities for pedestrian circulation; location, width and curve radii for required fire lanes.

- (e) Drainage/Utilities/Services: Existing and proposed topography, reflecting proposed handling of on-site surface drainage; limits of the 100-year floodplain and floodway as shown on current FIA mapping, including location and acreage; proposed improvements and method of maintenance for any drainage channels; existing and proposed water and sanitary sewer layout; existing and proposed fire hydrant locations; propose locations for solid waste container pads.
- (f) Screening/Open Space/Recreational Facilities: Location, height and building materials for any proposed or required walls or fences; height, location and type of any proposed berms or living screens; location and size (if applicable) of proposed recreation facilities (swimming pools, tennis courts, ect.); location of open play areas and playgrounds with play equipment; landscape plan.
- (g) Living Units: Table showing type of units by size, number of bedrooms, and number of each type; floor plans for all units.

#### D. ADMINISTRATIVE ACTION

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

- (1) A change in the character of the development;
- (2) An increase in the ratio of the gross floor area in structures to the area of any lot;
- (3) An increase in the intensity of use;
- (4) A reduction in the originally approved separations between buildings;
- (5) An increase in the problems of circulation, safety, and utilities;
- (6) An increase in the external effects on adjacent property;
- (7) A reduction in the originally approved setbacks from property lines;
- (8) An increase in ground coverage by structures;
- (9) Reduction in the ratio of off-street parking and loading space to the gross floor area in structures; and
- (10) Change in the locations, lighting or orientation of originally approved signs.

#### E. STANDARDS FOR TOWNHOUSE DEVELOPMENTS

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

The following standards are set forth as guidelines for the preparation of a development plan as required by Section 18.B. Consistent with the intent of the Planned Development District, these standards may be modified as may serve the best interest of the community upon approval of the development plan.

- (1) Townhouse Lots

The following minimum requirements should apply to each townhouse lot:

- (a) Area of Lot – Three thousand (3,000) square feet;
- (b) Depth of Lot – One hundred (100) feet, except where the lot backs to a freeway, expressway, or thoroughfare in which case the minimum depth of lot shall be one hundred ten (110) feet;
- (c) Width of lot – Twenty-six (26) feet;
- (d) Front Yard Setback – Twenty (20) feet; and
- (e) Exterior Side Yard – Where a side lot line abuts a street, the width of the side yard shall be fifteen (15) feet.

Access to townhouse lots shall be adequate to provide fire protection and sanitation service.

(2) Spacing Between Buildings

Dwelling units should be in groups of not less than three (3) townhouse units nor more than seven (7) townhouse units; in no event should more than one-fourth (¼) of the total building groups contain seven (7) townhouses. The total length of any one group of units should not exceed an overall length of two hundred twenty-five (225) feet. There shall be a minimum space of thirty-six (36) feet between building groups and fifteen (15) feet between the end of a building and a street, private drive, or alley.

(3) Open Space

No less than forty (40) percent of the total gross land area should be open space which shall not be used as an area of principal construction, nor for automobile driveways or parking facilities. Such open space should be used exclusively for the purpose of installation of recreational facilities and green or landscaped areas. Flood plains, or any standing surface water, other than swimming pools, may be considered open space if specifically approved by council.

(4) Density

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

(5) Living Area in Each Townhouse Unit

The minimum living area for a one-bedroom townhouse unit shall be eight hundred fifty (850) square feet; two (2) or more bedroom units shall have a minimum of twelve hundred (1,200) square feet living area, exclusive of garages, breezeways, patios, and porches.

(6) Exterior Fire Resistant Construction

All main buildings shall be of exterior fire resistant construction having exterior walls constructed of brick, stone, concrete block, or other masonry, or materials of equal characteristics, or as approved in the review of the development plan.

(7) Fire Walls

Within each townhouse complex, a four (4) hour, fire-rated fire wall shall be placed every forty-five hundred (4,500) square feet. All such fire walls shall be continuous and unbroken from the foundation slab to the underside of the roof deck and conform to the other requirements for fire walls as outlined in the building code for the City. All other townhouse unit separation walls shall be of a two (2) hour rating.

(8) Utilities

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

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

(9) Parking Regulations

Two and one-half (2 ½) parking spaces shall be provided off the street for each townhouse unit. Each townhouse should provide a carport or garage and shall have a capacity for two (2) motor vehicles (pickup and vans not exceeding three-fourths (¾) ton capacity). The additional one-half (½) parking space per unit shall be placed in groups scattered through the development to accommodate the guests of the homeowners. No more than fifty (50) percent of the additional off-street parking spaces shall be located on private or public streets or alleys.

(10) Recreational Facilities

Recreational and community facilities, including community buildings, swimming pools, and playground areas, shall be considered in the review of the development plan.

(11) Recreational Vehicles and Equipment

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

(12) Screening

Screening shall be provided according to the following requirements:

- (a) In the event that a townhouse development backs up or sides upon a R-1, R-2, R-3, or C District, a solid masonry screening fence of not less than six (6) feet nor more than eight feet (8") shall be erected and maintained along the property line separating the two districts;
- (b) A masonry screening fence shall consist of materials of equal composition and characteristics as the main buildings in the townhouse development; and
- (c) No such screening fence shall be erected so as to obstruct the vision of motorists at alley, street, or drive intersections.

(13) Construction Requirements

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

(14) Homeowners' Association

Before approval of any plat containing any common area, it shall be necessary to assure the City that provisions have been made for adequate upkeep and maintenance of such area and facilities. Any such homeowners' or maintenance association, so established to maintain and manage all such common area, the City may, by ordinance, provide for maintenance at the expense of the property owners, and provide for a lien against the property of the members, as in the case of individual homeowners. The power of the City to file a lien shall be recited in the bylaws of the Association.

## **SECTION 22: FP FLOODPLAIN DISTRICT**

### **A. FLOODPLAIN PREFIX TO DISTRICT DESIGNATION**

The FP prefix designation constitutes a zoning overlay district, and the addition or removal of the FP prefix constitutes zoning action requiring due process provided under State law. Further public notice to all downstream property owners within the City with like FP zoning is required prior to any such zoning action.

To provide for the appropriate use of land which has a history of inundation or is determined to be subject to flood hazard, and to promote the health, safety and general welfare of the community, portions of certain districts are designated with a floodplain prefix FP and shall be subject to the following provisions.

### **B. PERMITTED USES**

In this district, no land shall be used except for one or more of the following permitted uses, to the extent that they are not prohibited by other regulations or ordinances, and provided that such uses do not require above ground structures, filling or storage of material or equipment, except as herein specifically authorized.

- (1) Agricultural activities including the ordinary cultivation of land or legal forms of animal husbandry.
- (2) Electrical substation.
- (3) All types of local utilities, including, but not limited, to water distribution and waste water collection systems, water and waste water treatment facilities and water quality/monitoring stations or other structures required to provide water and sewage, telephone, gas and electrical services.
- (4) Parks, community centers, playgrounds, public golf courses.
- (5) Private commercial open area amusements such as golf courses, driving ranges, archery courses and similar uses when approved by conditional use zoning action.
- (6) Facilities that would warrant no flood protection, such as accessory private open space in conjunction with commercial or residential development, community unit recreational areas or recreation developments.
- (7) Parking areas associated with a part of contiguous land use.

No building or structure shall be erected in that portion of a district designated with a floodplain FP prefix other than those listed in this section. There shall be no dumping, excavation, storage or filling operations within that portion of a district having a floodplain FP prefix designation except under conditions of this ordinance.

### **C. CONDITIONS FOR ADDING FP PREFIX DESIGNATION**

The City Council may, after a public hearing, amend the zoning classification of any property by adding the floodplain FP prefix designation based on hydraulic engineering studies indicating new boundaries of the area that is subject to inundation by floodwaters. The City Council shall provide for the addition of such floodplain FP prefix designation to the zoning district maps.

### **D. CONDITIONS FOR REMOVAL OF FP PREFIX DESIGNATION**

The City Council, in considering and determining its decision relative to any application for the removal of the floodplain FP prefix designation, shall require the applicant to furnish, to the City, fill and development plans, and data concerning the operation, location, function and characteristics of any use of land or building proposed. The application will not be scheduled for public hearing until the City Engineer certifies information furnished is adequate for review and comment as required in this section.



**SECTION 23: SCHEDULE OF DISTRICT REGULATIONS**

	R-1L	R-1	R-2	R-3	R-4	MH	MH-1	C-1	C-2	I-1	I-2	AG
Maximum Height (ft)	---	35	35	45	45	35	35	45	50	50	50	50
Minimum Side Yard Interior (ft)	10	8	8	8	8	G	8	A	A	A	A	20
Minimum Side yard Corner Lot Street Side (ft)	15	15	15	15	15	15	15	15	15	15	15	25
Minimum Rear Yard (ft)	25	25	25	25	25	G	25	A	A	A	A	25
Minimum Front Yard (ft)	50	25	25	25	25	G	25	A	A	A	A	35
Minimum Lot Area (sq. ft)	3 acres	8,000	10,000	B	C	6,500	10,000	A	A	---	---	2 acres
Minimum Building Size (sq. ft)	1,450	1,250	1,250	850	D	G	1,250	E	E	---	---	1,000
Masonry (%) F	80%	80%	80%	80%	80%	---	80%	80%	80%	80%	---	80%
Minimum Lot Width (ft)	120	80	80	80	80	G	80	A	A	A	A	75
Minimum Lot Depth (ft)	200	100	100	100	100	G	100	A	A	A	A	120
Maximum building Area (%) H	40%	50%	50%	50%	50%	50%	50%	A	A	A	A	40%

- A- None required except where a non-residential use abuts a residential lot the requirement shall be the same as the adjoining residential zone and shall comply with visibility and parking requirements as provided within this ordinance.
- B- Lot area shall be not less than nine thousand (9,000) square feet for dwelling unit construction. For each dwelling unit over three (3) in number, no less than one thousand five hundred (1,500) square feet of additional lot area is required. A maximum of ten (10) units may be constructed per acre.
- C- Lot area shall be not less than seven thousand five (7,500) square feet for each dwelling or dwelling group have three (3) dwelling units and not less than one thousand (1,000) square feet of lot area, in addition, for each additional dwelling unit over three (3) in number. A maximum of sixteen (16) units may be constructed per acre.
- D- Minimum building size shall be for one bedroom unit – 650 square feet; two bedroom -780 square feet; three bedroom – 930 square feet.
- E- Requirements for residential construction shall be the same as for the R-4 District; nonresidential construction minimum building size shall be 500 square feet.
- F- Masonry requirements shall mean a brick, stone or similar material veneer attached to an outside wall.
- G- See Section 19 for additional Manufactured Home District regulations.
- H- See Appendix C (3. Yards)
- I. R-2 residential units must comply with all R-2 restrictions regardless of which district the unit is located in.

The Schedule of District Regulations notwithstanding, the exterior of additions and/or modifications to existing non-masonry single family residential structures and accessory buildings to such structures may consist of materials consistent with the exterior of the existing structure.

## SECTION 24: SUPPLEMENTARY DISTRICT REGULATIONS

### A. SCREENING ELEMENTS AND FENCES

In order to provide maximum safety to pedestrians and motorists at intersections and at ingress and egress points from public streets, highways, and alleys to private property, to conserve and protect the value of adjacent land and buildings; to protect aesthetic views and vistas, to secure hazardous areas from unauthorized entry, to contain livestock and other agricultural activities, and to screen and protect permitted outside materials storage areas, the following regulations are prescribed for the location, type, and height of regulated required and non-required screening elements and fences. The term “screening element” as used herein is defined in Section 4. The term “fence” as used herein is defined in the City’s Fence Ordinances.

#### (1) Traffic Visibility at Intersections

On a corner lot in any district, nothing shall be erected, placed, planted, or allowed to grow in such a manner as to materially impede vision between a height of two feet (2’) and ten feet (10’) above the centerline grades of the intersecting streets in the area bounded by the street lines of such corner lots and a line joining points along said street lines twenty-five feet (25’) from the point of the intersection.

#### (2) Traffic Visibility at Interior Lots

On an interior lot in any district, nothing shall be erected placed, planted, or allowed to grow in such a manner as to materially impede the vision or in any way create a traffic hazard to motorists entering or exiting any public highway, street, alley, or private street or driveway from or to adjacent private property.

#### (3) Residential Districts – General

- (a) Screening elements and fences shall be restricted to a maximum height of six feet (6’), measured from the adjacent grade line, except as otherwise allowed.
- (b) Nonresidential uses in a residential district shall be suitably screened from view, to a height not less than six feet (6’) nor more than eight feet (8’), of any adjacent residential lot or dwelling use along the side and rear property lines of such nonresidential use. Said screening requirements shall not be mandatory for public schools, parks or churches, except where a parking lot or active outdoor intensive use area (such as a playground) is adjacent to a residential lot or dwelling. Parking lot screening need not be more than three and one half feet (3 ½) in height. Off-street loading areas of any nonresidential use shall be adequately screened from view of any residential dwelling or lot or of any other adjacent public or semi-public land use.

#### (4) Non-residential Districts – General

- (a) Where a nonresidential use abuts a residential lot, use or district, the side and rear property lines abutting said residential lot, use, or district shall be suitably screened by the residential lot, use, or district shall be suitably screened by the nonresidential use so as to obscure the view from the residential lot, use or district to the nonresidential use to a height not less than six feet (6’) nor more than eight feet (8’).
- (b) Where a district boundary separating a residential district from a nonresidential district is along a street or alley, and an automobile parking lot or parking area is located in the front yard of the nonresidential use, then said parking lot or parking area facing the residential lot, use, or district shall be suitably screened to a height of not less than three and one-half feet (3 ½’)
- (c) Where garbage, refuse, and trash collection/storage is permitted and the screening thereof is required, then such screening shall be provided around the

exposed perimeter thereof of not less than six feet (6') nor more than eight feet (8') in height.

- (d) In all districts where open storage is permitted and the screening thereof is required, then such screening shall be provided around the exposed perimeter thereof of not less than six feet (6') nor more than eight feet (8') in height.
- (e) Off-street loading areas shall be adequately screened from view of any residential dwelling or of any other adjacent residential land use.
- (f) No screening element comprised of brick, masonry, concrete or solid metal shall be erected or placed which would interfere with the installation or maintenance of any public utility line, service, or drainage way, within the easements reserved therefore.
- (g) All required screening elements shall be permanently and adequately maintained by the nonresidential property owner.

(5) Barbed Wire Fences

- (a) Barbed wire fences used in conjunction with permitted agricultural and related activities and in industrial districts are permitted without restrictions, but are expressly prohibited in all other districts except as provided below.
- (b) Barbed wire strands may be placed on top of permitted fences and screening elements in an industrial or general commercial district for the purpose of security from theft, entry, and hazard around public utility substations and uses of a similar nature, provided the top strand is not higher than eight feet (8') nor the bottom strand lower than six feet (6') from the adjacent grade line.

**B. ACCESSORY BUILDINGS**

The following regulations shall govern the location, size, and use of any accessory buildings:

- (1) No accessory building shall be erected in any required yard area as stipulated in this ordinance, except as allowed in the following paragraphs.
- (2) No accessory building shall be erected within ten feet (10') of any other building, except detached residential garages may be located within five feet (5') of the main dwelling, and except as the provisions of paragraph (5) below are met.
- (3) No detached residential garage or carport shall be erected or placed closer to any street or alley right-of-way line than the minimum yard requirements (building set-back line) governing the district in which such garage or carport is located.
- (4) No detached residential garage or carport shall be erected or placed within eight feet (8') from any side lot line.
- (5) Residential accessory buildings and sheds housing domestic lawn and garden equipment and all other household effects may be detached or attached to the main building, but shall not encroach in any required front yard, and may not occupy more than thirty percent (30%) of the rear yard.
- (6) No accessory building shall be higher than the main building and in no case be in excess of eighteen feet (18') in height.
- (7) No accessory building shall be erected or placed within three feet (3') of any side or rear lot line and shall not encroach upon any easement.

C. PROJECTIONS OF BUILDINGS, STRUCTURES, AND APPURTENANCES INTO REQUIRED YARDS

- (1) Open or lattice enclosed fire escapes may project into a required yard not to exceed five feet (5'). The ordinary projections of chimney's pilasters shall be permitted by the City's City Secretary when placed so as not to obstruct light and ventilation.
- (2) Terraces, balconies, decks, uncovered porches and ornamental features, which do not extend more than four feet (4') from the side wall line and being at least seven (7') feet above the floor level of the ground (first) story, may project into a required side yard, provided these projections be a distance at least four (4') feet from any adjacent side lot line. Such features may not project onto a required front or rear yard more than eight feet (8') from the front or rear wall line.
- (3) An unenclosed porch containing not more than forty (40) square feet may project into a required front yard for a distance not to exceed five feet (5').
- (4) A carport or canopy may project into a required side yard, provided every part of such carport or canopy is unenclosed, except for necessary structural supports, and not less than five feet (5') from any side lot line.
- (5) Every part of a required yard shall be open to the sky, unobstructed by a building, except for the ordinary projections of sills, belt courses, cornices, and ornamental features not exceeding twelve inches (12"), or as otherwise excepted in paragraphs (1) through (4) above.

D. PARKING, STORAGE OR USE OF MAJOR RECREATIONAL EQUIPMENT AND VEHICLES

No major recreational equipment shall be parked or stored on any lot in a residential district, except in a carport or enclosed building, on a driveway, or in a required side or rear yard, except that such equipment may be parked anywhere on a residential premises not to exceed twenty-four (24) hours during loading or unloading.

No such equipment shall be used for living, sleeping, or housekeeping purposes when parked or stored on a residential lot, except for the temporary housing of guests not to exceed two (2) consecutive weeks.

For purposes of these regulations, major recreational equipment is defined as including boats and boat trailers, travel trailers, pickup campers, or coaches (designed to be mounted on automotive vehicles), motorized dwellings, tent trailers, and the like, and cases or boxes used for transporting recreational equipment, whether occupied by such equipment or not.

E. HEIGHT OF OTHER STRUCTURES

No other structures on land zoned R1, R2, R3, or R4 shall be higher than the primary residence, and in no case in excess of eighteen feet (18') in height.'

**SECTION 25:           PARKING SPACE REGULATIONS**

A. AUTOMOBILE PARKING SPACE REGULATIONS

Whenever any ordinance, regulation, or plan enacted or adopted by the City Council is for the purpose of providing off-street automobile parking spaces or of establishing requirements that such spaces be provided within any section or sections of the City, then such plan or requirements shall govern within such sections. Otherwise off-street automobile parking spaces

shall be provided as follows, applicable to buildings hereafter erected and uses hereafter established, to such nonconforming uses as may be required to conform to the regulations hereof, and to extensions and enlargements of buildings and uses.

- (1) Except as otherwise provided in the section, off-street parking spaces shall be provided as follows:

USE OF BUILDING OR SITE	MINIMUM NUMBER OF PARKING SPACES REQUIRED
<b>Residential</b>	
Single Family	2.0 per dwelling unit
Two Family	2.0 per dwelling unit
Multifamily	2.5 per dwelling unit
Efficiency and one bedroom	1.5 per dwelling unit
Two or more bedrooms	2.0 per dwelling unit
<b>Commercial</b>	
Offices and Banks	3.3 per 1,000 sq. ft. gross floor area
Clinics and Doctors' Offices	8.0 per 1,000 sq. ft. gross floor area
General Retail	4.0 per 1,000 sq. ft. gross floor area
Shopping Centers	5.5 per 1,000 sq. ft. gross floor area
Car Wash	0.3 per employee, plus 1.0 for owner or manager, plus reservoir parking as provided below
Restaurants	0.3 per seat
Hotels, Motels	1.25 per rentable room plus 0.5 per employee on any one shift
Halls for meeting, dancing, social events	5.0 per 1,000 sq. ft. gross floor area
<b>Entertainment</b>	
Bowling Alleys / Pool Halls	5.0 per 1,000 sq. ft. gross floor area
<b>Industrial</b>	
<b>Auditoriums and Theaters</b>	0.3 per seat
<b>Churches (Sanctuary)</b>	1.0 per four seat
<b>Churches (Additional space)</b>	1.0 per 1,000 square feet
<b>Elementary and Junior High Sch.</b>	1.0 per staff members
<b>Hospitals</b>	1.2 per bed plus 1.0 per three staff members on any one shift
<b>Nursing Homes</b>	1.0 per five beds plus 1.0 per two staff members on any one shift
<b>Wholesale storage and Jobbing</b>	1.0 per employee, plus 1.0 per business vehicle parked on premises, plus 2.0 for visitor or customer parking

Off-street reservoir parking shall be provided for an automatically operated car wash equal to three (3) times the maximum capacity of the car wash, and for a manually operated car wash equal to six (6) times the maximum capacity of the car wash, for automobiles awaiting entrance. "Maximum Capacity" shall mean the greatest number of automobiles undergoing some phase of washing at the same time.

The required yard setbacks for any building shall not be included in calculating the minimum space requirements for off-street parking.

- (2) Where a building or a site contains two (2) or more uses, the off-street parking requirement shall be computed as the sum of the required off-street parking spaces for each individual use.
- (3) Each business, commercial, manufacturing or industrial use having deliveries made by truck more than once a day between the hours of 8:00 a.m. and 6:00 p.m., or where the time of loading and unloading materials or goods exceeds ten (10) minutes between those hours, shall provide off-street truck loading space on the lot, such space to be not less than thirty-five feet (35') in length, twelve feet (12') in width, and fifteen feet (15') in height.
- (4) For the purpose of this subsection, one parking stall shall be not less than one hundred seventy-five (175) square feet in area, together with whatever area is required for means of ingress and egress thereto, except that in the case where attendants perform the act of parking in defined and adequate stalls then each such stall shall be considered a parking stall as required herein.
- (5) A driveway for access to any single parking space or to a parking lot shall be not less than eleven feet (11') in width nor more than thirty feet (30') in width at the property line along the street and shall be so located as to minimize traffic hazard and congestion.
- (6) All required parking stalls shall be located on the premises to which such requirement applies or within an off-street space distance not more than five hundred feet (500') from such premises, provided that such stalls as are required for employees and proprietors of any premises may be located within an off-street space distance not more than one thousand feet (1,000') from such premises, except as otherwise provided in this subsection or other subsection of this Ordinance.
- (7) Provision of parking stalls shared jointly by several persons in the same block or in the same vicinity is permissible, in which case the number of stalls required shall be the sum total of the individual requirements, provided that, where it is found by the Board of Adjustments, upon application thereto, that the parking demand generated by the different uses included in any joint arrangement to provide parking stalls required herein occurs at distinctly different times, as in the case of a theater generating demand for parking during such daytime hours, and in similar cases, the Board of Adjustments may reduce the total of number of parking stalls to be jointly provided.
- (8) All parking spaces required for any use and provided in compliance with the provisions of this subsection on the same lot or plot as that occupied by such use shall be considered to be required spaces for the use or uses to which appurtenant and shall not be reduced or encroached upon in any manner.
- (9) The surface of parking stalls and aisles, truck standing spaces, and access driveways therefore shall be treated, prepared and maintained for adequate drainage and the elimination of dust, dirt, and mud, according to city specifications.
- (10) In a case where existing off-street parking facilities have unused parking capacity, and where such facilities are open to the use of the public free of charge or at reasonable rates, the Board of Adjustments may reduce the parking space requirements for any use distance not more than eight hundred feet (800') from such facility or facilities, provided that the total number of stalls in such reduction shall be not greater than the total number of stalls of unused capacity.
- (11) In a case where any public or private off-street parking facility, to be open to the use of the public free of charge or at a reasonable rates, is planned or is in process of development, and where the Board of Adjustments has reasonable assurance that such development will be carried to completion and will, when completed, relieve the

parking demand in an area within five hundred feet (500') thereof in some measure or in full measure, the Board of Adjustments may establish a reasonable time period within which any use or uses within such area shall provide required space for parking stalls. Upon completion of all or a portion of such development, the provision of paragraph (10) above may be applied by the Board.

- (12) In a case where the customary mode of transportation of a majority of the patrons, employees, and proprietors of any use, to and from the area in which such use is located, is other than by private automobile, the Board may reduce by an amount not to exceed fifty percent (50%) the space required for parking stalls for such use.
- (13) In a case where it is clearly shown by the applicant, to the satisfaction of the Board, that the provision of the amount of space required herein for parking stalls, due to the particular nature of the proposed use or other condition, would be an unnecessary hardship, the Board may reduce such requirement.

## B. RESIDENTIAL OFF-STREET PARKING

### (1) Purpose

It is recognized that uncontrolled residential off-street parking, specifically in residential front yards, is a public nuisance. The purpose of this subsection is to provide for the regulation of residential off-street parking and to specify the requirements for residential off-street parking as they pertain to the appearance and the health, safety, and welfare of the City.

### (2) Definitions and Restrictions

It shall be illegal for any person to park, or to allow to be parked on any property under his control, any automobile, bus, truck, motorcycle, motor home, camper, trailer, boat or any vehicle on any portion of a front yard or side yard of any area which is zoned R-1L, R-1, or R-2, under this Ordinance unless:

- (a) Said area is a part of a hard surfaced driveway or parking area;
- (b) Said area is a part of a required hard surfaced driveway that provides access to a garage, carport or off-street parking area required by this Ordinance;
- (c) Said area is part of a side yard which is enclosed by a screening fence at least six feet (6') in height and so constructed that no person can see through into the area surrounded by the fence;
- (d) The term "vehicle" as used herein shall mean every device in, upon, or by which any person or property is or may be transported or drawn upon a street or highway, except devices moved exclusively by human power. The term "hard surfaced" as used herein shall include cement, asphalt, brick and other commonly accepted pavement which may be approved by the City Inspector;
- (e) A single-width driveway running from the street access to a garage or other parking area shall not utilize more than fifteen percent (15%) of any residential front yard, except for front yards with a front footage width of less than seventy feet (70'), in which case the maximum width for a single driveway shall be eleven feet (11');
- (f) A double-width driveway running from the street access to a garage or other parking area shall not utilize more than twenty-seven percent (27%) of any residential front yard, provided that the maximum width of a driveway shall not exceed twenty-four feet (24') in any case and shall not exceed eighteen feet (18') for front yards with a front footage width of less than seventy feet (70');
- (g) A triple-width driveway running from the street to a garage or other parking area shall not utilize more than thirty-three percent (33%) of any residential

front yard, provided that the maximum width of a driveway shall not exceed thirty feet (30') in any case, and shall not be permitted for front yards with a front footage width of less than eighty feet (80');

- (h) A drive apron means the connection between a driveway and the traveled portion of a street, in the public right-of-way, including any sidewalk area abutting thereon; or
- (i) Circular driveways used for turnarounds or through traffic shall not utilize more than thirty percent (30%) of any residential front yards or corner side yards with a front footage or less than eighty feet (80').

## **SECTION 26: LANDSCAPING REGULATIONS**

These landscaping regulations provide standards and criteria for new landscaping which are intended to promote the value of property, enhance the welfare, and improve the physical appearance of the City. The standards contained in this section are deemed to be minimum standards and shall apply to all new construction occurring within zoning districts (R1L), (R-1), (R-2), (R-3), (R-4), (C-1), (C-2), (I-1), and (I-2).

### **A. Permits:**

No permits shall be issued for building, paving, grading or construction until a landscape plan is submitted and approved by the City. In the event that the proposed development requires an approved, subdivision plat, site plan, or master development plan, no such final approval shall be granted unless a landscape plan is submitted and approved

Prior to the issuance of a certificate of occupancy of any building or structure, all screening and landscaping shall be in place in accordance with the landscape plan required in *Section 26-2 Landscape Plans*.

In any case in which a certificate of occupancy is sought at a season of the year in which the City determines that it would be impractical to plant trees, shrubs or grass, or to lay turf, a certificate of occupancy may be issued notwithstanding the fact that the landscaping required by the landscape plan has not been completed provided the applicant posts a letter of credit or deposits cash in an escrow account in the amount of the estimated cost of such landscaping. Such letter of credit or escrow deposit shall be conditioned upon the installation of all landscaping required by the landscaping plan within six (6) months of the date of the application and shall give the City the right to draw upon the letter of credit or escrow deposit to complete the said landscaping if the applicant fails to do so.

### **B. Landscape Plans**

Prior to the issuance of a building, paving, grading, or construction permit for any use other than single family dwellings, a landscape plan shall be submitted to the City. The City 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 landscape architect, landscape contractor or landscape designer, knowledgeable in plants, materials and landscape design. Landscape plans shall contain the following information:

- (1) Minimum scale of one inch equals fifty feet;
- (2) Location of all trees to be preserved;
- (3) Location of all plants and landscaping material to be used including plants, paving, benches, screens, fountains, statues, or other landscape features;



- (4) Species of all plant material to be used;
- (5) Size of all plant material to be used;
- (6) Spacing of plant material where appropriate;
- (7) Layout and description of irrigation, sprinkler or water systems, including placement of water sources;
- (8) Description of maintenance provisions for the Landscape Plan;
- (9) Persons responsible for the preparation of the Landscape Plan.

**C. Minimum Landscaping Requirements:**

(1) **Landscaping Percentage for Street Yard Area** - The street yard area is the area between the building front line and the front of the property (right-of-way) line. For all parcels with less than two hundred fifty feet (250') of frontage adjacent to a dedicated public right-of-way, at least ten percent (10%) percent of the street yard shall be permanent landscape area For all parcels having two hundred fifty feet (250') or more of frontage shall have at least fifteen percent (15%) of the street yard shall be permanent landscape area The required landscaping shall consist of a mixture of plant materials consisting of grass and/or ground covers, plants, shrubbery and trees of a variety of sizes as approved on the landscape plan. The street yard shall be defined as the area between the building front and the front property line.

(2) **Landscaping Adjacent to Public Rights-of-Ways** - A minimum ten foot (10) landscape buffer (interior parkway) adjacent to the public right-of-way of any public thoroughfare is required. Corner lots fronting on two (2) thoroughfares shall be required to observe the ten foot (10) buffer on both 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 street yard 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.

(3) **Landscaping within Off-Street Parking Areas** - Landscape areas within off-street parking areas should generally be at least one parking space in size, with no landscape area less than fifty square feet (50 S.F.) in area. Landscape areas shall be no less than five feet (5') wide and shall equal a total of at least sixteen square feet (16 S.F.) 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 define 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.

(4) **Screening of Parking Areas Adjacent to a Public Right-of-Way** - At least seventy-five percent (75%) of the frontage of parking areas, adjacent to a public right-of-way, within the street yard, shall be screened from public streets with evergreen shrubs attaining a minimum height of three feet (3') or a low masonry wall or earthen berm of equal height. Use of a wall or earthen berm for parking lot screening should be accompanied with landscape planting in the form of low shrubs and ground cover to soften the appearance of the wall or earthen berm.

(5) **Percentage of Overstory Trees** - A minimum of fifty percent (50%) of the total trees required for the property shall be overstory trees as specified on the approved plant list. Accent trees shall be used under existing or proposed overhead utility lines.

(6) **Necessary driveways** from the public right-of-way shall be permitted through all required landscaping in accordance with City regulations.

(7) **Residential Buffer Yards** - For any development in "R-3", "R-4" "C-1" "C-2", "I-1", "I-2", and "H-I" zoning districts which abut districts zoned residential or mobile home there shall be a minimum twenty foot (20') wide green belt of "live plant material of the evergreen variety", planted on six foot (6') centers, for the entire distance along which the development abuts the residential or mobile home districts. Where a fire lane is required, the green belt may be reduced to ten feet (10').

(8) **Multi-Family Buffer Yards** - For any development in "C-1", "C-2" "I-1", "I-2" zoning districts which abuts a district zoned multi-family there shall be a minimum twenty foot (20') wide green belt of "live plant material of the evergreen variety", planted on six foot (6') centers, for the entire distance along which the development abuts the residential or multi-family districts. Where a fire lane is required, the green belt may be reduced to ten feet (10').

**D. General Standards:**

All required landscaped 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. Plant materials used in conformance with the provisions of this Ordinance shall conform to the standards of the American Standard for Nursery, or equal thereto. Grass seed, sod, and other material shall be clean and reasonably free of weeds and noxious pests and insects. The following criteria and standard shall apply to landscape materials and installation:

- (1) **Trees** - 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. Overstory trees shall be a minimum of three inches (3") in caliper (measured six inches (6") above the ground) and seven feet (7') in height at time of planting. Accent trees shall be a minimum of one inch (1") in caliper (measured six inches (6") above the ground) and five feet (5') in height at time of planting. The following list of trees may be used when landscaping.

Overstory Trees (Range from 30 to 60 Feet)	
Bald Cypress	Taxodium distichum
Cedar Elm	Ulmus crassifolia
Lacebark Elm	Ulmus parvifolia
Pecan	Carya illinoensis
Chinese Pistache	Pistacia chinensis
Bur Oak	Quercus macrocarpa
Red Oak	Quercus shumardii

Sweet Gum	<i>Liquidambar styraciflua</i>
Green Ash	<i>Fraxinus pensylvanica</i>
Live Oak	<i>Quercus virginiana</i>
Western Soapberry	<i>Sapindus drummondii</i>
Post Oak	<i>Quercus stellata</i>
Black Jack Oak	<i>Quercus marilandica</i>
Eastern Red Cedar	<i>Juniperus virginiana</i>
Southern Magnolia	<i>Magnolia grandiflora</i>
Slash Pine	<i>Pinus elliotii</i>

Overstory Trees (Range from 30 to 60 Feet)	
Japanese Black Pine	<i>Pinus thunbergii</i>
Austrian pine	<i>Pinus nigra</i>
Afghan Pine	<i>Pinus eldarica</i>
Accent Trees (Range from 10 to 20 Feet)	
Redbud	<i>Cercis canadensis</i>
Crape myrtle	<i>Lagerstroemia indica</i>
Yaupon Holly	<i>Ilex vomitoria</i>
Bradford Pear	<i>Pyrus calleryana</i> ? Bradford?
Texas Sophora	<i>Sophora affinis</i>
Wild Plum	<i>Prunus americana</i>
Crab Apple	<i>Malus augustifolia</i>
Deciduous Holly	<i>Ilex decidua</i>
Flameleaf Sumac	<i>Rhus copallina</i>
Cherry- Laurel	<i>Prunus caroliniana</i>
Chaste Tree	<i>Vitex agnus-castus</i>

**Shrubs and Hedges** - Shrubs and hedges shall be a minimum of one foot (1<sup>1</sup>) in height when measured immediately after planting. Hedges, where installed, shall be planted and maintained so as to form a continuous, unbroken, solid, visual screen, which will be two feet (2<sup>2</sup>) high within one (1) year after time of planting. The following list of shrubs and hedges may be used when landscaping.

Shrubs & Hedges	
Dwarf Crape Myrtle	Lagerstroemia indica nana
Dwarf Burford Holly	Ilex comuta ? bar fordii nana?
Dwarf Chinese Holly	Hex cornuta ? rotunda?
Frasers Photinia	Photinia Fraseri
Shrubs & Hedges	
Purple Sage	Leucophyllum frutescens
Purple Leaf Japanese Barberry	Berberis thunbergii ? atropurpurea?
Pampas Grass	Cortaderia selloana
Nandina	Nandina domestica
Juniper Supp.	Juniperus chinensis
Fountain Grass	Pennisetum sp.

**Ground Covers** - 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 complete coverage within one (1) year of planting. The following list of ground covers may be used when landscaping.

Ground Coveis (Ranges from 18 feet)	
Juniper Supp	Juniperus horizontalis or procumbens
Periwinkle	Vinca major
Liriope	Liriope muscari
Asian Jasmine	Trachelospermum asiaticum
Confederate Star Jasmine	Trachelospermumjasminoides

**Vines** - Vines shall be a minimum of two feet (2<sup>1</sup>) in height immediately after planting and may be used in conjunction with fences, screens, or walls to meet screening requirements as specified. The following list of vines may be used when landscaping.

Vines	
Coral Hone> suckle	Lonicera sempervirens
Carolina Yellow <sup>7</sup> Jasmine	Gelsemium sempervirens
Lady Banksia Rose	Rosa baksiae

Cross Vine	Bignonia capreolata
Sweet autumn clematis	Clematis paniculata
Virginia Creeper	Parthenocissus qirinquifolia
Boston Ivy	Parthenocissus tricuspida

**Grass** - Lawn grass areas may be sodded, plugged, sprigged, or seeded except that solid sod shall be used in swales, berms, or other areas subject to erosion.

The following list of plant materials may also be used when landscaping:

Perennial and Annual Flowers	
Chrysanthemum	Chrysanthemum supp.
Canna	Canna generalis
Copper Leaf	Acalyopha Wilkesiana
Periwinkle	Catharanthus roseus
Iris	Iris supp.
Lantana	Lantana Camera
Daffodil	Narcissus Jonquil, Tazetta & King Alfred
Petunia	Petunia hybrida
Marigold	Tagetes supp.
Tulip	Tulipa supp.
Zinnia	Zinnia supp.
Caladium	Caladium hortulanum, candidura pink beauty
Moss Rose or Portulaca	Portulaca grandiflora
Wild Flowers	

**E. Tree Credits:**

- (1) Any trees preserved on a site meeting the herein specification may be credited toward meeting the tree requirement of any landscaping provision of this section according to the following table:

<b>Circumference of Existing Tree at 4-.5' Above Ground</b>	<b>Credit Against Tree Requirement</b>
6" to 8"	1.0 Tree
9" to 30"	1.5 trees
31" to 46"	2.0 Trees
47" or more	3.0 Trees

- (2) Due to the 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 City. Should any required tree designated for preservation in the landscape plan die, the owner shall replace the tree with a three inch (3") minimum caliper tree in accordance with the credits listed above. Tree circumference shall be measured four and one-half feet (4.5') above natural grade.

**F. Maintenance of Landscaping:**

All landscaping shall be the responsibility of the property owner. It shall be permanently maintained and shall have either an irrigation system installed, meeting all applicable requirements of the City, or shall be located within seventy- five (75) feet of a bibcock, faucet, or other water source.

- (1) Landscaped areas shall be kept free of trash, litter, weeds, and other such material or plants not a part of the landscaping.
- (2) All plant materials shall be maintained in a healthy and growing condition as is appropriate for the season of the year.
- (3) Plant materials which die shall be replaced with plant material of similar variety and size.

**G. Sight Distance and Visibility:**

Landscape planting shall not be erected or installed in such a manner as to interfere with traffic viewer impose a safety hazard. Rigid compliance with these landscaping requirements shall not be such as to cause visibility obstructions and/or blind comers 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 extends into the cross-visibility area.

The triangular areas are:

- (1) The areas of property on both sides of the intersection of an alley access way and public right- of-way shall have a triangular visibility- area with two (2) sides of each triangle being a minimum often feet (10') in length from the point of intersection and the third side being a line connecting the ends of the other two sides.
- (2) The areas of property located at a comer formed by the intersection of two (2) or more public rights-of-way shall have a triangular visibility area with Iwo (2) sides of each triangle being a minimum of twenty -five feet (25') in length from the point of intersection and the third side being a line connecting the ends of the other two (2) sides.

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 City the requirements set forth herein may be reduced to the extent to remove the conflict.

**H. Enforcement:**

The provision of this section shall be administered and enforced by the City.

If, at any time after the issuance of a Certificate of Occupancy, the approved landscaping is found to be in non- conformance to the standards and criteria of this section, the City 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 the *Venus Zoning Ordinance*.

**SECTION 27: NONCONFORMING USES**

**A. INTENT**

Within the districts established by this ordinance, or amendments that may later be adopted, there exist lots and uses of lands, buildings and structures, uses of land and buildings in combination, and characteristics of use which were lawful before this ordinance was passed and amended, but which would be prohibited, regulated or restricted under the terms of this ordinance or future amendments. It is the intent of this ordinance to permit these nonconformities to continue until they are removed. It is further the intent of this ordinance that such nonconformities shall not be enlarged upon, expanded or extended, nor be used as ground for adding other buildings and structures or uses prohibited elsewhere in the same district.

Nonconforming uses are declared by this ordinance to be incompatible with permitted uses in the districts involved. A nonconforming use of a building or structure, a nonconforming use of land, or a nonconforming use of buildings and land in combination shall not be extended or enlarged after passage of this ordinance by attachment on a building or premises of additional signs intended to be seen from off the premises or by the addition of other uses of a nature which would be prohibited generally in the district involved.

**B. NONCONFORMING LOTS OF RECORD**

In any district in which residential, commercial, or industrial buildings are permitted, buildings may be erected on any single lot of record, or multiple lots of contiguous street frontage in the same ownership, which were recorded prior to the effective date of this ordinance. This provision shall apply even such lot or lots fail to meet the minimum requirements for area, width, or both, as governed by Section 22; however, all other provisions of Section 22 shall apply. Any required variances shall be obtained only through the Zoning Board of Adjustment.

(1) Conformance When

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

The use of land, if changed from a nonconforming use, shall be in conformity with the provisions hereof.

(2) Repairs – Cost Ceiling

The total structure repairs or alterations in a nonconforming building shall not, during its life, exceed fifty (50) percent of the assessed value of the building unless changed to a conforming use. The use of a nonconforming building may be changed to another nonconforming use of the same or more restricted classification.

(3) Extension When

A nonconforming use of a building or land shall not be extended unless changed to a conforming use.

(4) Classification Changes

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

For the purpose of this regulation, uses permitted in R-1L Districts shall be deemed to be those in the most restricted classification.

(5) Restoration When

A nonconforming structure destroyed or damaged by fire, flood, wind, earthquake, explosion or other casualty, or by the public enemy, to the extent where the cost of restoration would amount to less than fifty percent (50%) of its assessed value may be restored. If the damage is in excess of fifty percent (50%) of its assessed value or restoration is not started within a period of one (1) year and carried diligently to completion, application for restoration shall be made to the Board to permit such restoration. Property owners, as shown by the City tax records on the effective date of this ordinance, shall be able to restore their property, regardless of the extent of destruction, without making application to the Board. However, said restoration shall comply with all construction codes then in effect within the City.

(6) Applicability

The provisions of this section shall apply to any use that may become nonconforming due to a change in the classification of the district in which located, from the effective date of the ordinance making the change.

(7) Board Approved Use Conforms

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

(8) Time Limits.

After the adoption of this section, any non-conforming use that is hereinafter created by the passage of a zoning change shall be allowed to continue for a period of not more than three years. After that three year period, the continued use will be in violation of this ordinance and all future use of the property must be in compliance with then existing zoning requirements. It will not be a defense to prosecution under this ordinance or future zoning ordinances that the use was a non-conforming use, the non-conforming status will have expired. The city council may extend the non-conforming use status for an additional period up to five years beyond the first three year period, if a request for hearing is filed with the city within 90 days of the zoning change and the city council finds that the failure to grant the extension would cause great financial hardship to the landowner for improvements to the property. The city council shall only consider the reimbursement of investment in improvements to only consider the reimbursement of investment in improvements to the property such as construction, repair and remodeling of the property or structure and not the loss of income or profit in granting an extension which maybe for less than five years. If the property when purchased or occupied was used for residential purposes and later an addition lawful zoning use of the property was added without discontinuing the residential use, then no extension may be granted unless there can be a showing that an expenditure on improvements was substantial and that those improvements are of no benefit to a residential use. Improvements or repairs done after the zoning change may not be considered. Nothing in this Section or Ordinance shall be deemed to repeal Ordinance 194-96 Section 2 or any time period running there under.

## **SECTION 28: PLANNING AND ZONING COMMISSION**

### **A. DUTIES AND POWERS**

A planning and Zoning Commission is authorized and if created the Planning and Zoning Commission is hereby charged with the duty and invested with the authority to:

- (1) Inspect property and premises at reasonable hours where required in the discharge of its responsibilities under the laws of the State of Texas and of the City.
- (2) Recommend to the City Council approval or disapproval of proposed changes in the zoning plan.
- (3) Formulate and recommend to the City Council, for its adoption, a City Plan for the orderly growth and development of the City and its environs and from time-to-time recommend such changes in the plan as it finds will facilitate the movement of people and goods, and the health, recreation, safety, and general welfare of the citizens of the City.



- (4) Formulate a zoning plan as may be deemed best to carry out the goals of the City Plan; hold public hearings and make recommendations to the City Council relating to the creation, amendment, and implementation of zoning regulations and districts as provided in Chapter 211, Section 211.007 of the Local Government Code of the State of Texas. All powers granted under said Section are specifically adopted and made a part hereof.
- (5) Exercise all the powers of a Commission as to approval or disapproval of plans, plats, or replats set out in Chapter 212, Section 212.006 of the Local Government Code of the State of Texas.
- (6) Study and recommend the location, extension and planning of public rights-of-ways, parks or other public places, and on the vacating or closing of same.
- (7) Study and recommend on the general design and location of public buildings, bridges, viaducts, street fixtures and other structures appurtenances. Study and recommend on the design or alteration and on the location or relocation of works of art which are, or may become, the property of the City.
- (8) Initiate in the name of the City, for consideration at public hearing, all proposals: (a) for the opening, vacating or closing of public rights-of-way, parks or other public places; or closing of public rights-of-way, parks or other public places; (b) for the change of zoning district boundaries on an area-wide basis. No fee shall be required for the filing of any such proposal in the name of the City.
- (9) Formulate and recommend to the City Council for its adoption policies and regulations consistent with the adopted City Plan governing the location and/or operation of utilities, public facilities, and services owned or under the control of the City.
- (10) Submit each May, a progress report to the City Council summarizing its activities, major accomplishments for the past year, and a proposed work program for the coming year. The report shall contain for the year the attendance record of all members and identity of commission officers.

## B. CITY COUNCIL

The City Council may serve as the Planning and Zoning Commission under authority of State law and additional notice requires therein stated are hereby adopted.

## **SECTION 29: BOARD OF ADJUSTMENT**

### A. ORGANIZATION OF BOARD OF ADJUSTMENT

There is hereby created a Board of Adjustment, herein referred to as the Board, which shall be organized, appointed, and function as follows:

The Board shall consist of five (5) members who are residents of the City, each to be appointed by the City Council for a term of two (2) years and removable for cause by the appointing authority upon written charges and after public hearing. The City Council shall designate one (1) member as chairman. Vacancies shall be filled for the unexpired term of any member, whose place becomes vacant for any cause, in the term of any member, whose place becomes vacant for any cause, in the same manner as the original appointment was made. The City Council may appoint two (2) alternate members of the Board who shall serve in the absence of one (1) or more of the regular members when requested to do so by the Chairman of the Board or City Secretary, as the case may be. All cases to be heard by the Board will always be heard by a minimum of seventy-five percent (75%) of the number of regular members. These alternate members, when appointed, shall serve for the same period as the regular members, which is for a term of two (2) years, and any vacancy shall be filled in the same manner, and they shall be subject to removal the same as the regular members.

Each position on the Board shall be given a numerical designation with the designations beginning with the number 1 and ending with the number 5. The terms of the odd-numbered positions (places 1, 3, and 5) shall expire in odd-numbered years and the terms of even-numbered positions (places 2 and 4) shall expire in even-numbered years. Board members may be appointed to successive terms.

Each alternate position on the Board shall be given a numerical designation with the designations beginning with the number 1 and ending with the number 2. The terms of the odd-numbered positions shall expire in odd-numbered years and the terms of even-numbered positions shall expire in even-numbered years. Board alternate members may be appointed to successive terms.

Appointments of members and alternate members of the Board shall be made at the first regular City Council meeting in the month of June of each year. Newly appointed members and alternate members shall be installed at the first regular Board meeting after their appointment. If there is a sitting Board, they shall continue to serve.

## B. OPERATIONAL PROCEDURE

- (1) The Board shall adopt rules to govern its proceedings provided, however, that such rules are not inconsistent with this ordinance or state law. Meetings of the Board shall be held at the call of the chairman and at such other times as the Board may determine. The Chairman, or in his absence, the acting Chairman, may administer oath and compel the attendance of witnesses.
- (2) All meetings of the Board shall be open to the public. The Board shall keep minutes of its proceedings, showing the vote of each member upon each question, and shall keep record of its examinations and other official actions, all of which shall be immediately filed in the office of the Board and shall be a public record.
- (3) Appeals to the Board can be taken by any person aggrieved or by an officer, department, or board of the municipality affected by any decision of the administrative official. Such appeal shall be taken within fifteen (15) days after the decision has been rendered by the administrative official by filing with the officer from whom the appeal is taken and with the Board a notice of appeal specifying the grounds thereof. The officer from whom the appeal is taken shall forthwith transmit to the Board all the papers constituting the records upon which the action appealed from was taken.
- (4) An appeal shall stay all proceedings in furtherance of the action appealed from unless the officer from whom the appeal is taken certifies to the Board, after the notice of appeal shall have been filed with the officer, that, by reasons of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by a restraining order, which may be granted by the Board or a court of record on application or notice to the officer from whom the appeal is taken and on whom due cause shown.
- (5) No appeal to the Board for the same or related variance on the same piece of property shall be allowed prior to the expiration of six (6) months from a previous ruling of the Board on any appeal to such body unless other property in the immediate vicinity has, within the said six (6) months period, been changed or acted on by the Board or City Council so as to alter the facts and conditions on which the previous board action was based. Such change of circumstances shall permit the re-hearing of an appeal by the Board prior to the expiration of six (6) months period, but such conditions shall in no wise have any force in law to compel the Board, after a hearing, to grant a subsequent appeal. Such subsequent appeal shall be considered entirely on its merits and the peculiar and specific conditions related to the property on which the appeal is brought.
- (6) At a public hearing relative to any appeal, any interested party may appear in person, or by agent, or by attorney. The burden of proof shall be on the applicant to establish the necessary facts to warrant favorable action of the Board on any appeal. Any special exception or variance granted or authorized by the Board, under

the provisions of this ordinance, shall authorize the issuance of a building permit or a certificate of occupancy, as the case may be, for a period of ninety (90) days from the date of the favorable action of the Board, unless said board shall have, in its action, approved a longer period of time and has so shown such specific longer period in the minutes of its action. If the building permit and/or certificate of occupancy shall not have been applied for within said ninety (90) day period, or such extended period as the Board may have specifically granted, then the special exception or variance shall be deemed to have been waived and all rights there under terminated. Such termination and waiver shall be without prejudice to a subsequent appeal, and such subsequent appeal shall be subject to the same regulation and requirement for hearing as herein specified for the original appeal.

## C. ACTIONS OF THE BOARD OF ADJUSTMENT

- (1) In exercising its powers, the Board may, in conformity with the provisions of the Statutes of the State of Texas as existing or hereafter amended, reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination as ought to be made and shall have all the powers of the officer from whom the appeal is taken. The Board shall have the power to impose reasonable conditions to be complied with by the applicant.

- (2) The concurring vote of seventy-five percent (75%) of the number of regular members of the Board shall be necessary to reverse any order, requirement, decision or determination of any such administrative official, or to decide in favor of the application on any matter upon which it is required to pass under this ordinance or to effect any variance in said ordinance.
- (3) Any person or persons jointly or severally aggrieved by any decision of the Board, or any taxpayer, or any officer, department, or Board of the municipality may present to a court of record (District Court) a petition, duly verified, setting forth that such decision is illegal, in whole or in part, specifying the grounds of illegality. Such petition shall be presented to the court within ten (10) days after the filing of the decision in the office of the Board and not thereafter.

#### D. NOTICE OF HEARING BEFORE BOARD OF ADJUSTMENT REQUIRED

The Board shall hold a public hearing on all appeals made to it, and written notice of such public hearings shall be sent to the applicant and all other persons who are owners of real property lying within two hundred feet (200') of the property on which the appeal is made. Measurements shall be taken inclusive of public streets. Such notice shall be given no less than ten (10) days before the date set for hearing to all such owners who have rendered their said property for city taxes as the ownership appears on the last City tax roll. Such notice may be served by depositing the same, properly addressed and postage paid, in the United States Post Office. Notice shall also be given by publishing the same in the official publication of the City at least ten (10) days prior to the date set for hearing, which notice shall state the time and place of such hearing.

#### E. JURISDICTION OF BOARD OF ADJUSTMENT

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

- (1) Consider applications for conditional uses as set forth in Section 6;
- (2) To hear and decide appeals where it is alleged there is error on any order, requirement, decision, or determination made by the administrative official in the enforcement of this ordinance;
- (3) Interpret the intent of the zoning district map where uncertainty exists because the physical features on the ground vary from those on the zoning district map and none of the rules set forth in Section 5 apply;
- (4) Initiate, on its motion or cause presented by interested property owners, action to bring about the discontinuance of a nonconforming use;
- (5) Require the discontinuance of a nonconforming use under any plan, whereby full value of the structure can be amortized within a definite period of time, taking into consideration the general character of the neighborhood and the necessity for all property to conform to the regulations of this ordinance;
- (6) Permit the change of occupancy of a nonconforming use to another nonconforming use in accordance with the provisions of Section 20;
- (7) Permit the enlargement of a nonconforming use in accordance with the provisions of Section 20;
- (8) Permit the reconstruction of a nonconforming structure or building on the lot or tract occupied by such building, provided such reconstruction does not, in the judgment of the Board, prevent the return of such property to a conforming use or increase the nonconformity of a nonconforming structure, and provided that such actions conform to the provisions of Section 20;
- (9) Require the vacation and demolition of a nonconforming structure which is deemed to be obsolete, dilapidated, or substandard;

- (10) Permit such variance of the front yard, side yard, rear yard, lot width, lot depth, coverage, minimum setback standards, off-street parking, off-street loading regulations, lot area, maximum height, building size or percent of masonry required, where the literal enforcement of the provisions of this ordinance would result in an unnecessary hardship, or where such variance is necessary to permit a specific parcel of land, which differs from other parcels of land in the same district by being of such area, shape or slope, that it cannot be developed in a manner commensurate with the development permitted upon other parcels of land in the same district.

## **SECTION 30: AMENDMENTS**

- A. The zoning regulations, restrictions, and boundaries may, from time to time, be amended, supplemented, changed, modified or repealed. Such amendments, supplements, changes, modification, or repeal shall be deemed to amend, supplement, change, modify, or repeal the Comprehensive Plan of the City and shall become a part of such comprehensive plan. The Planning and Zoning Commission and its composition and duties are established by the City Council.

### **B. AMENDMENT INITIATION**

- (1) City Council on its own motion;
- (2) Planning and Zoning Commission; or
- (3) Request by owner or agent of owner of property to be changed.

### **C. PROCEDURE**

All requests for amendments to zoning district boundaries shall be submitted, together with required fees, to the administrative official, which officer shall cause notices to be sent and the petition placed on the Planning and Zoning Commission agenda.

The City Council may not enact any proposed amendment until the Planning and Zoning Commission makes its final report to the City Council. The City Council may refer proposed amendments to the Planning and Zoning Commission for recommendation. Requests for changes in zoning districts shall include the proposed designation or designations for the area concerned. Alternative proposals may be made at the time of filing and the original request for amendment; however, all hearings and deliberations shall be limited to the request as submitted by the applicant at the time of original filing.

### **D. PUBLIC HEARING AND NOTICE**

Prior to making its report to the City Council, the Planning and Zoning Commission shall hold at least one (1) public hearing thereon. Written notice of all public hearings on proposed changes in district boundaries shall be sent not less than ten (10) days before such hearing is held to all owners of property which is located within the area proposed to be changed, within two hundred feet (200') of such property or within two hundred feet (200') of any other adjacent property under the same ownership as the tract to be rezoned. Measurements shall be taken inclusive of public streets. Such notice may be served by using the last known address as listed on the City tax roll and depositing the notice, postage paid, in the United States Mail. No notice of hearings before the Planning and Zoning Commission on proposed changes in zoning regulations need be given except as may be required by state law. If the City Council sits as the Planning and Zoning Commission the Local Government Code Section 211.006 controls notice.

### **E. COMMISSION REPORT**

The Planning and Zoning Commission, after the public hearing is closed, shall vote on its recommendations on the proposed change to be sent in a report to the City Council. Such report may recommend for or against such proposed change and may but need not include reasons for such decision. The Commission may defer its report for not more than sixty (60) days until it has had opportunity to consider other proposed changes which may have a direct bearing thereon. If the Commission fails to finally report after sixty (60) days, it would be deemed to have recommended negatively to the proposal.

F. FORWARDING FINAL REPORT

Every proposal, receiving a final report by the Commission, shall be forwarded to the 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.

G. WITHDRAWAL

Any proposal or application may be withdrawn by the proponent after the Commission makes its final report, and such proposal or application shall not be subject to the provision hereof that a period of time must pass before a new application is considered. If such proposal is withdrawn, the Council will not consider it. Any proposal or application withdrawn may be resubmitted and shall be subject to all fees and notice requirements as an original application.

H. COUNCIL HEARING AND NOTICE

The City may, from time to time, amend, supplement, or change by ordinance the boundaries of the districts or the regulations herein established. A public hearing on such amendment, supplement, or change shall be held by the Council. Notice of Council hearing shall be given by publication one (1) time in the official newspaper of the City, stating the time and place of such hearing, which time shall not be earlier than fifteen (15) days from the date of publication. No such amendment, supplement, or change shall be considered unless and until the Commission makes its final report thereon. Publication of such change shall be accomplished by publishing the descriptive caption and penalty clause of the ordinance amending the comprehensive plan to incorporate the change.

I. APPLICATION NOT TO BE CONSIDERED FOR ANOTHER TWELVE MONTHS AFTER DENIAL OF REQUEST FOR REZONING

No application for rezoning shall be considered within twelve (12) months of denial of a request by the City Council for the same classification on the same property.

J. PROTEST AGAINST CHANGE

In case of a protest against such change, signed by the owners of twenty percent (20%) or more either of the land included in such proposed change, or of the land within two hundred feet (200') thereof, including any intervening public street, such amendment shall not become effective except by the favorable vote of three-fourths (¾) of all the members of the City Council.

K. COUNCIL ACTION ON APPLICATION

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

L. SITE PLAN AND SUPPORTING DOCUMENTS REQUIRED; PETITION FOR ZONING DISTRICT CHANGE OR CONDITIONAL USE

When in the opinion of the Planning and Zoning Commission, City Council, or Zoning Board of Adjustment that greater information is required from the petitioner concerning the nature, extent, and impact of his request than supplied with his application for a change in zoning or conditional use permit, in order for such Commission, Council, or Board to properly review and evaluate all relevant factors thereof, said Commission, Council, or Board may require the applicant to submit a site plan and supporting documents conforming with all or a portion of the requirements set forth in this subsection, prior to rendering a decision thereon.

The petitioner is encouraged to meet with the appropriate Commission, Council, or Board in an informal work session to ascertain the exact extent of plans and documents required, if any, prior to the City initiating the advertisement for public hearing on the petition.

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

(1) Site Plan

Meeting all of the requirements of a “preliminary plat”, as described in the City’s subdivision regulations, except that topographic and drainage map information provisions may be waived by the reviewing body when the inclusion of such data would not materially contribute to the necessary evaluation of the project’s petition. Additional site plan drawing information which the reviewing body may require include:

- (a) Existing and proposed zoning district;
- (b) General outline of extensive tree cover areas;
- (c) Drainage ways and 100-year flood plain limits;
- (d) Proposed treatment for screening the perimeter of the land embraced by the petition, including screening of internal separations of land use where required;
- (e) Proposed internal, non-vehicular circulation linkages, such as pedestrian paths and hike trails, bike trails, and equestrian bridle paths, where applicable, including their interrelationships with vehicular circulation systems and proposed handling of points of conflict;
- (f) A tabular summary schedule indicating:
  - (i) The gross acreage and percent of each type of zoning category proposed;
  - (ii) The gross acreage and percent of each type of land use proposed, with streets and open space categories listed separately, and residential uses further stratified as to type, i.e., single family, two-family, multi-family townhouse, etc., including the total gross project acreage;
  - (iii) The gross residential density of each type of residential land use proposed, expressed in dwelling units per acre; and based on net residential land use plus one-half (½) of any abutting street;
  - (iv) The quantitative number of dwelling units proposed for each residential dwelling type (i.e., single family, two-family, etc.);
  - (v) Proposed maximum lot coverage by building types (i.e., 1/F, 2/F, M/F, commercial, office, industrial, etc.) expressed in terms of percent or floor area ratio of the lot or site.

(2) Architectural Drawings

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

(3) Written Documents

In narrative form on 8 ½” X 11” sheets, including:

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

**SECTION 31: REPEALER**

All ordinances or parts of ordinances (except Section 20 of Ordinance 169-87 which is specifically not repealed) not consistent, or conflicting with, the provisions of this ordinance are hereby repealed; provided that such repeal shall be only to the extent of such inconsistency, and in all other respects, this ordinance shall be only to the extent of such inconsistency, and in all other respects, this ordinance shall be cumulative of other ordinances regulating and governing the subject matter covered in this ordinance. Any cause of action accruing prior to the passage of this ordinance shall continue as if this ordinance was not passed or any other ordinance had not been repealed.

**SECTION 32: SEVERABILITY**

That it is hereby declared that the sections, articles, subsections, paragraphs, sentences, clauses, and phrases of this ordinance are severable and if any phrase, clause, sentence, paragraph, subsection, article, or section of this ordinance shall be declared void, ineffective, or unconstitutional by a valid judgment or final decree of a court of competent jurisdiction, such voidness, ineffectiveness, or unconstitutionality shall not effect any of the remaining phrases, clauses, sentences, paragraphs, subsections, articles, or sections of this ordinance since the same would have been enacted by the City Council without the incorporation herein of any such void, ineffective, or unconstitutional phrase, clause, sentence, paragraph, subsection, article, or section.

**SECTION 33: ENGROSSMENT AND ENROLLMENT CLAUSE**

The City Secretary of the City is hereby directed to engross and enroll this ordinance by copying the caption, penalty clause (if any), publication clause and effective date clause in the minutes of the City Council and filing the ordinance in the ordinance records of the City.

**SECTION 34: PUBLICATION CLAUSE**

The City Secretary is hereby directed to post or publish in the official newspaper of the City, the caption, penalty clause (if any), publication clause and effective date clause of this ordinance in one issue of the official newspaper of the City, provided that the official newspaper is a weekly paper, as authorized by Section 52.011 of the Texas Local Government Code.

**SECTION 35: VIOLATION AND PENALTIES**

The owner or general agent of a building, premises, lot or parcel where a violation of any provision of the regulations of this ordinance has been committed or shall exist, or the lessee or tenant of an entire building or entire premises where such violation has been committed or shall exist, or the owner, general agent, lessee, or tenant of any part of the building or premises in which such violation has been committed or shall exist, or the general agent, architect, builder, contractor, or any other person who commits, takes part or assists in any such violation or who maintains any building or premises in which any such violation shall exist shall be guilty of a misdemeanor punishable by a fine of not less than one dollar (\$1.00) or not more than two thousand dollars (\$2,000.00), and each day any violation of non-compliance continues shall constitute a separate and distinct offense.

**SECTION 36: EFFECTIVE DATE**

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

PASSED AND APPROVED on this the 19<sup>th</sup> day of February, 2001, by the City Council of the City of Venus, Texas,

James A. Flatt  
Mayor

ATTEST:

Linda Taylor  
City Secretary

## Appendix A NOTES ON ZONING ORDINANCE

- Page 15, Section 5, K., (1) – Any time a structural alteration takes place on an existing piece of property, including new development, zoning regulations are applicable to that activity.
- Page 16, Section 5, O., (3) – This applies to lots that were of record before the adoption of the ordinance.
- Page 18, Section 7 – If annexed territory is developed, permanent zoning may be adopted for the new territory immediately after annexation.
- Page 49, Section 23 – These setbacks are fairly standard throughout zoned cities. However, the City can change them if they are not suitable to administer or hinder development.

## Appendix B TABLE OF COMMON USES

USE	AG	R-L1	R-1	R-2	R-3	R-4	C-1	C-2	I-1	I-2	MH
Livestock	X	X*									
Dairies	X										
Churches	X	X*	X*	X*	X	X	X	X			X*
Parks	X	X	X	X	X	X					X
Single-family unit	X	X	X								
Schools	X	X*	X*	X	X	X	X	X			X*
Hospital	X*					X					
Radio Tower	X*	X*					X	X	X	X	
Public Utilities	X	X*					X	X			
Athletic Fields	X	X	X	X	X	X					X
Private water station		X*	X*	X*	X*	X*	X	X			X*
Electric substation		X*	X*	X*	X*	X*			X	X	X*
Two-family residential				X	X						
Multiple family units					X	X					
Day care					X	X					
Multiple family (high density)						X					
Manufactured home											X
Libraries & Museums						X	X	X			
Hotel/Motel						X	X*	X*			
Professional offices						X	X	X			
Medical & dental clinic							X	X			
Bakery, restaurant, café, ice cream shops							X	X			
Parking lots							X	X			
Candy shop							X	X			
Printer							X	X			
Antiques							X	X			
Art gallery							X	X			
Financial institutions							X	X			
Camera, photography stores							X	X			
Coin, philatelic stores							X	X			
Department stores							X	X			
Florist							X	X			
Furniture store							X	X			
Furriers							X	X			
Appliances							X	X			
Leather, luggage							X	X			
Loan office							X	X			
Locksmith							X	X			
Musical instruments							X	X			
Reducing salons							X	X			
Sporting goods							X	X			
Tailor							X	X			



Telegraph office							X	X			
Theater							X	X			
Tobacco shop							X	X			
Travel bureau							X	X			
Cleaning & dyeing facility								X			
Ice Plant								X			
Laundries & Automobile washes								X			
Mortuary								X			
Pumping station								X			
Radio/TV broadcast station								X			
Repair & storage garage								X			

USE	AG	R-L1	R-1	R-2	R-3	R-4	C-1	C-2	I-1	I-2	MH
Telephone exchange								X	X	X	
Tire repair shop								X			
Auto body operations								X			
Spray-paint operations								X			
Auction room								X			
Automobile service station								X			
Blueprinting								X			
Floor covering								X			
Research lab								X			
Interior decorator								X			
Meat market								X			
Upholstery								X			
Taxidermist								X			
Advertising products									X	X	
Ambulance, bus, train, yard									X	X	
Awnings, blinds, shades									X	X	
Pharmaceutical products									X	X	
Electrical appliances									X	X	
Electrical instruments, supplies									X	X	
Furniture refinishing									X	X	
Jewelry									X	X	
Medical supplies									X	X	
Machine shop									X	X	
Metal finishing									X	X	
Metal stamping									X	X	
Machinery repair									X	X	
Orthopedic appliances									X	X	
Scientific instruments									X	X	
Sheet metal shop									X	X	
Silverware									X	X	
Shell egg business									X	X	
Bus station, terminal									X	X	
Radar installation									X	X	
Radio/TV station									X	X	
Trade schools									X	X	
Stadiums, auditoriums									X	X	
Warehouse									X	X	
Factory outlet store									X	X	
Amusement									X*	X*	
Asphalt, concrete plant									X*	X	
Gasoline/oil storage									X*	X	
Restaurant									X*	X*	
Milk processing									X	X	
Paper products										X	
Railroad freight terminals										X	
Feed mixing & grinding										X	

Foundry or metal fabrication										X	
Meat processing										X	
Cartage establishment										X	
Tire manufacturing										X	
Automobile, airplane assembly										X	

This table does not list every use within each district and is for information only. Please refer to the District Regulations for uses not listed, or for further clarification.

- -Indicates a conditional use, or restricted use. Please refer to the district regulations.

PASSED AND APPROVED THIS THE 19<sup>TH</sup> DAY OF FEBRUARY 2001.

James A. Flatt  
Mayor  
ATTEST:

Linda Taylor  
City Secretary

**ORDINANCE NO. 259-2002**

AN ORDINANCE OF THE CITY OF VENUS, TEXAS, AMENDING THE ZONING CODE; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY CLAUSE; PROVIDING AN ENROSSMENT AND ENROLLMENT CLAUSE; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Venus, Texas, is a general law city operating pursuant to the laws of the State of Texas, by and through the action of its duly elected council members;

WHEREAS, the City is authorized and empowered to enforce ordinances necessary to protect welfare of its inhabitants (51.012, Texas Local Government Code),

WHEREAS, the City Council deems it necessary to regulate minimum building sizes within the city limit; and

WHEREAS, the City Council has determined that it is necessary to enact this ordinance to protect the health and welfare of its residents.

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF VENUS, TEXAS, THAT:

**SECTION 1. AMENDMENT**

To change Ordinance No. 242-2001, Section 23 Schedule of Building Sizes by amended the minimum building size from 1,400 sq. ft. to 1,250 sq. ft. for structures in the R-1, R-2 and MH-1 zoning districts.

**SECTION 2. REPEALER CLAUSE**

All ordinances or parts of ordinances not consistent or conflicting with the provisions of this ordinance are hereby repealed; provided that such repeal shall be only to the extent of such inconsistency and in all other respects this ordinance shall be cumulative of other ordinances regulating and governing the subject matter covered in this ordinance. Any cause of action accruing prior to the passage of this ordinance shall continue as if this ordinance was not passed or any other ordinance had not been repealed.

SECTION 3. SEVERABILITY CLAUSE

That it is hereby declared that the sections, articles, subsection, paragraphs, sentences, clauses, and phrases of this ordinance are severable and if any phrase, clause, and phrases of this ordinance are severable and if any phrase, clause, sentence, paragraph, subsection, article, or section of this ordinance shall be declared void, ineffective, or unconstitutional by a valid judgment or final decree of a court of competent jurisdiction, such voidness, ineffectiveness, or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, subsections, articles, or sections of this ordinance since the same would have been enacted by the City Council without the incorporation herein of any such void, ineffective, or unconstitutional phrase, clause, sentence, paragraph, subsection, article, or section.

SECTION 4. PENALTY CLAUSE

Any person, firm, association of persons, company, corporation, or their agents, servants, or employees violating or failing to comply with any of the provisions of this Article shall be fined upon conviction not less than one dollar (\$1.00) nor more than two thousand dollars (\$2,000.00), and each day any violation of non-compliance continues shall constitute a separate and distinct offense.

SECTION 5. ENGROSSMENT AND ENROLLMENT CLAUSE

The City Secretary of the City is hereby directed to engross and enroll this ordinance by copying the caption, penalty clause (if any), publication clause and effective date clause in the minutes of the City Council and filing the ordinance in the ordinance records of the City.

SECTION 6. PUBLICATION CLAUSE

The City Secretary is hereby directed to post or publish in the official newspaper of the City, the caption, penalty clause (if any), publication clause and effective date clause of this ordinance in one issue of the official newspaper of the City, provided that the official newspaper is a weekly paper, as authorized by Section 52.011 of the Texas Local Government Code.

SECTION 7. EFFECTIVE DATE

This ordinance shall be effective after final passage and publication as required by law.

PASSED AND APPROVED THIS THE 12<sup>TH</sup> DAY OF MARCH, 2002.

James A. Flatt  
Mayor  
ATTEST:

Linda Taylor  
City Secretary

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**ORDINANCE #325-2007**

**AN ORDINANCE OF THE CITY OF VENUS, TEXAS, AMENDING ZONING ORDINANCE #242-2001; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN ENGROSSMENT AND ENROLLMENT CLAUSE, AND PROVIDING AN EFFECTIVE DATE.**

WHEREAS, the City of Venus, Texas is a general law city in Johnson and Ellis counties, Texas, operating

pursuant to the laws of the State of Texas, by and through the action of its duly elected council members;

WHEREAS, the City is authorized and empowered to enforce ordinances necessary to protect the welfare of its inhabitants (51.012, Texas Local Government Code),

WHEREAS, the City Council deems it necessary to amend Ordinance 242-2001, the Zoning Ordinance, and

WHEREAS, the City Council has determined that it is necessary to enact this ordinance to protect the health and welfare of its residents.

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF VENUS, TEXAS, THAT:

SECTION 1. AMENDMENT

To change Ordinance #242-2001 Zoning Ordinance, SECTION 10: SINGLE FAMILY RESIDENTIAL, LARGE LOT, Paragraph C, Item 5, with the addition of Sub-item (h) *'Driveways are to be concrete unless they are longer than 75 feet. Longer than 75 feet, the owner may opt to concrete only the first 40 feet from the public road, and the remainder may be asphalt or approved road base and gravel.'*

SECTION 2. REPEALER CLAUSE

All ordinances or parts of ordinances not consistent or conflicting with the provisions of this ordinance are hereby repealed; provided that such repeal shall be only to the extent of such inconsistency and in all other respects this ordinance shall be cumulative of other ordinances regulating and governing the subject matter covered in this ordinance. Any cause of action accruing prior to the passage of this ordinance shall continue as if this ordinance was not passed or any other ordinance had not been repealed.

SECTION 3. SEVERABILITY CLAUSE

That it is hereby declared that the sections, articles, subsections, paragraphs, sentences, clauses, and phrases of this ordinance are severable and if any phrase, clause, sentence, paragraph, subsection, article, or section of this ordinance shall be declared void, ineffective, or unconstitutional by a valid judgment or final decree of a court of competent jurisdiction, such voidness, ineffectiveness, or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, subsections, articles, or sections of this ordinance since the same would have been enacted by the City Council without the incorporation herein of any such void, ineffective, or unconstitutional phrase, clause, sentence, paragraph, subsection, article, or section.

SECTION 4. ENGROSSMENT AND ENROLLMENT CLAUSE.

The City Secretary of the City is hereby directed to engross and enroll this ordinance by copying the caption and effective date clause in the minutes of the City Council and filing the ordinance in the ordinance records of the City.

SECTION 5. EFFECTIVE DATE

This ordinance shall be effective after final passage.

PASSED AND APPROVED THIS THE 12<sup>TH</sup> DAY OF FEBRUARY, 2007

## ORDINANCE #344-2008

**AN ORDINANCE OF THE CITY OF VENUS, TEXAS, JOHNSON AND ELLIS COUNTIES; AMENDING ZONING ORDINANCE #242-2001; AN AMENDMENT PROHIBITING ANY STRUCTURES OTHER THAN PRIMARY RESIDENCES TALLER THAN 18' ON ANY LAND ZONED R1, R2, R3 OR R4; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN ENGROSSMENT AND ENROLLMENT CLAUSE, AND PROVIDING AN EFFECTIVE DATE.**

WHEREAS, the City of Venus, Texas is a general law city in Johnson and Ellis counties, Texas, operating pursuant to the laws of the State of Texas, by and through the action of its duly elected council members;

WHEREAS, the City is authorized and empowered to enforce ordinances necessary to protect the welfare of its inhabitants (51.012, Texas Local Government Code),

WHEREAS, the City Council deems it necessary to amend Ordinance 242-2001, the Zoning Ordinance, and

WHEREAS, the City Council has determined that it is necessary to enact this ordinance to protect the health and welfare of its residents.

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF VENUS, TEXAS, THAT:

### SECTION 1. AMENDMENT

To change Ordinance #242-2001 Zoning Ordinance, SECTION 24: SUPPLEMENTARY DISTRICT REGULATIONS by adding '*E. HEIGHT OF OTHER STRUCTURES, (1) No other structures on land zoned R1, R2, R3, or R4 shall be higher than the primary residence, and in no case in excess of eighteen feet (18') in height.*'

### SECTION 2. REPEALER CLAUSE

All ordinances or parts of ordinances not consistent or conflicting with the provisions of this ordinance are hereby repealed; provided that such repeal shall be only to the extent of such inconsistency and in all other respects this ordinance shall be cumulative of other ordinances regulating and governing the subject matter covered in this ordinance. Any cause of action accruing prior to the passage of this ordinance shall continue as if this ordinance was not passed or any other ordinance had not been repealed.

### SECTION 3. SEVERABILITY CLAUSE

That it is hereby declared that the sections, articles, subsections, paragraphs, sentences, clauses, and phrases of this ordinance are severable and if any phrase, clause, sentence, paragraph, subsection, article, or section of this ordinance shall be declared void, ineffective, or unconstitutional by a valid judgment or final decree of a court of competent jurisdiction, such voidness, ineffectiveness, or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, subsections, articles, or sections of this ordinance since the same would have been enacted by the City Council without the incorporation herein of any such void, ineffective, or unconstitutional phrase, clause, sentence, paragraph, subsection, article, or section.

SECTION 4. ENGROSSMENT AND ENROLLMENT CLAUSE.

The City Secretary of the City is hereby directed to engross and enroll this ordinance by copying the caption and effective date clause in the minutes of the City Council and filing the ordinance in the ordinance records of the City.

SECTION 5. EFFECTIVE DATE

This ordinance shall be effective after final passage.

PASSED AND APPROVED THIS THE 9<sup>TH</sup> DAY OF JUNE, 2008