

ORDINANCE NO. 2007-3-95

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LEWISVILLE, TEXAS, AS AUTHORIZED BY TITLE 7, TEXAS LOCAL GOVERNMENT CODE, REGULATING THE LOCATION, HEIGHT, BULK, NUMBER OF STORIES, AND SIZE OF BUILDINGS; OPEN AREAS; LOT COVERAGE; DENSITY AND DISTRIBUTION OF POPULATION; THE USES OF LAND, BUILDINGS AND STRUCTURES; AND FOR SAID PURPOSES TO DIVIDE THE CITY INTO DISTRICTS OF SUCH NUMBER, SHAPE AND SIZE OF CHARACTERISTICS AS MAY BE ADVISABLE TO CARRY OUT THESE REGULATIONS; TO PROVIDE FOR ITS ENFORCEMENT; TO PROVIDE FOR BOARD OF ADJUSTMENT; AND TO PRESCRIBE PENALTIES FOR THE VIOLATION OF ITS PROVISIONS, REPEALING ZONING ORDINANCE NO. 1061, PROVIDING A REPEALER, PROVIDING FOR SEVERABILITY, PROVIDING AN EFFECTIVE DATE, AND DECLARING AN EMERGENCY.

WHEREAS, the City Council of the City of Lewisville adopted a Zoning Ordinance in 1971 in accordance with a Comprehensive Plan; and

WHEREAS, the City Council of the City of Lewisville believes that certain changes, additions and amendments are necessary, and for clarification and practical purposes a new Zoning Ordinance should be adopted, Zoning Ordinance No. 1061 repealed; and

WHEREAS, the City Council of the City of Lewisville deems it necessary to prevent congestion on streets; to secure safety from fire, flood and other dangers; to promote health and general welfare; to provide adequate light and air, to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provisions of transportation, water, sewage, schools, parks and other public requirements; to preserve the natural environment; and to encourage the most appropriate use of land throughout the City, all in accordance with a Master Plan.

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

SECTION I.
ADOPTION OF ZONING ORDINANCE

The Zoning Ordinance No. 1061 of the City of Lewisville, Texas, is hereby amended by repealing and deleting its current language in its entirety and in its place inserting the attached language beginning with the table of contents and ending with compliance with the regulations, and containing thirty-eight major topics, and entitled The City of Lewisville Zoning Ordinance.

SECTION II.
PENALTY

Any person, firm or corporation who violates any provision of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction thereof in the Municipal Court, shall be subject to a fine of not more than \$2,000.00 for each offense, and each and every day such offense is continued shall constitute a new and separate offense.

SECTION III.
REPEALER

Every ordinance or parts of ordinances found to be in conflict herewith are hereby repealed.

SECTION IV.
SEVERABILITY

If any section, sentence, clause, or phrase of this Ordinance shall for any reason be held to be invalid, such decision shall not affect the validity of the remaining sections, sentences, clauses, or phrases of this Ordinance, but they shall remain in effect.

SECTION V.
EFFECTIVE DATE

This Ordinance shall take effect and be in full force and effect from and after the date of its passage and publication as required by law.

SECTION VI.
EMERGENCY

It being for the public welfare that this Ordinance be passed creates an emergency and public necessity and the rule requiring this Ordinance to be read on three separate occasions be, and the same is hereby, waived and this Ordinance shall be in full force and effect from and after its passage and approval and publication, as the law in such cases provides.

**PASSED AND APPROVED by a vote of 5 to 0 on this 6th day of March,
1995.**

BOBBIE J. MITCHELL, MAYOR
CITY OF LEWISVILLE, TEXAS

ATTEST:

Marty Hendrix, CMC/AAE
City Secretary

APPROVED AS TO FORM:

Ronald J. Neiman
City Attorney

ZONING ORDINANCE

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SECTION 17-1. TITLE

This Chapter shall be known and may be cited as "The City of Lewisville Zoning Ordinance."

SECTION 17-2. PURPOSE

The Zoning Regulations and Districts as herein established have been made in accordance with a Comprehensive Plan for the purpose of promoting the health, safety, morals and general welfare of the City. They have been designed to lessen the congestion in the street; to secure safety from fire, panic and other dangers; to provide adequate light and air; to prevent the overcrowding of land, to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewage, schools, parks and other public requirements. They have been made with reasonable consideration among other things, for the character of the district, and its peculiar suitability for the particular uses specified; and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the City consistent with a Comprehensive Plan.

SECTION 17-3. DEFINITIONS

For the purpose of this Chapter, certain terms and words are hereby defined. Words used in the present tense shall include the plural and the singular; the word "**building**" shall include the word "**structure**"; and the word "shall" is mandatory and not directive; and the word "lot" includes the word "plot"; the term "used for" includes the meaning "designed for" or "intended for". Said words and terms as follows:

Accessory Building or Use: An "accessory building or use" is one which: (a) is subordinate to and serves a principal building or principal use; and (b) is subordinate in area, extent, or purpose to the principal building or principal use served; and (c) contributes to the comfort, convenience and necessity of occupants of the principal building or principal use served; and, (d) is located on the same building lot as the principal use served. "Accessory" when used in the text shall have the same meaning as accessory use. An accessory building may be a part of the principal building. Servant's quarters, as defined, is an accessory building or use. A single apartment unit shall be allowed in commercial buildings as an accessory use when the occupant is the owner, manager, security guard, or other person employed full-time by the business so that the apartment use is directly accessory to the business.

Alley: An "alley" is a public right-of-way which affords a secondary means of access to abutting property.

Awning: An "awning" is a roof-like cover of a temporary nature that projects from the wall of a building.

Apartment: An "apartment" is a dwelling unit in an apartment building.

Apartment Building: An "apartment building" is a building, or any portion thereof, which contains three or more dwelling units, located in the same building lot. An apartment building is a multi-family dwelling.

Basement: A "basement" or "cellar" is a story wholly or partly (at least fifty (50) percent) measured from floor to ceiling, below the level of the ground on the street side of the building. A basement or cellar is not counted when measuring the height of a building.

Bed and Breakfast: A "bed and breakfast" is an establishment offering the use of guest rooms to the transient public for compensation. Structures must be owner-occupied and are limited to a maximum of five (5) bedrooms. A minimum of one meal per day shall be served on the premises for the benefit of the guests of the bed and breakfast, but a restaurant is not an allowable accessory use. A bed and breakfast is a non-residential use.

Block: A "block" is a tract of land bounded by streets, or by a combination of streets and public parks, cemeteries, railroad rights-of-way, highways, streams or corporate boundary lines. There may be more than one numbered block as shown on a plat falling within a single block as herein defined.

Block Face: A "block face" is a side of a block facing upon a street, within which lots face the abutting street.

Board: The word "board" shall mean the Board of Adjustment established by this Ordinance.

Build: The word "build" means to erect, convert, enlarge, reconstruct or alter a building or structure.

Buildable Width: The "buildable width" of a building site is the width of the building site left to be built upon after the required side yards are provided.

Building: A "building" is any structure built for the support, shelter, or enclosure of persons, animals, chattels, or movable property of any kind.

Building, Detached: A "detached building" is a building surrounded by yards or open space on the same building lot.

Building Height: A "building height" is the number of stories contained in a building.

Building Line: A "building line" is the rear line of a required front yard which is generally parallel to the street line forming the front lot line.

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

Building, Mixed: A "mixed building" is a building used partly for residential use and partly for community facility and/or commercial use. A mixed building is a commercial use.

Building, Principal: A "principal building" is a building in which the principal use of the lot on which it is located is conducted. All residential uses, except bona fide servant's quarters, are principal uses.

Building, Residential: A "residential building" is a building which is arranged, designed, used, or intended to be used, for residential occupancy by one or more families or lodgers.

Car Wash: A "car wash" is a building, or portion thereof, containing facilities for washing automobiles using automated methods including chain conveyor, blower, steam cleaning device, or other mechanical devices. A self-service type carwash is also considered a car wash.

Carports: A "carport" is an accessory structure which is not fully enclosed but is designed or used for the storage of motor vehicles for the occupants of the building to which it is an accessory. A carport is not an accessory building.

Cellar: See "Basement".

City: The word "City" shall mean the City of Lewisville, Texas.

Clinic: A "clinic" is the office of one or more medical doctors, dentists, optometrists, or similar members of the medical professions.

Commission, Planning: The words "Planning Commission" shall mean the Planning and Zoning Commission of the City of Lewisville, Texas.

Council: The word "Council" shall mean the City Council of the City of Lewisville, Texas.

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

Day Nursery or Day Care Center: A "day nursery or day care center" is any child care arrangement which provides child care on a regular basis for more than six (6) children.

Development or to Develop: A "development" includes the construction of a new building or any structure on a building lot, the relocation of an existing building on another building lot, or the use of open land for a new use. To "develop" is to create a development.

Display: A "display" is a formal exhibition of goods done in a manner so as to cause the goods to be favorably seen. An outside display area requires the retail items, except living plants, to be placed on asphalt or concrete.

District: A "district" is a zoning district which is a part of the City wherein regulation of this Ordinance is uniform.

Dwelling: A "dwelling" is a building or portion thereof, but not a house trailer, designed and used exclusively for residential occupancy, including one-family dwellings, two-family dwellings and multiple-family dwellings, but not including hotels, motels or lodging houses.

Dwelling, Attached: An "attached dwelling" is one which is joined to another dwelling at one or more sides of a party wall or walls.

Dwelling, Detached: A "detached dwelling" is one which is entirely surrounded by open space on the same building lot.

Dwelling, Multi-Family: A "multi-family dwelling" is a building or portion thereof constructed for and/or occupied by three (3) or more families and containing three (3) or more dwelling units located upon the same building lot, or on a building constructed with at least one dwelling unit above another dwelling unit.

Dwelling, Single-Family: A "single-family dwelling" is a building containing only one (1) dwelling unit and/or occupied by only one (1) family.

Dwelling, Two-Family: A "two-family dwelling" is a building containing two (2) dwelling units and/or occupied by only two (2) families.

Dwelling Unit: A "dwelling unit" is one (1) or more rooms, which are arranged, designed, used, or intended to be used for occupancy by a single family or group of persons living together as a family or by a single person. Individual bathrooms and complete single kitchen facilities permanently installed are not necessarily provided, but each installation of kitchen facilities consisting of at least a stove or cooking device and a sink shall constitute a separate dwelling unit unless such facilities are provided in a bona fide servants' quarters as herein defined. Apartment units in apartment hotels are dwelling units.

Family: A "family" consists of one (1) or more persons, each related to the other by blood, marriage, or adoption; or a group of not more than five (5) persons (excluding servants) who are living together in a dwelling unit.

Filling Station: A "filling station", or service station, is any building or premises used for the dispensing, sale, or offering for sale at retail of any automobile fuels or oils. If the dispensing, sale or offering for sale is incidental to a public garage, the premises shall be classified as a public garage.

Garage, Auto Repair: An "auto repair garage" is a building or portion thereof whose principal use is for the repair, servicing, equipping, or maintenance of motor vehicles or motor vehicle components, including engines, radiators, starters, transmissions, brakes, tires and wheels, seats, and similar components.

Garage, Private: A "private garage" is an accessory building designed or used for the storage of motor vehicles owned and used by the occupants of the building to which it is accessory.

Garage, Public: A "public garage" is a building or portion thereof, other than a private or storage garage, designed or used for storing motor driven vehicles.

Health Service: A "health service" is a charitable or government operated facility offering to the public medical examinations, diagnosis and limited treatment not for profit.

Home Occupation: A "home occupation" is a business, occupation, or profession conducted within a residential dwelling unit by the resident thereof, and which shall have the following characteristics:

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- (1) The activity shall employ only memt family of the resident of the dwelling unit;
- (2) There shall be no external evidence of the occupation detectable at any lot line, said evidence to include advertising signs or displays, smoke, dust, noise, fumes, glare, vibration, electrical disturbance, storage of materials or equipment, or traffic or parking of vehicles in a manner evidencing the conduct of business; and

- (3) Said home occupation shall not have a separate entrance for the business and shall not include continual visits by the general public.

A business, occupation, or profession conducted within a dwelling unit and which does not meet the aforesaid characteristics shall be construed to be a commercial activity and shall therefore be cause for the City to order a cease to all such activity within said dwelling unit.

Hospital: A "hospital" is a legally authorized institution in which there are complete facilities for diagnosis, treatment, surgery, laboratory, X-ray, and the prolonged care of bed patients. Clinics may have some but not all of these facilities.

Hotel, Motel or Inn: A "hotel, motel or inn" is an establishment offering lodging, the use of guest rooms or sleeping accommodations, to the transient public for compensation. Hotels, motels or inns furnish customary hotel services and may contain a restaurant, club, lounge, banquet hall, meeting rooms and other accessory uses. A hotel, motel or inn is a non-residential use. For purposes of this Ordinance, if more than 20% of the guest rooms of the establishment are occupied by a person who has the right to use or possess a guest room for at least 60 consecutive days without interruption, then the use of such establishment shall be classified as residential. Residential usage shall not be permitted in a non-residential zoned area.

Junk or Salvage Yard: A "junk or salvage yard" is a lot upon which waste or scrap materials are bought, sold, exchanged, stored, packed, disassembled, or handled, including but not limited to scrap iron and other metals, papers, rags, rubber tires and bottles. A "junk yard" does not include such uses conducted entirely within an enclosed building.

Loading Space: A "loading space" is a space within the main building or on the same lot therewith providing for the standing, loading or unloading of trucks, together with access and maneuvering areas provided on the same building lot as the principal use for which the loading space is intended.

Lot Area: The "lot area" is the area of a horizontal plane intercepted by the vertical projections of the front, side, and rear lot lines of a building lot.

Lot Area per Dwelling Unit: "Lot area per dwelling unit" is the lot area required for each dwelling unit located on a building lot.

Lot, Corner: A "corner lot" is a building lot situated at the intersection of two streets, the interior angle of such intersection not to exceed 135 degrees.

Lot Depth: "Lot depth" is the mean horizontal distance between the front lot line and the rear lot line of a building lot measured at the respective mid-points of the front lot line and rear lot line within the lot boundary.

Lot, Interior: An "interior lot" is a building lot other than a corner lot.

Lot Line: A "lot line" is a boundary of a building lot.

Lot Line, Front: A "front lot line" is that boundary of a building lot which is the line of an existing or dedicated street. Upon corner lots either street line may be selected as the front lot line providing a front and rear yard are provided adjacent and opposite, respectively, to the front lot line.

Lot Line, Side: A "side lot line" is that boundary of a building lot which is not a front lot line or a rear lot line.

Lot Line, Rear: The "rear lot line" is that boundary of a building lot which is most distant from and is, or most nearly, parallel to the front lot line.

Lot of Record: A "lot of record" is an area of land designated as a lot on a plat of a subdivision recorded, pursuant to Statutes of the State of Texas, with the County Clerk of Denton County, Texas.

Lot, Through: A "through lot" is a building lot not a corner lot, both the front and rear lot lines of which adjoin street lines. On a "through lot" both street lines shall be deemed front lot line.

Lot Width: The "lot width" is the minimum distance between the side lot lines of a building lot measured along a straight line at the rear of the required front yard and parallel to the street line or a line tangent thereto.

Mobile Homes: "Mobile homes" are modular buildings which are designed for living or sleeping purposes with only wheels as a foundation, which can be moved only by towing, and which were not designed to be self-propelled. A trailer coach is a mobile home.

Mobile Home Park: A "mobile home park" is any premises on which one or more mobile homes are parked or situated and used for living or sleeping purposes, or any premises used or held out for the purpose of supplying to the public a parking space for one or more mobile homes whether such vehicles stand on wheels or on rigid supports. A trailer park is a mobile home park.

Modular Home: A "modular home" is a factory-built dwelling unit, attached or detached, which is wholly or partially constructed away from its building lot and moved to a building lot where it is affixed or situated as a permanent building. A modular home is a residential use. A mobile home shall not be construed to be a modular home.

Motor Freight Terminal: A "motor freight terminal" is a building or area in which freight brought by motor truck is assembled and/or stored for shipping in interstate and intrastate commerce by motor truck. A motor freight terminal is a truck terminal.

Nonconforming Use: A "nonconforming use" is any building or land lawfully occupied by a use at the time of the adoption of this Ordinance or amendments thereto, not permitted by the use regulations, lot requirements or other regulations of this Ordinance of the district in which it is attained.

Noxious Matter: "Noxious matter" is material which is capable of causing injury to living organisms by chemical reaction or is capable of causing detrimental effects upon the physical or economic well-being or comfort of humans.

Open Area: "Open area" is that part of a building lot, including courts or yards which:

- (1) Is open and unobstructed from its lowest level to the sky;
- (2) Is accessible to all residents upon a building lot; and,
- (3) Is not part of the roof of that portion of the building containing dwelling units.

Open Storage: "Open storage" (or outside storage) shall mean the storage of any vehicles, equipment, machinery, supplies, commodities, raw materials, semi-finished materials, finished materials, building or construction materials or any similar items, when not accessory to an existing residential use, which are located outside a fully enclosed building and without regard to being formally displayed for sale. Such storage shall also be considered as a storage yard.

Parking Space: A "parking space" is a surface area, enclosed or unenclosed sufficient in size to store one (1) automobile together with a surfaced driveway connecting the parking space with the street or alley and permitting ingress or egress of any automobile.

Public Governmental Agencies: In sections of this Ordinance which allow "Buildings and uses owned or operated by public governmental agencies", such governmental agencies shall include only the City of Lewisville, the Lewisville Independent School District, Denton County (within Denton County), Dallas County (within Dallas County), the State of Texas, and the United States Federal Government.

Public Park: A "public park" is any publicly owned park, playground, beach, parkway, greenbelt, or roadway within the jurisdiction and control of the City.

Recreation Area: A "recreation area" is a privately owned park, playground or open space maintained by a community club, property owners association or similar organization.

Residential Storage Building: A "residential storage building" is a detached structure used for on-site storage of items related solely to residential purposes and located in any single-family or two-family zoning district.

Rest Home or Nursing Home: A "rest home" or "nursing home" is a private facility for the care of children, the aged or infirmed, or a place of rest for those suffering bodily disorders. Such homes do not contain facilities for surgical care or the treatment of disease or injury.

Servant's Quarters: "Servant's quarters" is an accessory building or portion of a main residential building located on the same lot as the principal residential building, occupied only by such persons and their families as are employed full time by the occupants of the principal residence.

Sign: A "sign" is a name, identification, description, display or illustration which is affixed to, or represented directly or indirectly upon a building, structure, or piece of land and which directs attention to an object, product, place, activity, institution, or business. A "sign" is not a display of official court or public office notices nor is it a flag, emblem, or insignia of a nation, political unit, school or religious group. A "sign" shall not include a sign located completely within an enclosed building.

Storage Yard: A "storage yard" is an outside location for storing items without regard to being formally displayed for sale. Storage yards must be screened in accordance with the requirements of the General Development Ordinance. Any variance request involving the requirements or standards relating to such required screening devices shall be considered by the City Council in accordance with the General Development Ordinance. Areas which are used for infrequent and temporary storage for a period of thirty (30) days or less per year shall not be deemed as "storage yards".

Story: A "story" is that part of a building between the surface of a floor and the ceiling immediately above.

Street: A "street" is a public right-of-way which affords a primary means of access to abutting property. A driveway or alley which serves only to give secondary vehicular access to a building lot or to an accessory parking or loading facility or to allow vehicles to take or discharge passengers at the entrance to a building shall not be considered a street.

Street Line: A "street line" is the right-of-way of a street.

Towers and Related Devises Shall be Defined as Follows:

Antenna: A signal transmission or receiving device for radio, television, telephone or other electronic signals including accessory mechanical equipment and accessory structures used solely for housing accessory equipment. An antenna may stand alone or be attached to a building, structure, rooftop, monopole or lattice tower.

Communication Dish: Any dish-shaped device used for transmission or receiving of radio, television, telephone or other electronic signals, including accessory mechanical equipment attached to a tower and accessory structures used solely for housing of the accessory equipment. A Communications Dish shall be considered an antenna.

Lattice Tower: A lattice structure used to support antennas or communications dishes, including accessory mechanical equipment attached to the tower and accessory structures used solely for housing of the tower or accessory equipment.

Monopole Tower: A pole (not exceeding 42 inches in diameter) used to support antennas or communications dishes, including accessory mechanical equipment attached to the pole and accessory structures used solely for housing of the monopole or accessory equipment.

Monopole Platform: That portion of a monopole tower, located on or near the top of the tower, supporting directional, transmitting and receiving antennas. Such platforms may not have a horizontal cross section area greater than one hundred ninety six (196) square feet. The depth shall not exceed four (4) feet.

Toxic Materials: "Toxic materials" are those materials which are capable of causing injury to living organisms by chemical means when present in relatively small amounts.

Use: The "use" of property is the purpose or activity for which the land, or building thereon, is designed, arranged or intended, or for which it is occupied or maintained and shall include any manner of such activity with respect to the standards of this Ordinance.

Use, Principal: A "principal use" is the main use of land or buildings as distinguished from a subordinate or accessory use.

Yard: A "yard" is an open space on the same building lot with a building, unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided. In measuring a yard for the purpose of determining the width of a side yard, the depth of a rear yard, and the depth of a front yard, the minimum horizontal distance between the building site and the lot line shall be used. A "yard" extends along a lot line and at right angles to such lot line to a depth or width specified in the yard regulations of the zoning district in which such building is located.

Yard, Front: A "front yard" is a yard extending along the whole length of the front lot line between the side lot lines and being the minimum horizontal distance between the street line and the main building or any projections thereof other than steps, planter box, unenclosed porches and driveways.

Yard, Rear: A "rear yard" is a yard extending across the rear of a lot between the side lot lines and being the minimum horizontal distance between the rear lot line and the rear of the principal building or any projections thereof other than steps, unenclosed balconies, unenclosed porches or driveways.

Yard, Side: A "side yard" is a yard extending along the side lot line from the front yard to the rear yard, being the minimum horizontal distance, measured at the building line, between any building or projections thereof except steps or driveways and the side lot line.

Zoning District Map: The "zoning district map" is the map or maps incorporated into this Ordinance as a part hereof by reference thereto.

SECTION 17-4. ESTABLISHMENT OF DISTRICTS AND BOUNDARIES:

For the purpose of this Ordinance, the City is hereby divided into thirty-two (32) Districts as follows:

AO	Agricultural Open Space District
TE	Towne Estate Single Family Residential District
R-18	Single-Family Residential District - 18,000 sq. ft.
R-12	Single Family Residential District - 12,000 sq. ft.
R-9	Single Family Residential District - 9,000 sq. ft.
R-7.5	Single Family Residential District - 7,500 sq. ft.
R-6	Single Family Residential District - 6,000 sq. ft.
R-5	Single Family Residential District - 5,000 sq. ft.
DU	Duplex Residential District
ETH	Estate Townhouse Residential District
TH	Townhouse Residential District
TH-2	Townhouse Two Residential District
MF-1	Multi-Family One Residential District
MF-2	Multi-Family Two Residential District
MF-3	Multi-Family Three Residential District
MHP	Mobile Home Park District
MHS	Mobile Home Subdivision District
OD	Office District
MD	Medical District
LC	Local Commercial District
GB	General Business District
GB-2	General Business-#2 District
OTC	Old Town Center Business District
OTMU1	Old Town Mixed Use 1 District
OTMU2	Old Town Mixed Use 2 District
LI	Light Industrial District
WH	Warehouse District
HI	Heavy Industrial District
PUD	Planned Unit Development
PK	Parking District
PU	Public Use District
SU	Specific Use District

The location and boundaries of the districts herein established are shown upon the Official Zoning Map, which is hereby incorporated into this Ordinance. Said Zoning Map, together with all notations, references, and other information shown thereon and all amendments thereto, shall be as much a part of this Ordinance as is fully set forth and described herein. Said Zoning Map is on file in City Hall.

SECTION 17-5. OFFICIAL ZONING MAP

- (a) **Maintenance of Zoning Map:** The Official Zoning Map shall be kept in City Hall. It shall be the duty of the City Manager or his designee to keep the official map current and the copies thereof, herein provided for, by entering on such maps any changes which the City Council may from time to time order by amendments to the Zoning Ordinance and Map.
- (b) **Rules for the Interpretation of District Boundaries:** Where uncertainty exists with respect to the boundaries of any of the aforesaid districts shown on the Zoning Map, the following rules shall apply:
- (1) Where district boundaries are indicated as approximately following the center lines of streets or highways, street lines or highway right-of-way lines, such center lines, street lines, or highway right-of-way lines shall be construed to be boundaries.
 - (2) Where district boundaries are so dedicated that they approximately follow the lot lines, such lot lines shall be construed to be said boundaries.
 - (3) Where district boundaries are indicated as approximately following a drainage course or other prominent physical feature, such drainage course, other prominent physical feature or parallel line shall be construed to be said boundaries.
 - (4) Where district boundaries are so indicated that they are approximately parallel to the center lines or street lines of streets, or the center lines of right-of-way lines of highways, such district boundaries shall be construed as being parallel thereto and at such distance therefrom as indicated on the Zoning Map. If no distance is given, such dimension shall be determined by the use of the scale of said Zoning Map.
 - (5) Where district boundaries are so indicated that they are approximately perpendicular to the center line or right-of-way lines of streets, highways, or drainage courses, such district boundaries shall be construed to be perpendicular to said streets, highways, or drainage courses.
 - (6) If unsubdivided property, the district boundary lines on the Zoning Map shall be determined by use of the scale appearing on the map.
 - (7) In the case of a district boundary line dividing a lot into 2 parts the district boundary line shall be construed to be the lot line nearest the district boundary line as shown.
 - (8) Whenever any street, alley or other public way is vacated by official action of the City Council, the zoning district adjoining each side of such street, alley, or public way shall be automatically extended to the center of such vacation and all area included in the vacation shall then and henceforth be subject to all regulations of the extended districts.
 - (9) Where the streets or alleys on the ground differ from the streets or alleys as shown on the Zoning Map, the streets or alleys on the ground shall control.

SECTION 17-6. "AO" AGRICULTURE - OPEN SPACE DISTRICT REGULATIONS

- (a) **Use Regulations:** A building or premise shall be used only for the following purposes:
- (1) All general and special agricultural, farming, ranching, stock and poultry raising, dairy and other related uses so long as same does not cause a hazard to health by reason of unsanitary conditions; and are not offensive by reason of odors, dust, fumes, noise or vibration; and are not otherwise detrimental to the public welfare; and in all cases poultry or livestock shall be kept as per the City of Lewisville Animal Control Ordinances.
 - (2) Public parks and recreation areas.
 - (3) Single-family dwellings on building lots of one (1) acre or more in areas where such dwellings can be served by City water and/or sanitary sewer services if practical or can be adequately served by water wells and/or septic tanks located on the building lot. The minimum floor area of any dwelling shall be one thousand four hundred (1400) square feet, exclusive of garages, breezeways and porches.
 - (4) Country clubs or golf courses, but not including miniature golf courses, driving ranges or similar forms of commercial amusement.
 - (5) Buildings and uses owned or operated by public governmental agencies.
 - (6) Church worship facilities.
 - (7) Schools, private, with full curriculum accredited by the State of Texas equivalent to that of a public elementary or high school.
 - (8) Temporary buildings for uses incidental to construction work on the premises, which buildings shall be removed upon the completion or abandonment of construction work.
 - (9) Accessory buildings and uses, customarily incident to the above uses and located on the same lot therewith, not involving the conduct of a retail business except as provided herein and for home occupations as defined by this Ordinance.
- (b) **Height Regulations:** No building shall exceed thirty-five (35) feet or two and one-half (2-1/2) stories in height.
- (c) **Area Regulations:**
- (1) **Size of Yards:** All front, side, and rear yards shall have a dimension of not less than one hundred (100) feet.
 - (2) **Size of Lot:** No lot shall have an area of less than one (1) acre.
 - (3) **Lot Coverage:** In no case shall more than ten percent (10%) of the total area of the lot be covered by the combined area of the main buildings and accessory buildings.

SECTION 17-6.5. "TE" TOWNE ESTATE SINGLE FAMILY RESIDENTIAL DISTRICT REGULATIONS

- (a) **Use Regulations:** A building or premise shall be used only for the following purposes:
- (1) Single-family dwellings.
 - (2) Church worship facilities.
 - (3) Buildings and uses owned or operated by public governmental agencies.
 - (4) Real estate sales offices during the development of residential subdivisions, but not to exceed two (2) years.
 - (5) Temporary buildings for uses incidental to construction work on the premises, which buildings shall be removed upon the completion or abandonment of construction work.
 - (6) Accessory buildings and uses, customarily incident to the above uses and located on the same lot therewith, not involving the conduct of a retail business except as provided herein and for home occupations as defined by this chapter. Accessory building use includes a detached garage, storeroom, utility room, cabana, servant's quarters or similar use.
 - (7) A porte-cochere shall be permitted. The porte-cochere may extend into the required side yard setback if all of the following conditions are met:
 - a. Three (3) sides of the porte-cochere must be open.
 - b. Columns may be a maximum width of eighteen (18) inches at any point and spaced no closer than eight (8) feet on center.
 - c. The porte-cochere is limited to a single story, with the roof height limited to a maximum of twenty (20) feet above the driveway.
 - d. The exterior of the main structure may be no closer to the side property line than fifteen (15) feet.
 - e. No part of the porte-cochere, including the roof overhand, shall be closer than five (5) feet to the side property line.These requirements shall apply in all single family detached residential zoning districts.
 - (8) A carport shall be permitted within the rear one-half of the lot if the open side is not visible from a public street.
- (b) **Height Regulations:** No building shall exceed thirty-five (35) feet or two and one-half (2-1/2) stories in height.
- (c) **Area Regulations:**
- (1) **Size of Yards:**
 - a. **Front Yard:** There shall be a front yard having a depth of not less than twenty-five (25) feet. Where lots have double frontage, running through from one street to another, the required front yard shall be provided on both streets.
 - b. **Side Yard:** There shall be a side yard on each side of the lot having a width of not less than ten percent (10%) of the lot width or a minimum of six and one-half (6-1/2) feet. A side yard adjacent to a side street shall not be less than six and one-half (6-1/2) feet. The maximum side yard required shall be eight (8) feet.
 - c. **Rear Yard:** There shall be a rear yard having a depth of not less than five (5) feet. If the garage entry is from the alley and the entry side of the garage faces the alley, the garage must be set back twenty (20) feet.
 - (2) **Size of Lot:**
 - a. **Lot Area:** No building shall be constructed on any lot of less than seven thousand five hundred (7,500) square feet.
 - b. **Lot Width:** The minimum width of the lot shall not be less than fifty (50) feet at the front building line. Irregular lots shall have not less than thirty (30) feet minimum width at the front property line.

- (3) **Minimum Dwelling Size:** The minimum floor area of any dwelling shall be two thousand five hundred (2,500) square feet, exclusive of garages, breezeways and porches.
- (4) **Lot Coverage:** In no case shall more than forty percent (40%) of the total lot area be covered by the combined area of the main buildings and accessory buildings.
- (d) **Estate Accessory Building - Residential:**
 - (1) Estate accessory buildings shall be located on the rear one-half of the lot. Side yard and rear yard setbacks shall be three (3) feet, except at a side street, the accessory building shall have the same setback as the main building. A garage with an entry facing an alley or side street shall have a twenty (20) foot setback. An accessory building must be ten (10) feet from the main building or provide fire-rated construction as required by the Building Code. An accessory building may be connected to the main building with a breezeway that is open on two (2) sides. A detached building shall be considered an accessory building.

SECTION 17-7. "R-18" SINGLE-FAMILY RESIDENTIAL DISTRICT REGULATIONS

- (a) **Use Regulations:** A building or premise shall be used only for the following purposes:
- (1) Single-family dwellings.
 - (2) Church worship facilities.
 - (3) Buildings and uses owned or operated by public governmental agencies.
 - (4) Country clubs or golf courses, but not including miniature golf courses, driving ranges or similar forms of commercial amusement.
 - (5) Farms, nurseries or truck gardens, limited to the propagation and cultivation of plants, provided no retail or wholesale business is conducted on the premises, and provided further that no poultry or livestock other than household pets shall not be located closer to any property line than allowed by City of Lewisville Animal Control Ordinances.
 - (6) Real estate sales offices during the development of residential subdivisions, but not to exceed two (2) years.
 - (7) Schools, private, with full curriculum accredited by the State of Texas equivalent to that of a public elementary or high school.
 - (8) Temporary buildings for uses incidental to construction work on the premises, which buildings shall be removed upon the completion or abandonment of construction work.
 - (9) Accessory buildings and uses, customarily incident to the above uses and located on the same lot therewith, not involving the conduct of a retail business except as provided herein and for home occupations as defined by this Ordinance.
 - (10) A detached private garage with or without storeroom and/or utility room shall be permitted as an accessory building, provided that such garage shall be located not less than sixty (60) feet from the front lot line nor less than five (5) feet from any side or rear lot line and in the case of corner lots not less than the distance required for residences from side streets. A garage or servants' quarters constructed as an integral part of the main building shall be subject to the regulations affecting the main building.
 - (11) A carport shall be permitted provided that such carport is not located in a required front or side yard, not less than five (5) feet from the rear property line, and fully open on the entrance side.
- (b) **Height Regulations:** No building shall exceed thirty-five (35) feet or two and one-half (2-1/2) stories in height.
- (c) **Area Regulations:**
- (1) **Size of Yards:**
 - a. **Front Yard:** There shall be a front yard having a depth of not less than thirty-five (35) feet. Where lots have double frontage, running through from one street to another, the required front yard shall be provided on both streets.
 - b. **Side Yard:** There shall be a side yard on each side of the lot having a width of not less than ten percent (10%) of the lot width. A side yard adjacent to a side street shall not be less than fifteen (15) feet. No side yard for allowable non-residential uses shall be less than twenty-five (25) feet. In no case shall the minimum side yard setback be less than ten (10) feet.
 - c. **Rear Yard:** There shall be a rear yard having a depth of not less than thirty-five (35) feet.
 - (2) **Size of Lot:**
 - a. **Lot Area:** No building shall be constructed on any lot of less than eighteen thousand (18,000) square feet.

- b. **Lot Width:** The minimum width of the lot shall not be less than one hundred (100) feet at the required front and rear building setback lines. The minimum width at the front property line shall be fifty (50) feet.
 - c. **[Exception]:** Where a lot having less area or width than herein required existed in separate ownership upon the effective date of this Chapter, the above regulations shall not prohibit the erection of a one-family dwelling thereon.
- (3) **Minimum Dwelling Size:** The minimum floor area of any dwelling shall be two thousand four hundred (2,400) square feet, exclusive of garages, breezeways and porches.
- (4) **Lot Coverage:** In no case shall more than twenty-five percent (25%) of the total lot area be covered by the combined area of the main buildings and accessory buildings.

SECTION 17-8. "R-12" SINGLE-FAMILY RESIDENTIAL DISTRICT REGULATIONS

- (a) **Use Regulations:** A building or premise shall be used only for the following purposes:
- (1) Single-family dwellings.
 - (2) Church worship facilities.
 - (3) Buildings and uses owned or operated by public governmental agencies.
 - (4) Country clubs or golf courses, but not including miniature golf courses, driving ranges or similar forms of commercial amusement.
 - (5) Farms, nurseries or truck gardens, limited to the propagation and cultivation of plants, provided no retail or wholesale business is conducted on the premises, and provided further that no poultry or livestock other than household pets shall not be located closer to any property line than allowed by City of Lewisville Animal Control Ordinances.
 - (6) Real estate sales offices during the development of residential subdivisions, but not to exceed two (2) years.
 - (7) Schools, private, with full curriculum accredited by the State of Texas equivalent to that of a public elementary or high school.
 - (8) Temporary buildings for uses incidental to construction work on the premises, which buildings shall be removed upon the completion or abandonment of construction work.
 - (9) Accessory buildings and uses, customarily incident to the above uses and located on the same lot therewith, not involving the conduct of a retail business except as provided herein and for home occupations as defined by this Ordinance.
 - (10) A detached private garage with or without storeroom and/or utility room shall be permitted as an accessory building, provided that such garage shall be located not less than sixty (60) feet from the front lot line nor less than five (5) feet from any side or rear lot line and in the case of corner lots not less than the distance required for residences from side streets. A garage or servants' quarters constructed as an integral part of the main building shall be subject to the regulations affecting the main building.
 - (11) A carport shall be permitted provided that such carport is not located in a required front or side yard, not less than five (5) feet from the rear property line, and fully open on the entrance side.
- (b) **Height Regulations:** No building shall exceed thirty-five (35) feet or two and one-half (2-1/2) stories in height.
- (c) **Area Regulations:**
- (1) **Size of Yards:**
 - a. **Front Yard:** There shall be a front yard having a depth of not less than thirty (30) feet. Where lots have double frontage, running through from one street to another, the required front yard shall be provided on both streets.
 - b. **Side Yard:** There shall be a side yard on each side of the lot having a width of not less than ten percent (10%) of the lot width. A side yard adjacent to a side street shall not be less than fifteen (15) feet. No side yard for allowable non-residential uses shall be less than twenty-five (25) feet. In no case shall the minimum side yard setback be less than ten (10) feet.
 - c. **Rear Yard:** There shall be a rear yard having a depth of not less than twenty-five (25) feet if there is no rear entry from an alley, and a depth of not less than thirty-five (35) feet if there is rear entry from an alley.

(2) Size of Lot:

- a. **Lot Area:** No building shall be constructed on any lot of less than twelve thousand (12,000) square feet.
- b. **Lot Width:** The minimum width of the lot shall not be less than one hundred (100) feet at the required front and rear building setback lines. The minimum width at the front property line shall be fifty (50) feet.
- c. **[Exception]:** Where a lot having less area or width than herein required existed in separate ownership upon the effective date of this Ordinance, the above regulations shall not prohibit the erection of a one-family dwelling thereon.

(3) Minimum Dwelling Size: The minimum floor area of any dwelling shall be two thousand (2,000) square feet, exclusive of garages, breezeways and porches.

(4) Lot Coverage: In no case shall more than thirty percent (30%) of the total lot area be covered by the combined area of the main buildings and accessory buildings.

SECTION 17-9. "R-9" SINGLE-FAMILY RESIDENTIAL DISTRICT REGULATIONS

- (a) **Use Regulations:** A building or premise shall be used only for the following purposes:
- (1) Single-family dwellings.
 - (2) Church worship facilities.
 - (3) Buildings and uses owned or operated by public governmental agencies.
 - (4) Country clubs or golf courses, but not including miniature golf courses, driving ranges or similar forms of commercial amusement.
 - (5) Farms, nurseries or truck gardens, limited to the propagation and cultivation of plants, provided no retail or wholesale business is conducted on the premises, and provided further that no poultry or livestock other than household pets shall not be located closer to any property line than allowed by City of Lewisville Animal Control Ordinances.
 - (6) Real estate sales offices during the development of residential subdivisions, but not to exceed two (2) years.
 - (7) Schools, private, with full curriculum accredited by the State of Texas equivalent to that of a public elementary or high school.
 - (8) Temporary buildings for uses incidental to construction work on the premises, which buildings shall be removed upon the completion or abandonment of construction work.
 - (9) Accessory buildings and uses, customarily incident to the above uses and located on the same lot therewith, not involving the conduct of a retail business except as provided herein and for home occupations as defined by this Ordinance.
 - (10) A detached private garage with or without storeroom and/or utility room shall be permitted as an accessory building, provided that such garage shall be located not less than sixty (60) feet from the front lot line nor less than five (5) feet from any side or rear lot line and in the case of corner lots not less than the distance required for residences from side streets. A garage or servants' quarters constructed as an integral part of the main building shall be subject to the regulations affecting the main building.
 - (11) A carport shall be permitted provided that such carport is not located in a required front or side yard, not less than five (5) feet from the rear property line, and fully open on the entrance side.
- (b) **Height Regulations:** No building shall exceed thirty-five (35) feet or two and one-half (2-1/2) stories in height.
- (c) **Area Regulations:**
- (1) **Size of Yards:**
 - a. **Front Yard:** There shall be a front yard having a depth of not less than thirty (30) feet. Where lots have double frontage, running through from one street to another, the required front yard shall be provided on both streets.
 - b. **Side Yard:** There shall be a side yard on each side of the lot having a width of not less than ten percent (10%) of the lot width. A side yard adjacent to a side street shall not be less than fifteen (15) feet. No side yard for allowable non-residential uses shall be less than twenty-five (25) feet. In no case shall the minimum side yard setback be less than eight (8) feet.
 - c. **Rear Yard:** There shall be a rear yard having a depth of not less than twenty (20) feet if there is no rear entry from an alley, and a depth of not less than twenty-five (25) feet if there is rear entry from an alley.

(2) **Size of Lot:**

- a. **Lot Area:** No building shall be constructed on any lot of less than nine thousand (9,000) square feet.
- b. **Lot Width:** The minimum width of the lot shall not be less than eighty (80) feet at the required front and rear building setback lines. The minimum width at the front property line shall be fifty (50) feet.
- c. **Lot Depth:** The depth of the lot shall not be less than the width of the lot.
- d. **[Exception]:** Where a lot having less area, width and/or depth than herein required existed in separate ownership upon the effective date of this Ordinance, the above regulations shall not prohibit the erection of a one-family dwelling thereon.

(3) **Minimum Dwelling Size:** The minimum floor area of any dwelling shall be one thousand eight hundred fifty (1,850) square feet, exclusive of garages, breezeways and porches.

(4) **Lot Coverage:** In no case shall more than thirty-five percent (35%) of the total lot area be covered by the combined area of the main buildings and accessory buildings.

SECTION 17-10. "R-7.5" SINGLE-FAMILY RESIDENTIAL DISTRICT REGULATIONS

- (a) **Use Regulations:** A building or premise shall be used only for the following purposes:
- (1) Single-family dwellings.
 - (2) Church worship facilities.
 - (3) Buildings and uses owned or operated by public governmental agencies.
 - (4) Country clubs or golf courses, but not including miniature golf courses, driving ranges or similar forms of commercial amusement.
 - (5) Farms, nurseries or truck gardens, limited to the propagation and cultivation of plants, provided no retail or wholesale business is conducted on the premises, and provided further that no poultry or livestock other than household pets shall not be located closer to any property line than allowed by City of Lewisville Animal Control Ordinances.
 - (6) Real estate sales offices during the development of residential subdivisions, but not to exceed two (2) years.
 - (7) Schools, private, with full curriculum accredited by the State of Texas equivalent to that of a public elementary or high school.
 - (8) Temporary buildings for uses incidental to construction work on the premises, which buildings shall be removed upon the completion or abandonment of construction work.
 - (9) Accessory buildings and uses, customarily incident to the above uses and located on the same lot therewith, not involving the conduct of a retail business except as provided herein and for home occupations as defined by this Ordinance.
 - (10) A detached private garage with or without storeroom and/or utility room shall be permitted as an accessory building, provided that such garage shall be located not less than sixty (60) feet from the front lot line nor less than five (5) feet from any side or rear lot line and in the case of corner lots not less than the distance required for residences from side streets. A garage or servants' quarters constructed as an integral part of the main building shall be subject to the regulations affecting the main building.
 - (11) A carport shall be permitted provided that such carport is not located in a required front or side yard, not less than five (5) feet from the rear property line, and fully open on the entrance side.
- (b) **Height Regulations:** No building shall exceed thirty-five (35) feet or two and one-half (2-1/2) stories in height.
- (c) **Area Regulations:**
- (1) **Size of Yards:**
 - a. **Front Yard:** There shall be a front yard having a depth of not less than thirty (30) feet, except where entrance to the garage is provided from an alley in the rear of the house, in which case the minimum front yard may be twenty-five (25) feet. Where lots have double frontage, running through from one street to another, the required front yard shall be provided on both streets.
 - b. **Side Yard:** There shall be a side yard on each side of the lot having a width of not less than ten percent (10%) of the lot width. A side yard adjacent to a side street shall not be less than fifteen (15) feet. No side yard for allowable non-residential uses shall be less than twenty-five (25) feet. In no case shall the minimum side yard setback be less than six and one-half (6.5) feet.
 - c. **Rear Yard:** There shall be a rear yard having a depth of not less than twenty (20) feet if there is no rear entry from an alley, and a depth of not less than twenty-five (25) feet if there is rear entry from an alley.

(2) **Size of Lot:**

- a. **Lot Area:** No building shall be constructed on any lot of less than seven thousand five hundred (7,500) square feet.
- b. **Lot Width:** The minimum width of the lot shall not be less than sixty-five (65) feet at the required front and rear building setback lines. The minimum width at the front property line shall be forty (40) feet, or a minimum of fifty (50) feet if there is a driveway in the front.
- c. **[Exception]:** Where a lot having less area, width and/or depth than herein required existed in separate ownership upon the effective date of this Ordinance, the above regulations shall not prohibit the erection of a one-family dwelling thereon.

(3) **Minimum Dwelling Size:** The minimum floor area of any dwelling shall be one thousand seven hundred (1,700) square feet, exclusive of garages, breezeways and porches.

(4) **Lot Coverage:** In no case shall more than forty percent (40%) of the total lot area be covered by the combined area of the main buildings and accessory buildings.

SECTION 17-11. "R-6" SINGLE-FAMILY RESIDENTIAL DISTRICT REGULATIONS

- (a) **Use Regulations:** A building or premise shall be used only for the following purposes:
- (1) Single-family detached dwelling units.
 - (2) Church worship facilities.
 - (3) Buildings and uses owned or operated by public governmental agencies.
 - (4) Country clubs or golf courses, but not including miniature golf courses, driving ranges or similar forms of commercial amusement.
 - (5) Farms, nurseries or truck gardens, limited to the propagation and cultivation of plants, provided no retail or wholesale business is conducted on the premises, and provided further that no poultry or livestock other than household pets shall not be located closer to any property line than allowed by City of Lewisville Animal Control Ordinances.
 - (6) Real estate sales offices during the development of residential subdivisions, but not to exceed two (2) years.
 - (7) Schools, private, with full curriculum accredited by the State of Texas equivalent to that of a public elementary or high school.
 - (8) Temporary buildings for uses incidental to construction work on the premises, which buildings shall be removed upon the completion or abandonment of construction work.
 - (9) Accessory buildings and uses, customarily incident to the above uses and located on the same lot therewith, not involving the conduct of a retail business except as provided herein and for home occupations as defined by this Ordinance.
 - (10) A detached private garage with or without storeroom and/or utility room shall be permitted as an accessory building, provided that such garage shall be located not less than sixty (60) feet from the front lot line nor less than five (5) feet from any side or rear lot line and in the case of corner lots not less than the distance required for residences from side streets. A garage or servants' quarters constructed as an integral part of the main building shall be subject to the regulations affecting the main building.
 - (11) A carport shall be permitted provided that such carport is not located in a required front or side yard, not less than five (5) feet from the rear property line, and fully open on the entrance side.
- (b) **Height Regulations:** No building shall exceed thirty-five (35) feet or two and one-half (2-1/2) stories in height.
- (c) **Area Regulations:**
- (1) **Size of Yards:**
 - a. **Front Yard:** There shall be a front yard having a required depth of not less than twenty-five (25) feet, except where entrance to the automobile parking area is provided from an alley in the rear of the house in which case the minimum front yard shall be twenty (20) feet. Where lots have double frontage, running through from one street to another, the required twenty-five (25) foot front yard shall be provided on both streets.
 - b. **Side Yard:** There shall be a side yard on each side of the lot having a width of not less than six and one-half (6-1/2) feet. A side yard adjacent to a side street shall not be less than fifteen (15) feet. No side yard for allowable non-residential uses shall be less than twenty-five (25) feet.
 - c. **Rear Yard:** There shall be a rear yard having a depth of not less than twenty (20) feet if there is no rear entry from an alley, and a depth of not less than twenty-five (25) feet if there is rear entry from an alley.

(2) **Size of Lot:**

a. **Lot Area:** No building shall be constructed on any lot less than six thousand (6,000) square feet, or equivalent thereof, per dwelling unit.

b. **Lot Width:** The minimum width of the lot shall not be less than sixty (60) feet at the required front and rear building setback lines. The minimum width at the front property line shall be forty (40) feet, or a minimum of fifty (50) feet if there is a driveway in the front.

(3) **Minimum Dwelling Size:** The minimum floor area of any dwelling unit shall be one thousand five hundred (1,500) square feet, exclusive of garages, breezeways and porches.

(4) **Lot Coverage:** In no case shall more than fifty percent (50%) of the total lot area be covered by the combined area of the main buildings and accessory buildings.

SECTION 17-12. "R-5" SINGLE-FAMILY RESIDENTIAL DISTRICT REGULATIONS

- (a) **Use Regulations:** A building or premise shall be used only for the following purposes:
- (1) Single-family detached dwelling units.
 - (2) Church worship facilities.
 - (3) Buildings and uses owned or operated by public governmental agencies.
 - (4) Country clubs or golf courses, but not including miniature golf courses, driving ranges or similar forms of commercial amusement.
 - (5) Farms, nurseries or truck gardens, limited to the propagation and cultivation of plants, provided no retail or wholesale business is conducted on the premises, and provided further that no poultry or livestock other than household pets shall not be located closer to any property line than allowed by City of Lewisville Animal Control Ordinances.
 - (6) Real estate sales offices during the development of residential subdivisions, but not to exceed two (2) years.
 - (7) Schools, private, with full curriculum accredited by the State of Texas equivalent to that of a public elementary or high school.
 - (8) Temporary buildings for uses incidental to construction work on the premises, which buildings shall be removed upon the completion or abandonment of construction work.
 - (9) Accessory buildings and uses, customarily incident to the above uses and located on the same lot therewith, not involving the conduct of a retail business except as provided herein and for home occupations as defined by this Ordinance.
 - (10) A detached private garage with or without storeroom and/or utility room shall be permitted as an accessory building, provided that such garage shall be located not less than sixty (60) feet from the front lot line nor less than five (5) feet from any side or rear lot line and in the case of corner lots not less than the distance required for residences from side streets. A garage or servants' quarters constructed as an integral part of the main building shall be subject to the regulations affecting the main building.
 - (11) A carport shall be permitted provided that such carport is not located in a required front or side yard, not less than five (5) feet from the rear property line, and fully open on the entrance side.
- (b) **Height Regulations:** No building shall exceed thirty-five (35) feet or two and one-half (2-1/2) stories in height.
- (c) **Area Regulations:**
- (1) **Size of Yards:**
 - a. **Front Yard:** There shall be a front yard having a required depth of not less than twenty-five (25) feet, except where entrance to the automobile parking area is provided from an alley in the rear of the house in which case the minimum front yard shall be twenty (20) feet. Where lots have double frontage, running through from one street to another, the required twenty-five (25) foot front yard shall be provided on both streets.
 - b. **Side Yard:** There shall be a side yard on each side of the lot having a width of not less than six and one-half (6-1/2) feet. A side yard adjacent to a side street shall not be less than fifteen (15) feet. No side yard for allowable non-residential uses shall be less than twenty-five (25) feet.
 - c. **Rear Yard:** There shall be a rear yard having a depth of not less than twenty (20) feet if there is no rear entry from an alley, and a depth of not less than twenty-five (25) feet if there is rear entry from an alley.

(2) **Size of Lot:**

a. **Lot Area:** No building shall be constructed on any lot less than five thousand (5,000) square feet, or equivalent thereof, per dwelling unit.

b. **Lot Width:** The minimum width of the lot shall not be less than fifty (50) feet at the required front and rear building setback lines. The minimum width at the front property line shall be forty (40) feet, or a minimum of fifty (50) feet if there is a driveway in the front.

(3) **Minimum Dwelling Size:** The minimum floor area of any dwelling unit shall be one thousand four hundred fifty (1,450) square feet, exclusive of garages, breezeways and porches.

(4) **Lot Coverage:** In no case shall more than fifty percent (50%) of the total lot area be covered by the combined area of the main buildings and accessory buildings.

SECTION 17-13. "DU" DUPLEX RESIDENTIAL DISTRICT REGULATIONS

- (a) **Use Regulations:** A building or premise shall be used only for the following purposes:
- (1) Duplex.
 - (2) Single-family attached dwellings, provided that no more than two (2) dwelling units are attached, and provided that no dwelling unit is constructed above another dwelling unit.
 - (3) Single-family dwellings.
 - (4) Church worship facilities.
 - (5) Buildings and uses owned or operated by public governmental agencies.
 - (6) Country clubs or golf courses, but not including miniature golf courses, driving ranges or similar forms of commercial amusement.
 - (7) Farms, nurseries or truck gardens, limited to the propagation and cultivation of plants, provided no retail or wholesale business is conducted on the premises, and provided further that no poultry or livestock other than household pets shall not be located closer to any property line than allowed by City of Lewisville Animal Control Ordinances.
 - (8) Real estate sales offices during the development of residential subdivisions, but not to exceed two (2) years.
 - (9) Schools, private, with full curriculum accredited by the State of Texas equivalent to that of a public elementary or high school.
 - (10) Temporary buildings for uses incidental to construction work on the premises, which buildings shall be removed upon the completion or abandonment of construction work.
 - (11) Accessory buildings and uses, customarily incident to the above uses and located on the same lot therewith, not involving the conduct of a retail business except as provided herein and for home occupations as defined by this Ordinance.
 - (12) A detached private garage with or without storeroom and/or utility room shall be permitted as an accessory building, provided that such garage shall be located not less than sixty (60) feet from the front lot line nor less than five (5) feet from any side or rear lot line and in the case of corner lots not less than the distance required for residences from side streets. A garage or servants' quarters constructed as an integral part of the main building shall be subject to the regulations affecting the main building.
 - (13) A carport shall be permitted provided that such carport is not located in a required front or side yard, not less than five (5) feet from the rear property line, and fully open on the entrance side.
- (b) **Height Regulations:** No building shall exceed thirty-five (35) feet or two and one-half (2-1/2) stories in height.
- (c) **Area Regulations:**
- (1) **Size of Yards:**
 - a. **Front Yard:** There shall be a minimum front yard of twenty-five (25) feet for attached units and Duplex units. Detached units shall have a minimum front yard of twenty (20) feet, unless there is a front driveway, in which case the minimum front yard shall be twenty-five (25) feet.
 - b. **Side Yard:** For attached units and Duplex units there shall be a minimum side yard of eight (8) feet, except on the side where the units are attached. For detached units on individual lots, the minimum side yard shall be six and one-half (6.5) feet.
 - c. **Rear Yard:** There shall be a rear yard having a depth of not less than twenty (20) feet if there is no rear entry from an alley, and a depth of not less than twenty-five (25) feet if there is rear entry from an alley.

(2) **Size of Lot:**

- a. **Lot Area:** Duplex units shall be constructed on lots with a minimum of nine thousand (9,000) square feet. Attached units shall be constructed on lots with a minimum of four thousand five hundred (4,500) square feet. Detached units shall be constructed on lots with a minimum of five thousand (5,000) square feet.
- b. **Lot Width:** The minimum lot width for Duplex units shall be one hundred (100) feet at the front and rear building setback lines and eighty (80) feet at the front property line. The minimum width for all other lots shall be fifty (50) feet at the front and rear building setback lines and forty (40) feet at the front property line.
- c. **[Exception]:** Where a lot having less area or width than herein required existed in separate ownership upon the effective date of this Ordinance, the above regulations shall not prohibit erection of a dwelling thereon.

(3) **Minimum Dwelling Size:** The minimum floor area of each dwelling side in a Duplex or attached units shall be one thousand two hundred (1,200) square feet, exclusive of garages, breezeways and porches. The minimum floor area for all detached units shall be one thousand four hundred (1,400) square feet, exclusive of garages, breezeways and porches.

(4) **Lot Coverage:** In no case shall more than forty percent (40%) of the total lot area be covered by the combined area of the main buildings and accessory buildings.

SECTION 17-13.5. "ETH" ESTATE TOWNHOUSE RESIDENTIAL DISTRICT REGULATIONS

- (a) **Use Regulations:** A building or premise shall be used only for the following purposes:
- (1) Single-family detached or attached dwellings units, provided that no more than nine (9) dwelling units are attached in one continuous row or group, and provided that no dwelling unit is constructed above another dwelling unit.
 - (2) Church worship facilities.
 - (3) Buildings and uses owned or operated by public governmental agencies.
 - (4) Real estate sales offices during the development of residential subdivisions, but not to exceed two (2) years.
 - (5) Temporary buildings for uses incidental to construction work on the premises, which buildings shall be removed upon the completion or abandonment of construction work.
 - (6) Accessory buildings and uses, customarily incident to the above uses and located on the same lot therewith, not involving the conduct of a retail business except as provided herein and for home occupations as defined by this chapter. Accessory building use includes a detached garage, storeroom, utility room, cabana, servant's quarters or similar use. Accessory Buildings shall conform to the requirements of the Estate Accessory Building - Residential.
 - (7) A carport shall be permitted.
- (b) **Height Regulations:** No building shall exceed thirty-five (35) feet or two and one-half (2-1/2) stories in height.
- (c) **Area Regulations:**
- (1) **Size of Yards:**
 - a. **Front Yard:** There shall be a front yard having a depth of not less than five (5) feet. If the garage or carport entry is from the front and the entry side of the garage or carport faces the street, the garage or carport must be set back twenty (20) feet.
 - b. **Side Yard:** No side yard setback is required, except a five (5) foot setback is required adjacent to a side street.
 - c. **Rear Yard:** No rear yard setback is required. If the garage or carport entry is from the alley and the entry side of the garage or carport faces the alley, the garage or carport must be set back a minimum of twenty (20) feet.
 - (2) **Size of Lot:**
 - a. **Lot Area:** No building shall be constructed on any lot of less than four thousand (4,000) square feet.
 - b. **Lot Width:** The minimum width of the lot shall not be less than twenty (20) feet at any point.
 - (3) **Minimum Dwelling Size:** The minimum floor area of any dwelling shall be two thousand (2,000) square feet, exclusive of garages, breezeways and porches.
 - (4) **Lot Coverage:** In no case shall more than eighty percent (80%) of the total lot area be covered by the combined area of the main buildings and accessory buildings.
- (d) **Estate Accessory Building - Residential:**
- (1) Estate accessory buildings shall be located on the rear one-half of the lot. Side yard and rear yard setbacks shall be three (3) feet, except at a side street, the accessory building shall have the same setback as the main building. A garage with an entry facing an alley or

side street shall have a twenty (20) foot setback. An accessory building must be ten (10) feet from the main building or provide fire-rated construction as required by the Building Code. An accessory building may be connected to the main building with a breezeway that is open on two (2) sides. A detached building shall be considered an accessory building.

SECTION 17-14. "TH" TOWNHOUSE RESIDENTIAL DISTRICT REGULATIONS

- (a) **Use Regulations:** A building or premise shall be used only for the following purposes:
- (1) Single-family attached dwelling units, provided that no more than nine (9) dwelling units are attached in one continuous row or group, and provided that no dwelling unit is constructed above another dwelling unit.
 - (2) Single-family detached dwelling units.
 - (3) Church worship facilities.
 - (4) Buildings and uses owned or operated by public governmental agencies.
 - (5) Country clubs or golf courses, but not including miniature golf courses, driving ranges or similar forms of commercial amusement.
 - (6) Real estate sales offices during the development of residential subdivisions, but not to exceed two (2) years.
 - (7) Schools, private, with full curriculum accredited by the State of Texas equivalent to that of a public elementary or high school.
 - (8) Temporary buildings for uses incidental to construction work on the premises, which buildings shall be removed upon the completion or abandonment of construction work.
 - (9) Accessory buildings and uses, customarily incident to the above uses and located on the same lot therewith, not involving the conduct of a retail business except as provided herein and for home occupations as defined by this Ordinance.
 - (10) A detached private garage with or without storeroom and/or utility room shall be permitted as an accessory building, provided that such garage shall be located not less than sixty (60) feet from the front lot line nor less than five (5) feet from any side or rear lot line and in the case of corner lots not less than the distance required for residences from side streets. A garage or servants' quarters constructed as an integral part of the main building shall be subject to the regulations affecting the main building.
 - (11) A carport shall be permitted provided that such carport is not located in a required front or side yard, not less than five (5) feet from the rear property line, and fully open on the entrance side.
- (b) **Height Regulations:** Attached living units shall not exceed forty-five (45) feet or three and one-half (3-1/2) stories in height. All other detached buildings, including detached living units, shall not exceed thirty-five (35) feet or two and one-half (2-1/2) stories in height, except where otherwise regulated within this Ordinance.
- (c) **Area Regulations:**
- (1) **Size of Yards:**
 - a. **Front Yard:** There shall be a front yard having a required depth of not less than twenty-five (25) feet; except where entrance to the automobile parking area is provided from an alley in the rear of the house in which case the minimum front yard shall be twenty (20) feet. Where lots have double frontage, running through from one street to another, the required twenty-five (25) foot front yard shall be provided on both streets.
 - b. **Side Yard:** There shall be a side yard on each side of a continuous row or group of dwellings of not less than ten (10) feet. Detached units shall have a side yard on each side of the lot of not less than six and one-half (6-1/2) feet. A side yard adjacent to a side street shall not be less than fifteen (15) feet. No side yard for allowable non-residential uses shall be less than twenty-five (25) feet.
 - c. **Rear Yard:** There shall be a rear yard having a depth of not less than twenty (20) feet if there is no rear entry from an alley, and a depth of not less than twenty-five (25) feet if there is rear entry from an alley.
 - (2) **Size of Lot:**

- a. **Lot Area:** No building shall Revised Page 07-11-2005 lot less than two thousand (2,000) square feet, or equivalent unit, except that detached units shall be constructed on lots which are a minimum of five thousand (5,000) square feet per lot.
- b. **Lot Width:** The width of a lot shall not be less than twenty (20) feet at any point, except that lots for detached units shall have a lot width of not less than fifty (50) feet at the front and rear building lines, and forty (40) feet at the front property line.
- c. **Lot Depth:** The depth of a lot shall not be less than one hundred (100) feet at any point.
- (3) **Minimum Dwelling Size:** The minimum floor area of any dwelling unit, attached or detached, shall be one thousand four hundred and fifty (1,450) square feet, exclusive of any garages, breezeways and porches.
- (4) **Lot Coverage:** In no case shall more than seventy percent (70%) of the total lot area be covered by the combined area of the main buildings and accessory buildings.

SECTION 17-14.5. "TH-2" TOWNHOUSE TWO RESIDENTIAL DISTRICT REGULATIONS

- (a) **Use Regulations:** A building or premise shall be used only for the following purposes:
- (1) Single-family attached dwelling units, provided that no more than nine (9) dwelling units are attached in one continuous row or group, and provided that no dwelling unit is constructed above another dwelling unit.
 - (2) Single-family detached dwelling units.
 - (3) Church worship facilities.
 - (4) Buildings and uses owned or operated by public governmental agencies.
 - (5) Real estate sales offices during the development of residential subdivisions, but not to exceed two (2) years.
 - (6) Schools, private, with full curriculum accredited by the State of Texas equivalent to that of a public elementary or high school.
 - (7) Temporary buildings for uses incidental to construction work on the premises, which buildings shall be removed upon the completion or abandonment of construction work.
 - (8) Accessory buildings and uses, customarily incident to the above uses and located on the same lot therewith, not involving the conduct of a retail business except as provided herein and for home occupations as defined by this Ordinance.
 - (9) A detached private garage with or without storeroom and/or utility room shall be permitted as an accessory building, provided that such garage shall be located not less than sixty (60) feet from the front lot line nor less than five (5) feet from any side or rear lot line and in the case of corner lots not less than the distance required for residences from side streets. A garage or servants' quarters constructed as an integral part of the main building shall be subject to the regulations affecting the main building.
 - (10) A carport shall be permitted provided that such carport is not located in a required front or side yard, not less than five (5) feet from the rear property line, and is fully open on the entrance side.
- (b) **Height Regulations:** Attached living units shall not exceed thirty-five (35) feet or two and one-half (2-1/2) stories in height.
- (c) **Area Regulations:**
- (1) **Size of Yards:**
 - a. **Front Yard:** There shall be a front yard having a required depth of not less than seventeen and one-half (17.5) feet, except that the garage shall be set back a minimum of twenty (20) feet to be used for driveway and additional onsite parking. Where entrance to the garage is provided from an alley or easement in the rear, the minimum front yard shall be five (5) feet.
 - b. **Side Yard:** There shall be a side yard on each side of a continuous row or group of dwellings, or on each side of a detached dwelling, of not less than six and one-half (6.5) feet. A side yard adjacent to a side street shall not be less than ten (10) feet. No side yard for allowable non-residential uses shall be less than twenty-five (25) feet.
 - c. **Rear Yard:** There shall be a rear yard having a required depth of not less than five (5) feet if there is no rear entry for parking from an alley or easement. Where the entrance to the garage is provided from an easement serving a row of attached dwelling units, the minimum rear setback shall be seventeen and one-half (17.5) feet. Where the entrance to the garage is provided from an alley, the minimum setback shall be seventeen and one-half (17.5) feet, except that the garage shall be set back a minimum of twenty (20) feet to be used for driveway and additional onsite parking.

(2) **Size of Lot:**

- a. **Lot Area:** No building shall be constructed on any lot less than seventeen hundred (1,700) square feet per dwelling unit, except that detached units shall be constructed on lots which are a minimum of five thousand (5,000) square feet per lot.
- b. **Lot Width:** The width of a lot shall not be less than twenty (20) feet at any point, except that lots for detached units shall have a lot width of not less than fifty (50) feet at the front and rear building lines, and forty (40) feet at the front property line.
- c. **Lot Depth:** The depth of a lot shall not be less than seventy-five (75) feet at any point.

(3) **Minimum Dwelling Size:** The minimum floor area of any dwelling unit, attached or detached, shall be twelve hundred (1,200) square feet, exclusive of any garages, breezeways and porches.

(4) **Lot Coverage:** In no case shall more than seventy percent (70%) of the total lot area be covered by the combined area of the main buildings and accessory buildings.

SECTION 17-15. "MF-1" MULTI-FAMILY ONE DISTRICT REGULATIONS

- (a) **Use Regulations:** A building or premise shall be used only for the following purposes:
- (1) Multi-Family dwellings.
 - (2) Dormitories for students.
 - (3) Fraternity or Sorority house.
 - (4) Nursing and Convalescent Homes.
 - (5) Day Nurseries.
 - (6) Church Worship Facilities.
 - (7) Buildings and uses owned or operated by public governmental agencies.
 - (8) Schools, private, with full curriculum accredited by the State of Texas equivalent to that of a public elementary or high school.
 - (9) Temporary buildings for uses incidental to construction work on the premises, which buildings shall be removed upon the completion or abandonment of construction work.
 - (10) Accessory buildings and uses, customarily incident to the above uses, and located on the same lot therewith, not involving the conduct of a retail business except as provided herein.
- (b) **Height Regulations:** No building shall exceed thirty-five (35) feet or two (2) stories in height except that a building may be erected to a height of eighty (80) feet and eight (8) stories if set back from all required yard lines a distance of one (1) foot for each two (2) feet of additional height above thirty-five (35) feet.
- (c) **Area Regulations:**
- (1) **Size of Yards:**
 - a. **Front Yard:** There shall be a front yard having a required depth of not less than twenty-five (25) feet. Furthermore, required parking shall not be allowed within the required front yard.
 - b. **Side Yard:** There shall be a side yard on each side of the lot having a width of not less than twenty-five (25) feet.
 - c. **Rear Yard:** There shall be a rear yard having a depth of not less than twenty-five (25) feet.
 - (2) **Size of Lot:**
 - a. **Lot Area:** No building shall be constructed on any lot of less than forty-five hundred (4,500) square feet. No building containing two (2) or more dwelling units shall be constructed on any lot of less than nine thousand (9,000) square feet.
 - b. **Lot Width:** The width of the lot shall not be less than fifty (50) feet at the front street building line, nor shall its average width be less than fifty (50) feet.
 - c. **Lot Depth:** The average depth of the lot shall not be less than one hundred (100) feet, except that a corner lot, having a minimum width of not less than eighty (80) feet, may have an average depth of less than one hundred (100) feet provided that the minimum depth is no less than eight (80) feet.
 - d. **[Exception]:** Where a lot having less area, width and/or depth than herein required existed in separate ownership upon the effective date of this Ordinance, the above regulations shall not prohibit the erection of a one-family dwelling thereon.
 - (3) **Minimum Dwelling Size:** The minimum floor area of each two (2), three (3), or four (4) family dwelling unit shall contain a minimum of eight hundred (800) square feet of livable

floor space, exclusive of garages, porches, breezeways, entry hallways or incidental storage, for each family to be housed in said building.

Every other building or portion thereof hereafter erected, reconstructed, altered or enlarged, shall contain an average of eight hundred (800) square feet and a minimum of six hundred fifty (650) feet square feet of liveable floor space, exclusive of garages, porches, breezeways, entry halls or incidental storage, for each family to be housed in said building.

The eight hundred (800) square foot average shall apply to the total number of units to be constructed under the same building permit where five (5) or more buildings are to be erected under the same building permit.

- (4) **Lot Coverage:** In no case shall more than forty percent (40%) of the total lot area be covered by the combined area of the main buildings and accessory buildings.
- (5) **Density:** In no case shall the density of units per platted acre exceed twenty (20) units per acre. Drainage right-of-way which is dedicated to the City of Lewisville as a condition for development may be included in the total area for computing density. Otherwise, density shall be based on the size of the platted lot.

SECTION 17-16. "MF-2" MULTI-FAMILY TWO DISTRICT REGULATIONS

- (a) **Use Regulations:** A building or premise shall be used only for the following purposes:
- (1) Multi-Family dwellings.
 - (2) Dormitories for students.
 - (3) Fraternity or Sorority house.
 - (4) Nursing and Convalescent Homes.
 - (5) Day Nurseries.
 - (6) Church Worship Facilities.
 - (7) Buildings and uses owned or operated by public governmental agencies.
 - (8) Schools, private, with full curriculum accredited by the State of Texas equivalent to that of a public elementary or high school.
 - (9) Temporary buildings for uses incidental to construction work on the premises, which buildings shall be removed upon the completion or abandonment of construction work.
 - (10) Accessory buildings and uses, customarily incident to the above uses, and located on the same lot therewith, not involving the conduct of a retail business except as provided herein.
- (b) **Height Regulations:** No building shall exceed forty-five (45) feet or three (3) stories in height, except that a building may be erected to a height of eighty (80) feet and eight (8) stories if set back from all required yard lines a distance of one (1) foot for each two (2) feet of additional height above forty-five (45) feet.
- (c) **Area Regulations:**
- (1) **Size of Yards:**
 - a. **Front Yard:** There shall be a front yard having a required depth of not less than twenty-five (25) feet. Furthermore, required parking shall not be allowed within the required front yard.
 - b. **Side Yard:** There shall be a side yard on each side of the lot having a width of not less than twenty-five (25) feet.
 - c. **Rear Yard:** There shall be a rear yard having a depth of not less than twenty-five (25) feet.
 - (2) **Size of Lot:**
 - a. **Lot Area:** No building shall be constructed on any lot of less than forty-five hundred (4500) square feet. No building containing two (2) or more dwelling units shall be constructed on any lot of less than nine thousand (9,000) square feet.
 - b. **Lot Width:** The width of the lot shall not be less than fifty (50) feet at the front street building line, nor shall its average width be less than fifty (50) feet.
 - c. **Lot Depth:** The average depth of the lot shall not be less than one hundred (100) feet, except that a corner lot, having a minimum width of not less than eighty (80) feet, may have an average depth of less than one hundred (100) feet provided that the minimum depth is not less than eighty (80) feet.
 - d. **[Exception]:** Where a lot having less area, width and/or depth than herein required existed in separate ownership upon the effective date of this Ordinance the above regulations shall not prohibit the erection of a one-family dwelling thereon.
 - (3) **Minimum Dwelling Size:** The minimum floor area of each two (2), three (3), or four (4) family dwelling unit shall contain a minimum of seven hundred fifty (750) square feet of

liveable floor space, exclusive of garages, porches, breezeways, entry halls or incidental storage, for each family to be housed in said building.

Every other building or portion thereof hereafter erected, reconstructed, altered or enlarged shall contain an average of seven hundred fifty (750) square feet and a minimum of five hundred (500) square feet of livable floor space, exclusive of garages, porches, breezeways, entry halls or incidental storage for each family to be housed in said building.

The seven hundred fifty (750) square feet average shall apply to the total number of units to be constructed under the same building permit where five or more buildings are to be erected under the same building permit.

- (4) **Lot Coverage:** In no case shall more than fifty percent (50%) of the total lot area be covered by the combined area of the main buildings and accessory buildings.
- (5) **Density:** In no case shall the density of units per platted acre exceed twenty-four (24) units per acre. Drainage right-of-way which is dedicated to the City of Lewisville as a condition for development may be included in the total area for computing density. Otherwise, density shall be based on the size of the platted lot.

SEC. 17-16.5. "MF-3" MULTI-FAMILY THREE DISTRICT REGULATIONS

- (a) **Use Regulations:** A building or premise shall be used only for the following purposes:
- (1) Multi-Family dwellings.
 - (2) Dormitories for students.
 - (3) Fraternity or Sorority house.
 - (4) Nursing and Convalescent Homes.
 - (5) Day Nurseries.
 - (6) Church Worship Facilities.
 - (7) Buildings and uses owned or operated by public governmental agencies.
 - (8) Schools, private, with full curriculum accredited by the State of Texas equivalent to that of a public elementary or high school.
 - (9) Temporary buildings for uses incidental to construction work on the premises, which buildings shall be removed upon the completion or abandonment of construction work.
 - (10) Accessory buildings and uses, customarily incident to the above uses, and located on the same lot therewith, not involving the conduct of a retail business except as provided herein.
- (b) **Height Regulations:** No building shall exceed forty-five (45) feet or three (3) stories in height, except that a building may be erected to a height of eighty (80) feet and eight (8) stories if set back from all required yard lines a distance of one (1) foot for each two (2) feet of additional height above forty-five (45) feet.
- (c) **Area Regulations:**
- (1) **Size of Yards:**
 - a. **Front Yard:** There shall be a front yard having a required depth of not less than twenty-five (25) feet along any street which has a right of way width of 120 feet or more. The required front yard shall have a required depth of not less than five (5) feet on all other streets.
 - b. **Side Yard:** There shall be a side yard on each side of the lot having a width of not less than five (5) feet.
 - c. **Rear Yard:** There shall be a rear yard having a depth of not less than five (5) feet.
 - (2) **Size of Lot:**
 - a. **Lot Area:** No building shall be constructed on any lot of less than forty-five hundred (4500) square feet. No building containing two (2) or more dwelling units shall be constructed on any lot of less than nine thousand (9,000) square feet.
 - b. **Lot Width:** The width of the lot shall not be less than fifty (50) feet at the front street building line, nor shall its average width be less than fifty (50) feet.
 - c. **Lot Depth:** The average depth of the lot shall not be less than one hundred (100) feet, except that a corner lot, having a minimum width of not less than eighty (80) feet, may have an average depth of less than one hundred (100) feet provided that the minimum depth is not less than eighty (80) feet.
 - (3) **Minimum Dwelling Size:** The minimum floor area of each two (2), three (3), or four (4) family dwelling unit shall contain a minimum of seven hundred fifty (750) square feet of livable floor space, exclusive of garages, porches, breezeways, entry halls or incidental storage, for each family to be housed in said building.

Every other building or portion thereof hereafter erected, reconstructed, altered or enlarged shall contain an average of seven hundred fifty (750) square feet and a minimum of five hundred (500) square feet of livable floor space, exclusive of garages, porches, breezeways, entry halls or incidental storage for each family to be housed in said building.

The seven hundred fifty (750) square feet average shall apply to the total number of units to be constructed under the same building permit where five or more buildings are to be erected under the same building permit.

- (4) **Lot Coverage:** In no case shall the combined area of the main buildings and accessory buildings cover more than fifty percent (50%) of the total lot area.
- (5) **Density:** In no case shall the density of units per platted acre exceed twenty-four (24) units per acre. Drainage right-of-way that is dedicated to the City of Lewisville as a condition for development may be included in the total area for computing density. Otherwise, density shall be based on the size of the platted lot.”

SECTION 17-17. "MHP" MOBILE HOME PARK DISTRICT REGULATIONS

- (a) **Use Regulations:** A building or premise shall be used only for the following purposes:
- (1) A mobile home park.
 - (2) Such uses as are normally accessory to a mobile home park, including office and/or maintenance buildings for management and maintenance of the mobile home park only, recreation buildings and swimming pools, private clubs, laundry facilities and storage facilities for use of the residents of the mobile home park, and open recreation areas.
 - (3) Church worship facilities.
 - (4) Buildings and uses owned or operated by public governmental agencies.
 - (5) Temporary buildings for uses incidental to construction work on the premises, which buildings shall be removed upon the completion or abandonment of construction work.
- (b) **Location of Mobile Homes Outside of Mobile Home Parks:** "Mobile Homes" are defined as modular buildings which are designed for living or sleeping purposes with only wheels as a foundation, which can be moved only by towing, and which were not designed to be self-propelled. A trailer coach is a mobile home. It shall be unlawful for any person to locate or maintain any mobile home in any place in the City other than in a licensed mobile home park or mobile home subdivision except for the following:
- (1) Mobile homes may be kept in a properly zoned mobile home sales lot, including use of a mobile home as a sales office.
 - (2) A mobile home may be used as a temporary construction office.
 - (3) A single "camper trailer" type mobile home or recreational vehicle (used solely for private recreational purposes) may be stored as an accessory use for residential uses.
 - (4) A mobile home may be used as office and living quarters for security personnel on commercial or industrial developments only after approval of the Lewisville City Council. Approvals which are in force at the time of passage of this amendment (June 20, 1994) shall be deemed to be approved indefinitely. All approvals are for an indefinite time period unless otherwise directed by the Lewisville City Council.
- (c) **Compliance with Other Ordinances:** Except as provided herein, all Mobile Home Parks must also meet the requirements of the City of Lewisville City Code of Ordinances regulating Mobile Homes and Mobile Home Parks.

SECTION 17-18. "MHS" MOBILE HOME SUBDIVISION DISTRICT REGULATIONS

- (a) **Use Regulations:** A Mobile Home Subdivision shall be used only for the following purposes:
- (1) Single family mobile home or pre-manufactured home in a subdivision as shown on a subdivision plat approved by the Planning and Zoning Commission and filed for record, designed specifically for and restricted to mobile home development.
 - (2) Church worship facilities.
 - (3) Buildings and uses owned or operated by public governmental agencies.
 - (4) Temporary buildings for uses incidental to construction work on the premises, which buildings shall be removed upon the completion or abandonment of construction work.
 - (5) Accessory buildings and uses, customarily incident to the above uses and located on the same lot therewith, not involving the conduct of a retail business except as provided herein and for home occupations as defined by this Ordinance.
- (b) **Location of Mobile Home Subdivision:**
- (1) Mobile Home Subdivision District will be granted only as an amendment to the Zoning Ordinance. The granting of each Mobile Home Subdivision District will be on the merits of each individual request for amendment.
 - (2) The location of a Mobile Home Subdivision District shall be in general conformance with the General Plan of the City, shall be located adjacent to a thoroughfare and adjacent to a Multi-Family District, Commercial District or Industrial District.
- (c) **Height Regulations:** No building shall exceed thirty-five (35) feet or two and one-half (2-1/2) stories in height.
- (d) **Area Regulations:** The minimum site area which may be developed or used for a mobile home subdivision is eight (8) acres.
- (1) **Size of Yards:**
- a. **Front Yard:** There shall be a front yard having a depth of not less than twenty (20) feet.
 - b. **Side Yard:** There shall be a side yard on each side of the lot of not less than ten (10) feet. This shall apply to any mobile home unit, canopy, carport or appurtenance. There shall be a side yard of twenty (20) feet on a side adjacent to a side street.
 - c. **Rear Yard:** There shall be a rear yard having a depth of not less than ten (10) feet.
- (2) **Size of Lot:**
- a. **Lot Area:** No mobil home unit or pre-manufactured home shall be placed on any lot less than five thousand (5,000) square feet.
 - b. **Lot Width:** The width of a lot shall not be less than fifty (50) feet.
 - c. **Lot Depth:** The depth of a lot shall not be less than one hundred (100) feet.

(e) Special Regulations:

- (1)** The mobile home subdivision shall meet all City requirements as set forth in the City of Lewisville General Development Ordinance and shall conform to all other regulations contained in the Lewisville Building Code, Gas Code, Plumbing Code, Electrical Code, Mechanical Code and any other applicable City Ordinances.
- (2)** All mobile homes shall conform to the State of Texas Standards for Mobile Home Anchorage, Tie Downs and Blocking.
- (3)** All underground utilities shall be provided.
- (4)** All mobile homes shall be skirted and all skirting shall be constructed of mortared brick.

SECTION 17-19. "OD" OFFICE DISTRICT REGULATIONS

(a) Use Regulations:

- (1) Professional and administrative offices where only services are provided, no chattels or goods are offered for sale, and no outside storage is provided on the premises. This includes but is not limited to doctors, dentists, attorneys, architects, engineers, insurance, real estate, banks and similar offices.
- (2) Business or commercial schools and institutions of education.
- (3) Clinics, medical and dental.
- (4) Veterinarian or animal clinic, provided the use is operated within an enclosed structure and is not on a lot abutting a Single Family zoned lot.
- (5) Day nurseries.
- (6) The incidental retail sale of food, beverages and other convenience items or services is permitted to the occupants, employees and guests, as long as these items are not advertised nor offered for sale to the general public.
- (7) Church worship facilities.
- (8) Buildings and uses owned or operated by public governmental agencies.
- (9) Temporary buildings for uses incidental to construction work on the premises, which buildings shall be removed upon the completion or abandonment of construction work.
- (10) Accessory buildings and uses customarily incidental to any of the above uses, provided that such not be objectional because of odor, smoke, dust noise, vibration or similar nuisance.

(b) Building & Coverage Regulations:

- (1) **Building Regulations:** The minimum floor area in "OD" Office District shall be one thousand (1000) square feet.
- (2) **Coverage Regulations:** In no case shall any building or building complex cover more than thirty-five percent (35%) of the site area.
- (c) **Height Regulations:** The maximum height for buildings shall be fifty (50) feet. In no event, however, shall the portion of a building located within one hundred fifty (150) feet of any property zoned for residential purposes exceed the height allowed in that residential zoning district.

(d) Area Regulations:

(1) Size of Yards:

a. Front Yard:

1. There shall be a minimum front yard having a depth of not less than forty (40) feet adjacent to any street with a right-of-way of one hundred (100) feet or more.
2. There shall be a minimum front yard having a depth of not less than thirty (30) feet adjacent to any street with a right-of-way less than one hundred (100) feet.
3. Lots having double frontage, running through from one street to another, shall provide the required setback from both streets.

b. Side Yard: There shall be a minimum side yard of ten (10) feet on each side of the lot or tract on which any single building or building complex is constructed.

c. Rear Yard: No rear yard is required except, that a rear yard of not less than twenty-five (25) feet in depth shall be provided upon that portion of a lot abutting or

across a rear street from a residential district, except that such yard requirement shall not apply where the property in the residential district also backs up to the rear street. The required rear yard shall be waived when a screening device is installed in accordance with the City's General Development Ordinance. The building itself can serve as a portion of the screening device when that portion of the building exterior is constructed of the same materials as the screening device.

(2) **Reserved:**

SECTION 17-20. "MD" MEDICAL DISTRICT REGULATIONS

(a) **Use Regulations:** A building or premise shall be used only for the following purposes:

- (1) Day nursery or day care center.
- (2) Nursing home or convalescent home.
- (3) Institution for care of alcoholic, narcotic, or psychiatric patients.
- (4) Clinic: Medical, dental or optical.
- (5) Laboratory: Medical, dental or optical.
- (6) Laboratory: Scientific research or testing.
- (7) Retail sales and services for medical appliances.
- (8) Florist.
- (9) Drug store or pharmacy.
- (10) Optical sales and service.
- (11) Offices: Medical, dental or optical.
- (12) Hospital.
- (13) Church worship facilities.
- (14) Buildings and uses owned or operated by public governmental agencies.
- (15) Uses similar to the above mentioned permitted uses, provided activities conducted observe the requirements of all City Ordinances.
- (16) Temporary buildings for uses incidental to construction work on the premises, which buildings shall be removed upon the completion or abandonment of construction work.
- (17) Accessory buildings and uses customarily incident to any of the above uses, provided that such not be objectionable because of odor, smoke, dust, noise, vibration or similar nuisance.

(b) **Height Regulations:** The maximum height for the main buildings shall not exceed one hundred (100) feet. In no event, however, shall the portion of a building located within one hundred fifty (150) feet of any property zoned for residential purposes exceed the height allowed in that residential zoning district.

(c) **Area Regulations:**

(1) **Size of Yards:**

a. **Front Yard:**

1. There shall be a minimum front yard having a depth of not less than forty (40) feet adjacent to any street with a right-of-way of one hundred (100) feet or more.
2. There shall be a minimum front yard having a depth of not less than thirty (30) feet adjacent to any street with a right-of-way less than one hundred (100) feet.
3. Lots having double frontage, running through from one street to another, shall provide the required setback from both streets.

b. **Side Yard:** There shall be a minimum side yard of ten (10) feet on each side of the lot or tract on which any single building or building complex is constructed.

c. **Rear Yard:** No rear yard is required except, that a rear yard of not less than twenty-five (25) feet in depth shall be provided upon that portion of a lot abutting or across a rear street from a residential district, except that such yard requirement shall not apply where the property in the residential district also backs up to the rear street. The required rear yard shall be waived when a screening device is installed in accordance with the City's General Development Ordinance. The building itself

can serve as a portion of the screening device when that portion of the building exterior is constructed of the same materials as the screening device.

(2) **Reserved:**

SECTION 17-21. "LC" LOCAL COMMERCIAL DISTRICT REGULATIONS

- (a) **Use Regulations:** A building or premise shall be used only for indoor, neighborhood office, retail, and services which are primarily retail in nature, including, but not limited to:
- (1) Any use permitted in District "OD".
 - (2) Grocery stores.
 - (3) Barber and beauty shops.
 - (4) Book, card, gift and stationary stores.
 - (5) Dry cleaning and laundry services.
 - (6) Gasoline service stations, excluding those with major motor or transmission repair services.
 - (7) Minor automobile services including tune-up and repair services, tire stores and car washes, providing there is no overnight outside storage of vehicles. (Not including transmission or body shops.)
 - (8) Restaurants (except that no private club for the sale of alcoholic beverages may be located on a lot abutting any Single Family zoned lot except in the Lakeland Plaza and Lewisville West shopping centers as well as other shopping centers in operation as of April 05, 1976).
 - (9) Florists.
 - (10) Video rental stores, movie theaters and other indoor amusements.
 - (11) Church worship facilities.
 - (12) Buildings and uses owned or operated by public governmental agencies.
 - (13) Other retail, office and service uses of a similar nature provided that the business establishment supplies the everyday needs of the immediate neighborhood and is subject to the following conditions:
 - a. There is no outside display and storage of merchandise or vehicles, except for the incidental and occasional sale of merchandise outside the building for periods not to exceed thirty (30) days (i.e. Christmas tree sales and sidewalk sales, etc.).
 - b. That required yards not be used for display, sale or storage of merchandise, or for the storage of vehicles, equipment, containers or waste material.
 - c. That such use not be objectionable because of odor, excessive light, smoke, dust, noise, vibration, or similar nuisance.
 - (14) Temporary buildings for uses incidental to construction work on the premises, which buildings shall be removed upon the completion or abandonment of construction work.
 - (15) Accessory buildings and uses customarily incident to any of the above uses, provided that such not be objectionable because of odor, smoke, dust, noise, vibration or similar nuisance.
- (b) **Height Regulations:** No building shall exceed forty-five (45) feet or three (3) stories in height, except that a building may be erected to a height of eighty (80) feet and eight (8) stories if set back from all required yard lines a distance of one (1) foot for each two (2) feet of additional height above forty-five (45) feet. In no event, however, shall the portion of a building located within one hundred fifty (150) feet of any property zoned for residential purposes exceed the height allowed in that residential zoning district.
- (c) **Area Regulations:**
- (1) **Size of Yards:**
- a. **Front Yard:** There shall be a front yard having a minimum depth of twenty-five (25) feet. No parking, storage or similar use shall be allowed in required front yards in District "LC", except that automobile parking will be permitted in such yards if separated by at least twenty-five (25) feet from any residential district.
 - b. **Side Yard:** A side yard of not less than fifteen (15) feet in width shall be provided on the side of a lot adjoining a side street. A side yard of not less than ten (10) feet in width shall be provided on the side of a lot adjoining a residential district. The required side yard shall be waived when a screening device is installed in accordance with the City's General Development Ordinance. The building itself

can serve as a portion of the screening device when that portion of the building exterior is constructed of the same materials as the screening device. No parking, storage or similar use shall be allowed in any required side yard or in any side street yard adjoining a residential district.

- c. **Rear Yard:** No rear yard is required, except that a rear yard of not less than twenty-five (25) feet in depth shall be provided upon that portion of a lot abutting or across a rear street from a residential district, except that such yard requirement shall not apply where the property in the residential district also backs up to the rear street. The required rear yard shall be waived when a screening device is installed in accordance with the City's General Development Ordinance. The building itself can serve as a portion of the screening device when that portion of the building exterior is constructed of the same materials as the screening device.

(2) **Reserved:**

SECTION 17-22. "GB" GENERAL BUSINESS DISTRICT REGULATIONS

- (a) **Use Regulations:** A building or premise shall be used only for office, retail and service uses which are primarily retail in nature including, but not limited to:
- (1) Any use permitted in District "LC".
 - (2) Auto or mobile home display, sales and repair, but not including auto body shops.
 - (3) Bakeries.
 - (4) Building material sales, including lumber yards.
 - (5) Business or commercial schools.
 - (6) Clinic, medical and dental, and professional offices.
 - (7) Carpentry, painting, plumbing or tinsmithing shop.
 - (8) Cleaning, laundry and dyeing plants.
 - (9) Creamery, ice cream manufacturing and dairy operations.
 - (10) Farm implement display and sales room.
 - (11) Hotels, Motels and Inns.
 - (12) Mortuaries.
 - (13) Office buildings.
 - (14) Pet shops, retail.
 - (15) Printing, engraving and newspaper plants.
 - (16) Radio or television broadcasting station or studio. Monopole towers up to one hundred (100) feet in height and including no more than one monopole platform or communications dish are allowed as an accessory use for such broadcasting use or other uses in General Business. All other towers (except those of 25 feet in height or less) will require Specific Use District Zoning.
 - (17) Retail stores.
 - (18) Veterinarian or animal hospital provided that no such building, kennel or exercise runway shall be closer than fifty (50) feet to any residential district.
 - (19) Bowling alley and other commercial amusement uses.
 - (20) Church worship facilities.
 - (21) Uses similar to the above mentioned permitted uses, provided activities conducted observe the requirements of all City Ordinances.
 - (22) Temporary buildings for uses incidental to construction work on the premises, which buildings shall be removed upon the completion or abandonment of construction work.
 - (23) Accessory buildings and uses customarily incident to any of the above uses, provided that such not be objectionable because of odor, smoke, noise, vibration or similar nuisance. Open storage shall be considered an accessory use but no more than ten percent (10%) of the platted lot may be used for outside storage, including access and maneuvering areas for moving the stored items.
 - (24) Dwelling units of 850 square foot minimum size when located over a retail, restaurant or similar use on the first floor.
- (b) **Height Regulations:** No building shall exceed in height the width of the street on which it faces plus the depth of the front yard. On a lot adjoining a residential district, no building shall exceed forty-five (45) feet in height, except that this height may be increased up to the maximum of twelve (12) stories or one hundred eighty (180) feet at the rate of two (2) feet of additional height for each one (1) foot of additional setback from required yard lines. In no event, however, shall the portion of a building located within one hundred fifty (150) feet of any property zoned for residential purposes exceed the height allowed in that residential zoning district.
- (c) **Area Regulations:**
- (1) **Size of Yards:**
 - a. **Front Yard:** There shall be a front yard having a minimum depth of twenty-five (25) feet. No parking, storage or similar use shall be allowed in required front yards in District "GB", except that automobile parking (including automobile dealer display

parking) will be permitted in such yards if separated by at least twenty-five (25) feet from any residential district.

- b. **Side Yard:** A side yard of not less than fifteen (15) feet in width shall be provided on the side of a lot adjoining a side street. A side yard of not less than ten (10) feet in width shall be provided on the side of a lot adjoining a residential district. The required side yard shall be waived when a screening device is installed in accordance with the City's General Development Ordinance. The building itself can serve as a portion of the screening device when that portion of the building exterior is constructed of the same materials as the screening device. No parking, storage or similar use shall be allowed in any required side yard or in any side street yard adjoining a residential district.

- c. **Rear Yard:** No rear yard is required, except that a rear yard of not less than twenty-five (25) feet in depth shall be provided upon that portion of a lot abutting or across a rear street from a residential district, except that such yard requirement shall not apply where the property in the residential district also backs up to the rear street. The required rear yard shall be waived when a screening device is installed in accordance with the City's General Development Ordinance. The building itself can serve as a portion of the screening device when that portion of the building exterior is constructed of the same materials as the screening device.

(2) **Reserved:**

- (d) **Outside Storage Regulations:** In all zoning districts where outside storage yards are allowed, such storage yards shall be screened from view in accordance with the standards outlined in the City General Development Ordinance. This provision applies to all outside storage which began after the original date of passage of this provision (April 4, 1994). Any variance request involving the requirements or standards relating to such required screening devices shall be considered by the City Council in accordance with the General Development Ordinance. Areas which are used for infrequent and temporary storage for a period of thirty (30) days or less per year shall not be deemed as "storage yards".

SECTION 17-22.5. "GB-2" GENERAL BUSINESS-#2 DISTRICT REGULATIONS

(a) **Use Regulations:** A building or premise may be used for any use permitted in District "GB".

(b) **Height Regulations:** No building shall exceed in height the width of the street on which it faces plus the depth of the front yard. On a lot adjoining a residential zoning district, no building shall exceed forty-five (45) feet in height, except that this height may be increased up to the maximum of twelve (12) stories or one hundred eighty (180) feet at the rate of two (2) feet of additional height for each one (1) foot of additional setback from required yard lines.

(c) **Area Regulations:**

(1) **Size of Yards:**

a. **Front Yard:** No front yard is required.

b. **Side Yard:** No side yard is required.

c. **Rear Yard:** No rear yard is required.

(2) **Reserved:**

SECTION 17-22.6 "OTC" OLD TOWN CENTER BUSINESS DISTRICT REGULATIONS

- (a) **Use Regulations:** A building or premise shall be used only for office, retail and service uses which are primarily retail in nature including, but not limited to:
- (1) Retail establishments including but not limited to: bakeries; book, card, gift and stationary stores; building material sales; clothing; florists; grocery stores; and pet shops or others of a similar nature and subject to the following condition:
 - a. Temporary, portable outside display of merchandise is allowed on a daily basis but is limited to the area directly adjacent to the building occupied by the business and no more than five (5) feet from the building. A clear aisle shall be maintained for pedestrian access. Otherwise, no outside display or storage is permitted.
 - (2) Barber and beauty shops.
 - (3) Buildings and uses owned or operated by public governmental agencies.
 - (4) Business or commercial schools.
 - (5) Church worship facilities.
 - (6) Clinic, medical and dental, and related professional offices.
 - (7) Communication towers, accessory to the primary use, shall be located on a building and may extend a maximum of 15 feet above the building, but must be screened from view.
 - (8) Day nurseries.
 - (9) Dry cleaning and laundry services.
 - (10) Hotels, motels and inns.
 - (11) Professional offices.
 - (12) Restaurants including those with private clubs as an accessory use.
 - (13) Veterinarian or animal clinic provided that no kennel or exercise runway shall be located outside the building.
 - (14) Video rental stores and movie theaters.
 - (15) Accessory buildings and uses customarily incident to any of the above uses, provided that such not be objectionable because of odor, smoke, noise, vibration or similar nuisance. Dwelling units of 850 square foot minimum size shall be allowed as an accessory use to retail businesses.
 - (16) Non-accessory dwelling units of 850 square foot minimum size when located over a retail, restaurant or similar use on the first floor.
 - (17) Temporary buildings for uses incidental to construction work on the premises, which buildings shall be removed upon the completion or abandonment of construction work.
 - (18) Uses similar to the above mentioned permitted uses; provided activities conducted observe the requirements of all City Ordinances.
- (b) **Height Regulations:** No building shall exceed a maximum height of three (3) stories or forty-five (45) feet excluding parapet walls. Parapet walls shall have a maximum height of eight (8) feet.
- (c) **Area Regulations:**
- (1) **Size of Yards:**
 - a. **Front Yard:** The front facades of buildings shall be set at the front property line. However, a portion of the façade may be set back further in order to create a special entry court or restaurant seating.
 - b. **Side Yard:** The façade of a building located on a lot that adjoins a side street shall be located at the property line.

SECTION 17-22.6.1. "OTMU1" OLD TOWN MIXED USE 1 DISTRICT REGULATIONS

(a) **Use Regulations:** A building or premise shall be used only for the following purposes:

- (1) Single-family dwellings.
- (2) Single-family attached dwellings, provided that no more than nine (9) dwelling units are attached in one continuous row or group, and provided that no dwelling unit is constructed above another dwelling unit.
- (3) Two-family dwellings (duplexes).
- (4) Multi-family dwellings. Projects shall be a minimum of two (2) acres in area on a single platted lot. A minimum of twenty (20) units must be built in the first phase of construction.
- (5) Church worship facilities.
- (6) Buildings and uses owned or operated by public governmental agencies.
- (7) Temporary buildings for uses incidental to construction work on the premises, which buildings shall be removed upon the completion or abandonment of construction work.
- (8) Accessory buildings and uses, customarily incident to the above uses and located on the same lot therewith, not involving the conduct of a retail business except as provided herein and for home occupations as defined by this Ordinance.
- (9) A detached private garage with or without storeroom and/or utility room shall be permitted as an accessory building, provide that such garage shall be located not less than sixty (60) feet from the front lot line nor less than five (5) feet from any side or rear lot line and in the case of corner lots not less than the distance required for residences from side streets. A garage or servants' quarters constructed as an integral part of the main building shall be subject to the regulations affecting the main building.
- (10) A carport shall be permitted provided that such carport is not located in a required front or side yard, not less than five (5) feet from the rear property line, and fully open on the entrance side.

(b) **Single-Family Detached and Two-Family Dwelling Requirements.**

- (1) **Maximum Height:** No building shall exceed thirty-five (35) feet or two and one-half (2-1/2) stories in height.
- (2) **Minimum Dwelling Size:** The minimum floor area of any single-family dwelling shall be one thousand seven hundred (1,700) square feet, exclusive of garages, breezeways and porches.
- (3) **Front Yard:** No front setback is required.
- (4) **Side Yard:** There shall be a side yard on each side of the lot having a width of not less than six and one-half (6.5) feet.
- (5) **Rear Yard:** There shall be a rear yard having a depth of not less than twenty (20) feet.

(c) **Single-Family Attached, Multi-Family and Institutional Building Requirements.**

- (1) **Maximum Height:** No building shall exceed shall not exceed forty-five (45) feet in height or three and one-half (3-1/2) stories in height.
- (2) **Minimum Dwelling Size:** The minimum floor area of any single-family attached dwelling shall be one thousand four hundred fifty (1,450) square feet. The minimum floor area of any multi-family dwelling shall be eight hundred fifty (850) square feet, exclusive of garages, breezeways and porches.
- (3) **Front Yard:** No front setback is required.
- (4) **Side Yard:** There shall be a side yard on each side of the lot having a width of not less than six and one-half (6.5) feet.

- (5) **Rear Yard:** There shall be a rear yard having a depth of not less than six and one half (6.5) feet except if a residential garage driveway, then the rear yard may be zero (0) feet.
- (6) **Density:** In no case shall the density of multi-family dwelling units per platted acre exceed forty (40) units per acre. Density shall be based on the size of the platted lot.
- (d) **Size of Lot:**
- (1) **Lot Area:** No detached single-family dwelling or non-residential building shall be constructed on any lot of less than seven thousand five hundred (7,500) square feet. Attached single-family dwellings shall be constructed on lots with a minimum of two thousand (2,000) square feet. Multi-family dwelling projects shall be constructed on lots of a minimum of two (2) acres in size.
- (2) **Lot Coverage:** In no case shall more than forty percent (40%) of the total lot area be covered by the combined area of the main buildings and accessory buildings.
- (e) **Other Setbacks**
- (1) The Old Town Mixed Use 1 District shall not be subject to the following setback provisions contained elsewhere in this ordinance:
- “On a corner lot, the width of the yard along the side street shall not be less than any required front yard on the same side of such street between intersecting streets”.
- “...no accessory building shall be...closer than five feet to any rear or side lot line, and, in the case of corner lots, not less than the distance required for buildings from side streets”.
- “In any residential or MF district where 25 percent or more of the frontage upon the same side of a street between intersecting streets is occupied or partially occupied by a building or buildings having front yards of greater depth than is required by this chapter, no other lot upon the same side of such street between such intersecting streets shall be occupied by a building with a front yard of less than the least depth of any such existing front yards.”
- (2) There shall be a minimum ten (10) foot setback on the driveway side of a lot when there is not sufficient maneuvering space on site to allow vehicles to exit the lot without backing into the street.

SECTION 17-22.7. "OTMU2" OLD TOWN MIXED USE 2 DISTRICT REGULATIONS

- (a) **Use Regulations:** A building or premise shall be used only for the following purposes:
- (1) Single-family dwellings.
 - (2) Single-family attached dwellings, provided that no more than nine (9) dwelling units are attached in one continuous row or group, and provided that no dwelling unit is constructed above another dwelling unit.
 - (3) Two-family dwellings (duplexes).
 - (4) Multi-family dwellings. Projects shall be a minimum of one (1) acre in land area. More than one lot may be utilized to meet the one-acre requirement as long as the lots are contiguous or directly across street rights-of-way. A minimum of twenty (20) units must be built in the first phase of construction.
 - (5) Retail establishments including but not limited to: bakeries; book, card, gift and stationary stores; building material sales; clothing; florists; grocery stores; and pet shops or others of a similar nature and subject to the following condition:
 - a. Temporary, portable outside display of merchandise is allowed on a daily basis but is limited to the area directly adjacent to the building occupied by the business and no more than five (5) feet from the building. A clear aisle shall be maintained for pedestrian access. Otherwise, no outside display or storage is permitted.
 - (6) Barber and beauty shops.
 - (7) Buildings and uses owned or operated by public governmental agencies.
 - (8) Business or commercial schools.
 - (9) Church worship facilities.
 - (10) Clinic, medical and dental, and related professional offices.
 - (11) Communication towers up to 50 feet in height may be allowed as an accessory use only. Towers, antennas and communication dishes located on a building may be extend a maximum of 15 feet above the building, but must be screened from view.
 - (12) Day nurseries.
 - (13) Dry cleaning and laundry services.
 - (14) Gasoline service stations, excluding major motor or transmission repair services.
 - (15) Hotels, motels and inns.
 - (16) Mortuaries.
 - (17) Professional offices.
 - (18) Restaurants and private clubs.
 - (19) Veterinarian or animal clinic provided that no kennel or exercise runway shall be located outside the building.
 - (20) Video rental stores and movie theaters.
 - (21) Accessory buildings and uses customarily incident to any of the above uses, provided that such not be objectionable because of odor, smoke, noise, vibration or similar nuisance. Dwelling units of 850 square foot minimum size shall be allowed as an accessory use to retail businesses.
 - (22) Non-accessory dwelling units of 850 square foot minimum size when located over a retail, restaurant or similar use on the first floor.
 - (23) Temporary buildings for uses incidental to construction work on the premises, which buildings shall be removed upon the completion or abandonment of construction work.
 - (24) Uses similar to the above mentioned permitted uses; provided activities conducted observe the requirements of all City Ordinances.
- (b) **Single-Family Detached and Two-Family Requirements.**
- (1) **Maximum Height:** No building shall exceed shall not exceed forty-five (45) feet or three and one-half (3-1/2) stories in height.
 - (2) **Minimum Dwelling Size:** The minimum floor area of any single-family dwelling shall be one thousand seven hundred (1,700) square feet, exclusive of garages, breezeways and porches.

- (3) **Front Yard:** No front setback is required.
- (4) **Side Yard:** There shall be a side yard on each side of the lot having a width of not less six and one-half (6.5) feet.
- (5) **Rear Yard:** There shall be a rear yard having a depth of not less than twenty (20) feet.
- (c) **Single-Family Attached and Multi-Family Requirements.**
 - (1) **Maximum Height:** No building shall exceed seventy-five (75) feet in height excluding parapet walls. Parapet walls shall have a maximum height of eight (8) feet.
 - (2) **Minimum Dwelling Size:** The minimum floor area of any single-family attached dwelling shall be one thousand two hundred (1,200) square feet. The minimum floor area of any multi-family dwelling shall be seven hundred fifty (750) square feet, exclusive of garages, breezeways and porches.
 - (3) **Front Yard:** No front setback is required.
 - (4) **Side Yard:** There shall be a side yard on each side of the lot having a width of not less than six and one-half (6.5) feet.
 - (5) **Rear Yard:** There shall be a rear yard having a depth of not less than six and one half (6.5) feet except if a residential garage directly adjoins a rear alley, then the rear yard may be zero (0) feet.
 - (6) **Density:** In no case shall the density of multi-family dwelling units per platted acre exceed forty (40) units per acre. Density shall be based on the size of the platted lot.
- (d) **Commercial and Institutional Building Requirements.**
 - (1) **Maximum Height:** No building shall exceed seventy-five (75) feet in height excluding parapet walls. Parapet walls shall have a maximum height of eight (8) feet.
 - (2) **Front Yard:** No front setback is required.
 - (3) **Side Yard:** No side yard is required.
 - (4) **Rear Yard:** A rear yard of not less than ten (10) feet in depth shall be provided.
- (e) **Other Setbacks**
 - (1) The Old Town Mixed Use 2 District shall not be subject to the following provisions contained elsewhere in this ordinance:
 - “On a corner lot, the width of the yard along the side street shall not be less than any required front yard on the same side of such street between intersecting streets”.
 - “...no accessory building shall be...closer than five feet to any rear or side lot line, and, in the case of corner lots, not less than the distance required for buildings from side streets”.
 - “In any residential or MF district where 25 percent or more of the frontage upon the same side of a street between intersecting streets is occupied or partially occupied by a building or buildings having front yards of greater depth than is required by this chapter, no other lot upon the same side of such street between such intersecting streets shall be occupied by a building with a front yard of less than the least depth of any such existing front yards.”

- (2)** There shall be a minimum ten (10) foot setback on the driveway side of a lot when there is not sufficient maneuvering space on site to allow vehicles to exit the lot without backing into the street.

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SECTION 17-22.8.2 "MU-30" MIXED USE THIRTY DISTRICT REGULATIONS

(a) Use Regulations: A building, premise or development shall be used only for office, retail, restaurant and service uses, or a mix of those uses, which are primarily retail or residential in nature, including apartments (for sale or for rent units) and single family attached dwelling units (townhouses). The zoning for MU-30 must be for a minimum development of 30 acres.

Uses may include, but are not limited to:

- (1)** Department Stores and similar retail stores.
- (2)** Professional service offices, such as doctors, attorneys, architects, engineers, real estate, insurance and veterinarian.
- (3)** Restaurants, including those with outdoor seating areas.
- (4)** Apartments (for sale or for rent units) and single family attached dwelling units (townhouses).
- (5)** Grocery stores.
- (6)** Video rental stores, movie theaters and other indoor amusements.
- (7)** Barber and beauty shops.
- (8)** Book, card, gift and stationary stores.
- (9)** Dry cleaning and laundry services.
- (10)** Gasoline service stations, excluding those with motor or transmission repair services.
- (11)** Florists.
- (12)** Day Nurseries.
- (13)** Hotels.
- (14)** Automobile parking structures
- (15)** Church Worship Facilities.
- (16)** Buildings and uses owned or operated by public governmental agencies.
- (17)** Other retail, office and service uses of a similar nature provided that the business supplies the everyday needs of the immediate neighborhood and is subject to the following conditions:
 - a.** The incidental display or sale of merchandise placed on private sidewalks in front of the store selling the merchandise shall be allowed during store operating hours. Uses involving overnight outside display of merchandise shall be prohibited except for seasonal sales for periods not to exceed 30 consecutive days and a maximum 60 days per year (i.e. Christmas tree sales and sidewalk sales).
 - b.** Outside storage is prohibited.
 - c.** Platted Front and side yards shall not be used for storage of merchandise, equipment, or waste containers, except as noted in section "a." above.
 - d.** The use not be objectionable because of odor, excessive light, smoke, dust, noise, vibration, or similar nuisance.
 - e.** Only residential uses shall be allowed in Apartment and Townhouse units except commercial uses qualifying as a Home Occupation.
- (18)** Temporary buildings for uses incidental to construction work on the premises. Such buildings shall be removed upon the completion or abandonment of construction work.
- (19)** Accessory buildings and uses customarily incident to any of the above uses, provided that such not be objectionable because of odor, smoke, dust, noise, vibration or similar nuisance.

(b) Height Regulations: No building shall exceed seventy five (75) feet in height, except that a building may be erected to a height of 125 feet if set back from all required yard lines a distance of one (1) foot for each two (2) feet of additional height above seventy five (75) feet.

(c) Area Regulations:

(1) Size of Yards:

- a. **Front Yard:** There shall be a front yard having a minimum depth of twenty (20) feet except that a setback of not less than twenty five (25) feet shall be provided adjacent to a state or federal highway.
- b. **Side Yard:** A side yard of not less than fifteen (15) feet shall be provided on the side of a lot adjoining a side street, except that a setback of not less than twenty five (25) feet shall be provided adjacent to a state or federal highway otherwise no side yard setback is required.
- c. **Rear Yard:** No rear setback is required except that a setback of not less than twenty five (25) feet shall be provided adjacent to a state or federal highway.

(d) **Apartment Use:**

- (1) **Minimum Dwelling Size:** The floor area of any apartment unit shall contain a minimum of 500 square feet of livable floor space, but units within any single building must contain an average of 800 square feet of livable floor space, excluding garages, porches, breezeways, common entry halls or common storage.

(e) **Single Family Attached (Townhouse) Use:**

- (1) **Minimum Dwelling Size:** The floor area of each townhouse unit shall contain a minimum of 1,200 square feet of livable floor space, exclusive of garages, porches, breezeways, common entry halls or common storage.

(2) **Size of Lot:**

- a. **Lot Area:** No building shall be constructed on any lot less than 1,700 square feet per dwelling unit.
- b. **Lot Width:** The width of a lot shall not be less than 20 feet at any point.
- c. **Lot Depth:** The depth of a lot shall not be less than 75 feet at any point.

(f) **Concept Plan Required:** At the time of submitting a request for a change in zoning to Mixed Use Thirty, the applicant shall include a concept plan for the proposed development. Included on the concept plan, at a minimum, will be the proposed building locations and the various uses being requested, as well as the approximate size and percentage of each use and the maximum number of dwelling units requested. The plat and engineering site plan shall be consistent with the concept plan approved with the zoning request. If the number of dwelling units, total amount of retail space or the total amount of office space differs from the concept plan by more than 10 percent, the applicant will be required to file a new zone change request.

SECTION 17-22.8.3 "MU-90" MIXED USE NINETY DISTRICT REGULATIONS

(a) Use Regulations: A building, premise or development shall be used only for office, retail, restaurant and service uses, or a mix of those uses, which are primarily retail or residential in nature, including apartments (for sale or for rent units) and single family attached dwelling units (townhouses). The zoning for MU-90 must be for a minimum development of 90 acres.

Uses may include, but are not limited to:

- (1)** Department Stores and similar retail stores.
 - (2)** Professional service offices, such as doctors, attorneys, architects, engineers, real estate, insurance and veterinarian.
 - (3)** Restaurants, including those with outdoor seating areas.
 - (4)** Apartments (for sale or for rent units) and single family attached dwelling units (townhouses).
 - (5)** Grocery stores.
 - (6)** Video rental stores, movie theaters and other indoor amusements.
 - (7)** Barber and beauty shops.
 - (8)** Book, card, gift and stationary stores.
 - (9)** Dry cleaning and laundry services.
 - (10)** Gasoline service stations, excluding those with motor or transmission repair services.
 - (11)** Florists.
 - (12)** Day Nurseries.
 - (13)** Hotels.
 - (14)** Automobile parking structures
 - (15)** Church Worship Facilities.
 - (16)** Buildings and uses owned or operated by public governmental agencies.
 - (17)** Other retail, office and service uses of a similar nature provided that the business supplies the everyday needs of the immediate neighborhood and is subject to the following conditions:
 - a.** The incidental display or sale of merchandise placed on private sidewalks in front of the store selling the merchandise shall be allowed during store operating hours. Uses involving overnight outside display of merchandise shall be prohibited except for seasonal sales for periods not to exceed 30 consecutive days and a maximum 60 days per year (i.e. Christmas tree sales and sidewalk sales).
 - b.** Outside storage is prohibited.
 - c.** Platted Front and side yards shall not be used for storage of merchandise, equipment, or waste containers, except as noted in section "a." above.
 - d.** The use not be objectionable because of odor, excessive light, smoke, dust, noise, vibration, or similar nuisance.
 - e.** Only residential uses shall be allowed in Apartment and Townhouse units except commercial uses qualifying as a Home Occupation.
 - (18)** Temporary buildings for uses incidental to construction work on the premises. Such buildings shall be removed upon the completion or abandonment of construction work.
 - (19)** Accessory buildings and uses customarily incident to any of the above uses, provided that such not be objectionable because of odor, smoke, dust, noise, vibration or similar nuisance.
- (b) Height Regulations:** Height regulations shall be determined by the building and fire codes.
- (c) Area Regulations:**
- (1) Size of Yards:**

- a. **Front Yard:** There shall be a front yard having a minimum depth of five (5) feet except that a setback of not less than twenty five (25) feet shall be provided adjacent to a state or federal highway.
- b. **Side Yard:** A side yard of not less than five (5) feet shall be provided on the side of a lot adjoining a side street, except that a setback of not less than twenty five (25) feet shall be provided adjacent to a state or federal highway, otherwise no side yard setback is required.
- c. **Rear Yard:** No rear setback is required except that a setback of not less than twenty five (25) feet shall be provided adjacent to a state or federal highway.

(d) **Apartment Use:**

- (1) **Minimum Dwelling Size:** The floor area of any apartment unit shall contain a minimum of 500 square feet of livable floor space, but units within any single building must contain an average of 800 square feet of livable floor space, excluding garages, porches, breezeways, common entry halls or common storage.

(e) **Single Family Attached (Townhouse) Use:**

- (1) **Minimum Dwelling Size:** The floor area of each townhouse unit shall contain a minimum of 1,200 square feet of livable floor space, exclusive of garages, porches, breezeways, common entry halls or common storage.

(2) **Size of Lot:**

- a. **Lot Area:** No building shall be constructed on any lot less than 1,700 square feet per dwelling unit.
- b. **Lot Width:** The width of a lot shall not be less than 20 feet at any point.
- c. **Lot Depth:** The depth of a lot shall not be less than 75 feet at any point.

(f) **Concept Plan Required:** At the time of submitting a request for a change in zoning to Mixed Use Thirty, the applicant shall include a concept plan for the proposed development. Included on the concept plan, at a minimum, will be the proposed building locations and the various uses being requested, as well as the approximate size and percentage of each use and the maximum number of dwelling units requested. The plat and engineering site plan shall be consistent with the concept plan approved with the zoning request. If the number of dwelling units, total amount of retail space or the total amount of office space differs from the concept plan by more than 10 percent, the applicant will be required to file a new zone change request.

SECTION 17-22.8.1 "MU-SC" MIXED USE – SHOPPING CENTER DISTRICT REGULATIONS

(a) Use Regulations A building, premise or development shall be used only for office, retail, restaurant and service uses, or a mix of those uses, which are primarily retail or residential in nature, including apartments (for sale or for rent units) and single family attached dwelling units (townhouses).

Uses may include those listed in the Office District zoning classification, as well as:

- (1) Department Stores and similar retail stores.
- (2) Professional service offices, such as doctors, attorneys, architects, engineers, real estate, insurance and veterinarian.
- (3) Corporate and administrative offices.
- (4) Restaurants, including those with outdoor seating areas.
- (5) Apartments (for sale or for rent units) and single family attached dwelling units (townhouses).
- (6) Grocery stores.
- (7) Video rental stores, movie theaters and other indoor amusements.
- (8) Barber and beauty shops.
- (9) Book, card, gift and stationary stores.
- (10) Dry cleaning and laundry services.
- (11) Gasoline service stations, excluding those with motor or transmission repair services.
- (12) Florists.
- (13) Day Nurseries.
- (14) Church Worship Facilities.
- (15) Schools, private, with full curriculum accredited by the State of Texas equivalent to that of a public elementary, middle or high school.
- (16) Buildings and uses owned or operated by public governmental agencies.
- (17) Other retail, office and service uses of a similar nature provided that the business supplies the everyday needs of the immediate neighborhood and is subject to the following conditions:
 - a. The incidental display or sale of merchandise placed on private sidewalks in front of the store selling the merchandise shall be allowed during store operating hours. Uses involving overnight outside display of merchandise shall be prohibited except for seasonal sales for periods not to exceed 30 consecutive days and a maximum 60 days per year (i.e. Christmas tree sales and sidewalk sales).
 - b. Outside storage is prohibited.
 - c. Platted Front and side yards shall not be used for storage of merchandise, equipment, or waste containers, except as noted in section "a." above.
 - d. The use not be objectionable because of odor, excessive light, smoke, dust, noise, vibration, or similar nuisance.
 - e. Only residential uses shall be allowed in Apartment and Townhouse units except commercial uses qualifying as a Home Occupation.
- (18) Temporary buildings for uses incidental to construction work on the premises. Such buildings shall be removed upon the completion or abandonment of construction work.
- (19) Accessory buildings and uses customarily incident to any of the above uses, provided that such not be objectionable because of odor, smoke, dust, noise, vibration or similar nuisance.

(b) Mix of Uses Required: No building permit for apartments or townhouses may be issued unless there is also a building permit issued for a minimum of 450 square feet of building space for retail or office uses for every dwelling unit within any development, or such space already exists and will remain within the shopping center or development. Commercial and residential uses may be combined within a building or may be located in separate buildings. Parking lots and parking buildings will not count toward the required commercial space.

(c) Height Regulations: No building shall exceed 35 feet in height, except that a building may be erected to a height of 80 feet if set back from all required yard lines a distance of one foot for

each two feet of additional height above 35 feet. In no event, however, shall the portion of a building located within one hundred fifty (150) feet of any property zoned for residential use exceed the height allowed in that residential zoning district.

(d) Area Regulations:

(1) Size of Yards:

- a. **Front Yard:** There shall be a front yard having a minimum depth of twenty-five (25) feet.
- b. **Side Yard:** A side yard of not less than fifteen (15) feet shall be provided on the side of a lot adjoining a side street, otherwise no side yard setback is required.
- c. **Rear Yard:** No rear setback is required except that a rear setback of not less than twenty-five (25) feet shall be provided upon that portion of a lot abutting or across the street from a residential district.

(e) Apartment Use:

(1) Minimum Dwelling Size:

The floor area of any apartment unit shall contain a minimum of 500 square feet of livable floor space, but units within any single building must contain an average of 800 square feet of livable floor space, excluding garages, porches, breezeways, common entry halls or common storage.

(f) Single Family Attached (Townhouse) Use:

(1) Minimum Dwelling Size:

The floor area of each townhouse unit shall contain a minimum of 1,200 square feet of livable floor space, exclusive of garages, porches, breezeways, common entry halls or common storage.

(2) Size of Lot:

- a. **Lot Area:** No building shall be constructed on any lot less than 1,700 square feet per dwelling unit.
- b. **Lot Width:** The width of a lot shall not be less than 20 feet at any point.
- c. **Lot Depth:** The depth of a lot shall not be less than 75 feet at any point.

SECTION 17-23. "LI" LIGHT INDUSTRIAL DISTRICT REGULATIONS

(a) Use Regulations: Buildings and premises may be used for retail, wholesale, office and service uses and campus style light manufacturing and industrial uses provided there is no dust, fumes, gas, noxious odor, smoke, glare, or other atmospheric influence beyond the boundaries of the property on which such use is located, and which produces no noise exceeding in intensity at the boundary of the property the average intensity of noise of street traffic at that point, and no more than ten percent (10%) of the total lot is used for outside storage, and further provided that such use does not create fire or explosive hazards on adjacent property.

- (1) Any use permitted in Districts "LC" and "GB".
- (2) Apparel and other products assembled from finished textiles.
- (3) Bottling works.
- (4) Warehouse and self-service storage facilities.
- (5) Auto repair shops including body shops.
- (6) Church worship facilities.
- (7) Buildings and uses owned or operated by public governmental agencies.
- (8) Cosmetic manufacturer.
- (9) Drugs and pharmaceutical products manufacturing.
- (10) Electronic products manufacturing.
- (11) Fur good manufacture, but not including tanning or dyeing.
- (12) Glass products, from previously manufactured glass.
- (13) Household appliance products assembly and manufacture from prefabricated parts.
- (14) Industrial and manufacturing plants including the processing or assembling of parts for production of finished equipment.
- (15) Musical instruments assembly and manufacture.
- (16) Paint, shellac and varnish manufacture.
- (17) Plastic products manufacture, but not including the processing of raw materials.
- (18) Sporting and athletic equipment manufacture.
- (19) Testing and research laboratories.
- (20) Monopole towers up to one hundred (100) feet in height are allowed as an accessory use or as a stand-alone use in Light Industrial. All other towers (except those of 25 feet in height or less) will require Specific Use District Zoning.
- (21) Temporary buildings for uses incidental to construction work on the premises, which buildings shall be removed upon the completion or abandonment of construction work.
- (22) Accessory buildings and uses customarily incident to any of the above uses, provided that such not be objectionable because of odor, smoke, noise, vibration or similar nuisance. Open storage shall be considered an accessory use but no more than ten percent (10%) of the platted lot may be used for outside storage, including access and maneuvering areas for moving the stored items.
- (23) Other uses similar to the above listed uses except that the following uses are specifically prohibited.
 - a. Acetylene gas manufacture or storage.
 - b. Acid manufacture.
 - c. Alcohol manufacture.
 - d. Ammonia, bleaching powder or chlorine manufacture.
 - e. Arsenal.
 - f. Asphalt manufacture or refining.
 - g. Blast furnace.
 - h. Bag cleaning, unless clearly accessory to the manufacture of bags.
 - i. Boiler works.
 - j. Brick, tile, pottery or terra cotta manufacture other than the manufacture of handcraft or concrete products.
 - k. Reserved.
 - l. Celluloid manufacture or treatment.
 - m. Cement, lime, gypsum, or plaster of paris manufacture.
 - n. Central mixing plant for cement.

- o.** Coke ovens.
- p.** Cotton gins.
- q.** Cottonseed oil manufacture.
- r.** Creosote manufacture or treatment.
- s.** Disinfectants manufacture.
- t.** Distillation of bones, coal or wood.
- u.** Dyestuff manufacture.
- v.** Exterminator and insect poison manufacture.
- w.** Emery cloth and sandpaper manufacture.
- x.** Explosives or fireworks manufacture or storage.
- y.** Fat rendering.
- z.** Fertilizer manufacture.
- aa.** Fish smoking and curing.
- bb.** Forge plant.
- cc.** Garbage, offal or dead animals reduction or dumping.
- dd.** Gas manufacture or storage, for heating or illuminating purposes.
- ee.** Glue, size or gelatine manufacture.
- ff.** Hatchery.
- gg.** Iron, steel, brass or copper foundry or fabrication plant.
- hh.** Junk, iron or rag storage or baling.
- ii.** Match manufacture.
- jj.** Lampblack manufacture.
- kk.** Oilcloth or linoleum manufacture.
- ll.** Oiled rubber goods manufacture.
- mm.** Ore reduction.
- nn.** Oil or turpentine manufacture.
- oo.** Paper and pulp manufacture.
- pp.** Petroleum or its products, refining or wholesale storage of.
- qq.** Pickle manufacturing.
- rr.** Planing mills.
- ss.** Potash works.
- tt.** Pyroxline manufacture.
- uu.** Rock crusher.
- vv.** Rolling mill.
- ww.** Rubber or gutta-percha manufacture or treatment but not the making of articles out of rubber.
- xx.** Sauerkraut manufacture.
- yy.** Salt works.
- zz.** Shoe polish manufacture.
- aaa.** Smelting of tin, copper, zinc, or iron ores.
- bbb.** Soap manufacture other than liquid soap.
- ccc.** Soda and compound manufacture.
- ddd.** Stock yard or slaughter of animals or fowls.
- eee.** Stone mill or quarry.
- fff.** Storage yard.
- ggg.** Stove polish manufacture.
- hhh.** Tallow grease or lard manufacture or refining from or of animal fat.
- iii.** Tanning, curing or storage of raw hides or skins.
- jjj.** Tar distillation or manufacture.
- kkk.** Tar roofing or water-proofing manufacture.
- lll.** Tobacco (chewing) manufacture or treatment.
- mmm.** Vinegar manufacture.
- nnn.** Wool pulling or scouring.
- ooo.** Yeast plant.

(b) Height Regulations: No building shall exceed in height the width of the street on which it faces plus the depth of the front yard. In no event, however, shall the portion of a building located within one hundred fifty (150) feet of any property zoned for residential purposes exceed the height allowed in that residential zoning district.

(c) Area Regulations:

(1) Size of Yards:

a. Front Yard: There shall be a front yard having a minimum depth of twenty-five (25) feet. No parking, storage or similar use shall be allowed in required front yards in District "LI", except that automobile parking (including automobile dealer display parking) will be permitted in such yards if separated by at least twenty-five (25) feet from any residential district.

b. Side Yard: A side yard of not less than fifteen (15) feet in width shall be provided on the side of a lot adjoining a side street. A side yard of not less than ten (10) feet in width shall be provided on the side of a lot adjoining a residential district. The required side yard shall be waived when a screening device is installed in accordance with the City's General Development Ordinance. The building itself can serve as a portion of the screening device when that portion of the building exterior is constructed of the same materials as the screening device. No parking, storage or similar use shall be allowed in any required side yard or in any side street yard adjoining a residential district.

c. Rear Yard: No rear yard is required except that a rear yard of not less than fifty (50) feet in depth shall be provided upon that portion of a lot abutting or across a rear street from a residential district, except that such yard requirement shall not apply where the property in the residential district also backs up to the rear street. No parking, storage or similar use shall be allowed in required rear yards in District "LI" within twenty-five (25) feet of the rear property line.

(2) Reserved:

(d) Outside Storage Regulations: In all zoning districts where outside storage yards are allowed, such storage yards shall be screened from view in accordance with the standards outlined in the City General Development Ordinance. This provision applies to all outside storage which began after the original date of passage of this provision (April 4, 1994). Any variance request involving the requirements or standards relating to such required screening devices shall be considered by the City Council in accordance with the General Development Ordinance. Areas which are used for infrequent and temporary storage for a period of thirty (30) days or less per year shall not be deemed as "storage yards".

SECTION 17-24. "WH" WAREHOUSE DISTRICT REGULATIONS

- (a) **Use Regulations:** A building or premises shall be used only for the following purposes:
- (1) Bakery or bottling works.
 - (2) Wholesale establishments.
 - (3) Storage warehouses and yards.
 - (4) Contractor's yard.
 - (5) Manufacturing uses, including those which require more than ten (10) percent of the lot for storage of equipment, materials or products.
 - (6) Truck Parking Lot.
 - (7) Offices.
 - (8) Laboratory.
 - (9) Auto repair shops, including body shops.
 - (10) Church worship facilities.
 - (11) Buildings and uses owned or operated by public governmental agencies.
 - (12) Monopole towers up to one hundred (100) feet in height are allowed as an accessory use or as a stand-alone use in Warehouse. All other towers (except those of 25 feet in height or less) will require Specific Use District Zoning.
 - (13) Temporary buildings for uses incidental to construction work on the premises, which buildings shall be removed upon the completion or abandonment of construction work.
 - (14) Accessory buildings and uses customarily incident to any of the above uses, provided that such not be objectionable because of odor, excessive light, smoke, dust, noise, vibration or similar nuisances.
- (b) **Height Regulations:** No building shall exceed in height the width of the street on which it faces plus the depth of the front yard. On a lot adjoining a residential district, no building shall exceed forty-five (45) feet in height, except that this height may be increased up to the maximum of twelve (12) stories, or one hundred eighty (180) feet, at the rate of two (2) feet of additional height for each one (1) foot of additional setback from required yard lines. In no event, however, shall any building exceed two (2) stories when any portion of the building is located within one hundred fifty (150) feet of any property zoned for residential purposes.
- (c) **Area Regulations:**
- (1) **Size of Yards:**
 - a. **Front Yard:** There shall be a front yard having a minimum depth of twenty-five (25) feet. No parking, storage or similar use shall be allowed in required front yards in District "WH", except that automobile parking (including automobile dealer display parking) will be permitted in such yards if separated by at least twenty-five (25) feet from any residential district.
 - b. **Side Yard:** A side yard of not less than fifteen (15) feet in width shall be provided on the side of a lot adjoining a side street. A side yard of not less than ten (10) feet in width shall be provided on the side of a lot adjoining a residential district. The required side yard shall be waived when a screening device is installed in accordance with the City's General Development Ordinance. The building itself can serve as a portion of the screening device when that portion of the building exterior is constructed of the same materials as the screening device. No parking, storage or similar use shall be allowed in any required side yard or in any side street yard adjoining a residential district.
 - c. **Rear Yard:** No rear yard is required except that a rear yard of not less than fifty (50) feet in depth shall be provided upon that portion of a lot abutting or across a rear street from a residential district, except that such yard requirement shall not apply where the property in the residential district also backs up to the rear street.

No parking, storage or similar use shall be allowed in required rear yards in District "WH" within twenty-five (25) feet of the rear property line.

(2) **Reserved:**

- (d) **Outside Storage Regulations:** In all zoning districts where outside storage yards are allowed, such storage yards shall be screened from view in accordance with the standards outlined in the City General Development Ordinance. This provision applies to all outside storage which began after the original date of passage of this provision (April 4, 1994). Any variance request involving the requirements or standards relating to such required screening devices shall be considered by the City Council in accordance with the General Development Ordinance. Areas which are used for infrequent and temporary storage for a period of thirty (30) days or less per year shall not be deemed as "storage yards".

SECTION 17-25. "HI" HEAVY INDUSTRIAL DISTRICT REGULATIONS

- (a) **Use Regulations:** Buildings and premises may be used for retail, office and service uses as well as manufacturing and industrial uses. Such uses which produce dust, fumes, gas, noxious odor, smoke, glare or other atmospheric influence beyond the boundaries of the property on which such use is located, and which produce noise exceeding in intensity at the boundary of the property the average intensity of noise of street traffic at that point, and which may create fire or explosive hazards are subject to conformance with all applicable local, state and federal regulations. Uses which fail to comply with such regulations may be required to cease operation. Allowable uses include those specifically prohibited in zoning District "LI" as well as the following:
- (1) Any use permitted in District "LI" and "WH".
 - (2) Wrecker service storage yards, auto salvage yards and junk yards, but only on condition that the storage is wholly within an enclosed building or surrounded by a structural screening wall of concrete or reinforced masonry. Such wall shall be a minimum of eight (8) feet in height.
 - (3) Storage yards and contractor's yards.
 - (4) Church worship facilities.
 - (5) Buildings and uses owned or operated by public governmental agencies.
 - (6) The following uses are permitted only when all portions of the operation or use are located a minimum of two hundred (200) feet from any residentially zoned property:
 - a. Acid manufacturing.
 - b. Cement, lime, gypsum or plaster of paris manufacturing.
 - c. Glue manufacturing involving distilling of bones or other organic matter.
 - d. Explosives manufacturing and storage.
 - e. Magnesium manufacturing or processing.
 - f. Fat rendering.
 - g. Paper and pulp manufacturing.
 - h. Refining of or bulk tank storage of petroleum or its products.
 - i. Smelting of tin, copper, zinc or iron ores or other metals.
 - j. Stockyards or slaughter of animals.
 - (7) Temporary buildings for uses incidental to construction work on the premises, which buildings shall be removed upon the completion or abandonment of construction work.
 - (8) Accessory buildings and uses customarily incident to any of the above uses, provided that such not be objectionable because of odor, excessive light, smoke, dust, noise, vibration or similar nuisances.
- (b) **Height Regulations:** No building shall exceed in height the width of the street on which it faces plus the depth of the front yard. In no event, however, shall any building exceed two (2) stories when any portion of the building is located within one hundred fifty (150) feet of any property zoned for residential purposes.
- (c) **Area Regulations:**
- (1) **Size of Yards:**
 - a. **Front Yard:** There shall be a front yard having a minimum depth of twenty-five (25) feet. No parking, storage or similar use shall be allowed in required front yards in District "HI", except that automobile parking (including automobile dealer display parking) will be permitted in such yards if separated by at least twenty-five (25) feet from any residential district.
 - b. **Side Yard:** No side yard is required except that a side yard or a side street yard of not less than fifty (50) feet in width shall be provided on the side of a lot adjoining or across the street from any zoning district except Heavy Industrial. No parking, storage or similar use shall be allowed in required side yards or side street yards within twenty-five (25) feet of the property line.

c. **Rear Yard:** No rear yard is required except that a rear yard of not less than fifty (50) feet in depth shall be provided upon that portion of a lot abutting or across a rear street from a Residential, "I" Revised Page 09-12-2005 parking, storage or similar use shall be allowed in required side yards in District "H1" within twenty-five (25) feet of the property line.

(2) **Reserved:**

(d) **Outside Storage Regulations:** In all zoning districts where outside storage yards are allowed, such storage yards shall be screened from view in accordance with the standards outlined in the City General Development Ordinance. This provision applies to all outside storage which began after the original date of passage of this provision (April 4, 1994). Any variance request involving the requirements or standards relating to such required screening devices shall be considered by the City Council in accordance with the General Development Ordinance. Areas which are used for infrequent and temporary storage for a period of thirty (30) days or less per year shall not be deemed as "storage yards".

SECTION 17-26. "PUD" PLANNED UNIT DEVELOPMENT REGULATIONS

- (a) **Purpose:** The purpose of a Planned Unit Development "PUD" is to accommodate planned associations of uses developed as integral land use units such as industrial parks or industrial districts, offices, commercial uses, service centers, shopping centers, residential developments of multiple or mixed housing, including multi-family dwellings, single family dwellings, townhouses or any appropriate combination of uses which may be planned, developed or operated as integral land use units whether by single owner or by a combination of owners. This zoning district shall be permitted for tracts of land not less than thirty (30) acres in area.
- (b) **Procedure:** The stages or procedure for a Planned Unit Development shall be as follows:
- (1) The application for PUD Zoning (Section 26.03).
 - (2) The submission of a Development Plan (Section 26.04).
 - (3) The submission of a Project Plan (Section 26.05).
- (c) **Zoning of PUD Districts:**
- (1) **Submission of Application:** Any person or corporation or group of persons having a proprietary interest in any property of thirty (30) acres or more, may file an application for PUD Zoning.
 - (2) **Data to Accompany Application:** The application for PUD Zoning shall include a preliminary plat as well as the following:
 - a. Metes and bounds description of the overall tract with topographic information necessary to project the natural terrain and environmental character of the site.
 - b. A written description of the existing and allowable land use surrounding the proposed PUD District.
 - c. A written description of planning assumptions and projections relating the PUD to the overall community growth and planning goals.
 - d. A plan indicating location of major and secondary thoroughfares, as proposed within the City Master Thoroughfare Plan.
 - e. A categorical listing of the total acreage for each land use related to current zoning district designations or the specific purpose. The designated usage will not be assumed to establish the area requirements as established within the zoning district. All setbacks, height, and coverage will be determined by the approved final development plan.
 - f. Indication by acreage or percentage of total development, all major areas planned for public or private common open space.
 - g. All applications with gross land area of one hundred (100) acres or less shall submit a graphic plan of proposed land use. Applications with gross land area of more than one hundred (100) acres shall have the option of filing either a graphic plan or a perimeter plan indicating land use to a depth of three hundred (300) feet around the exterior of the total site.
 - h. A written indication of the maximum number of residential dwelling units to be constructed within the total PUD District.
 - (3) **Staff Review and Recommendations:** The Technical Staff shall, as soon as practical, issue a written report thereon to the Planning Commission, a copy of which shall be furnished to the applicant.

- (4) **Planning Commission Hearing:** The Planning Commission shall hold a public hearing on any application for PUD Zoning District prior to making its recommendation to the City Council in accordance with standard procedures for a change of zoning.
- (5) **PUD Open Space Policy:** All open space shall be provided at a minimum ratio of .01 acres for each residential unit. For single family use, the open space may be calculated including front setback areas. Private ownership of these areas is permitted, subject to the following conditions:
- a. All private park areas shall have grounds and equipment maintained in an attractive manner comparable with the neighborhood.
 - b. Private park areas must be committed to permanent open space by deed restrictions.
- (d) **Development Plan:**
- (1) **Submission of Development Plan:** After the granting of PUD Zoning, and as the applicant desires to develop the PUD District, or any portion thereof, he shall submit a Development Plan to the City. If the applicant so desires, separate development plans may be submitted at separate times for portions or sub-areas of the PUD.
- (2) **Contents:** The Development Plan shall include a final plat as well as the following information:
- a. A description of the area or sub-area included in the Development Plan by dimensions and bearings on an accurate survey with topography grades of not more than two (2) feet.
 - b. A general description of the surrounding area.
 - c. Provisions for public or private streets, alleys, storm sewers, sanitary sewers, setbacks and utility easements.
 - d. Percentage or acreage of project land uses either for the total area or sub-area consistent with the designated current zoning district categories or detailed land use as established in the Zoning Ordinance.
 - e. Designation and location of open space for total site or sub-area.
 - f. Maximum number and type of residential dwelling units to be constructed in said area or sub-area.
 - g. Anticipated development schedule.
 - h. Protective and restrictive covenants and homeowners' association charters, if any.
 - i. In those instances where development plans are submitted for sub-areas, applicant shall demonstrate that composite projected land uses and maximum number of dwelling units approved in the PUD Zoning have not been exceeded and that open space requirements are consistent with approved ordinance.
- (3) **Staff Review:** Upon submission of a development plan for PUD or a sub-area thereof, the Technical Staff shall confer and consult with the applicant and may make recommendations to the land owner for amplification, deletion or modification thereof. After a full opportunity for consultation between applicant and the Technical Staff, the development plan shall be submitted to the Planning Commission which will make its recommendation to the City Council. No advertised public hearing is required so long as both Staff and City Council

believe there are no significant variances to the zoning requirements or restrictions as determined by Section 26.03 of this Ordinance. No notice to the adjacent land owners shall be given so long as both Staff and the City Council believe the specific uses designated by the PUD Ordinance are not being substantially modified.

(e) **Project Plan:**

(1) **Submission:** After City Council approval of the development of a Planned Unit Development, the applicant shall submit a project plan showing or describing each project as it is to be built. No building permit shall be issued prior to approval of the project plan.

(2) **Contents:** The project plan for each development shall include an engineering site plan as well as the following information:

a. Detailed planned uses.

b. Actual location of all buildings to be constructed indicating the governing setback lines, if any.

c. Provisions for any additional public or private streets, alleys, or utility easements not previously reflected on appropriate development plan.

d. Protective and restrictive covenants applicable to the project, if any.

(3) **Staff Review:** Upon submission of a project plan to the City, the Technical Staff shall confer with the applicant and may make recommendations to the land owner for amplification, deletion or modification thereof. After a full opportunity for consultation, the Staff shall submit its recommendation to the Planning Commission for the project plan as submitted, or as may be modified, a copy of which shall be furnished to the applicant.

(4) **Commission Approval:** After the Technical Staff has submitted its recommendation to the Planning Commission, the applicant shall be notified to appear before the Planning Commission and present his project plan. The Commission will make its recommendation to the City Council. No advertised public hearing is contemplated, so long as there is no significant variance from the approved development plan or restrictions as determined by Section 26.03 of this Ordinance.

(f) **Amendment of PUD Zoning:** Any amendment supplement or change in any PUD Zoning may be granted upon application by any person, corporation or group of persons having a proprietary interest therein. Any application for such amendment, supplement or change must contain the data required for an initial application for PUD Zoning and follow the same procedure as for a zone change request. Such a request shall allow the City of Lewisville to review and amend as necessary any other portions of the PUD which may be impacted by the requested change.

SECTION 17-27. "PK" PARKING DISTRICT REGULATIONS

- (a) **Use Regulations:** A building or area shall be used only for the following purposes:
- (1) Parking, commercial or private lot (not to include parking for trucks) intended for use behind, across the street from, or adjacent and incidental to "MF", "LC", "OD", "MD", "GB", "WH", "LI", and "HI", where the provision of off-street parking is essential to protection of existing development and conducive to most appropriate use of land.
 - (2) Parking structures.
 - (3) Buildings accessory to the primary parking uses.
 - (4) Church worship facilities.
 - (5) Buildings and uses owned or operated by public governmental agencies.
 - (6) Temporary buildings for uses incidental to construction work on the premises, which buildings shall be removed upon the completion or abandonment of construction work.
- (b) **Height Regulations:** The maximum height shall be four (4) standard stories but shall not exceed fifty (50) feet in height, provided that any building or portion of a building may be erected above said limit if set back from all street lines and required yard lines one (1) foot for each one (1) foot of its height above such limit. In no event, however, shall any building exceed two (2) standard stories when located within one hundred fifty (150) feet of any property zoned for residential purposes.
- (c) **Area Regulations:**
- (1) **Size of Yards:**
 - a. **Front Yard:** There shall be a front yard having a required depth of not less than twenty-five (25) feet. Furthermore, required parking shall not be allowed within the required front yard.
 - b. **Side Yard:** There shall be a side yard on each side of the lot having a width of not less than twenty-five (25) feet.
 - c. **Rear Yard:** There shall be a rear yard having a depth of not less than twenty-five (25) feet.
 - (2) **Reserved:**

SECTION 17-28. "PU" PUBLIC USE DISTRICT REGULATIONS

- (a) **Use Regulations:** A building or area shall be used only for the following purposes:
- (1) Public Schools.
 - (2) Parks and Playgrounds.
 - (3) Community Centers.
 - (4) Public Golf Courses.
 - (5) Civic Centers and Municipal Offices.
 - (6) Fire Stations.
 - (7) Libraries.
 - (8) Municipal Service Centers.
 - (9) Public Utility facilities.
 - (10) Church worship facilities.
 - (11) Other buildings and uses owned or operated by public governmental agencies.
 - (12) Other publicly owned uses similar to the above, providing all meet the requirements of this and all other City Ordinances.
 - (13) Temporary buildings for uses incidental to construction work on the premises, which buildings shall be removed upon the completion or abandonment of construction work.
- (b) **Height Regulations:** No building shall exceed forty-five (45) feet or three (3) stories in height, except that a building may be erected to a height of eighty (80) feet and eight (8) stories if set back from all required yard lines a distance of one (1) foot for each two (2) feet of additional height above forty-five (45) feet.
- (c) **Area Regulations:**
- (1) **Size of Yards:**
 - a. **Front Yard:** There shall be a front yard having a minimum depth of twenty-five (25) feet. No parking, storage or similar use shall be allowed in the required front yards in District "PU", except that automobile parking will be permitted in such yards if separated by at least twenty-five (25) feet from any residential district.
 - b. **Side Yard:** No side yard is required, except that a side yard of not less than fifteen (15) feet in width shall be provided on the side of a lot adjoining a side street. A side yard of not less than ten (10) feet in width shall be provided on the side of a lot adjoining a residential district.
 - c. **Rear Yard:** No rear yard is required except that a rear yard of not less than twenty-five (25) feet in depth shall be provided upon that portion of a lot abutting or across a rear street from a residential district, except that such yard requirement shall not apply where the property in the residential district also backs up to the rear street.
 - (2) **Reserved:**

SECTION 17-29. "SU" SPECIFIC USE DISTRICT REGULATIONS

- (a) **Use Regulations:** This district is for the purpose of the uses specifically listed and other unusual uses which are limited in number and which are clearly not allowed in any other zoning district. Zoning shall not be allowed under this district as a way of circumventing the standard provisions of this or any other Ordinance of the City of Lewisville. Allowable uses shall include:
- (1) Bed and Breakfast businesses. Structures must be owner-occupied and are limited to a maximum of five (5) bedrooms.
 - (2) Cemeteries and accessory uses.
 - (3) Broadcast or transmission towers in excess of one hundred (100) feet in height or supported by guy wires.
 - (4) Criminal or penal institutions.
 - (5) Landfill operations and accessory uses.
 - (6) Commercial drilling for oil, gas and other minerals.
 - (7) Mining activities and storage, including sand and gravel mining, and stone quarries.
 - (8) The use of any electronic, electromechanical or mechanical contrivance excluded in the definition of a "gambling device" by section 47.01(4)(B), Texas Penal Code, as the same now exists or may hereafter be amended.
- (b) All requests for Specific Use zoning shall be accompanied by an Engineering Site Plan as outlined in the City of Lewisville General Development Ordinance. Variances from the regulations in the General Development Ordinance may be granted at the discretion of the Lewisville City Council.
- (c) Any proposed enlargement, structural modification or other significant change to any site which had been granted Specific Use zoning shall require approval of the Lewisville City Council following a public hearing. Such public hearing shall be conducted after a recommendation is received from the Planning and Zoning Commission. The Planning and Zoning Commission shall consider the request for an amendment after conducting a public hearing in accordance with requirements necessary for any proposed zone change.
- (d) The Zoning Board of Adjustment shall not have jurisdiction to hear, review, reverse, or modify any decision, determination, or ruling with respect to the granting, extension, revocation, modification or any other action taken relating to the granting of any Specific Use zoning.
- (e) Building setbacks and heights shall be consistent with other structures in the immediate area, as determined by the Lewisville City Council.

SECTION 17-30. SALE OF ALCOHOLIC BEVERAGES

- (a) **Definitions:** The definition of all words and terms used in this section shall be the same as set forth in the Texas Alcoholic Beverage Code.
- (b) It shall be unlawful for any person to sell any alcoholic beverage in any residential section of the City. This prohibition includes areas zoned R-18, R-12, R-9, R-7.5, R-6, R-5, TE, DU, ETH, TH, TH-2, MF-1, MF-2, MF-3, MHP, MHS, and OTMU-1.
- (c) The sale of alcoholic beverages in a retail establishment with a permit for the off-premise consumption of beer and wine shall be prohibited within 300 feet of a church, public or private school, or public hospital.
- (d) The sale of alcoholic beverages in a restaurant with a food and beverage certificate shall be prohibited within 300 feet of a church, public school, or public hospital.
- (e) Subsection (c) does not apply to the holder of a license or permit covering a premise where minors are prohibited from entering under §109.53 of the Texas Alcoholic Beverage Code and this is located within 300 feet of a private school.
- (f) The measurement of distances between a church, public or private school, or public hospital and a place of business shall be calculated in accordance with §109.33 of the Texas Alcoholic Beverage Code.
- (g) Variances to the distance requirements set forth in this Section may be allowed by the City Council upon justification in accordance with §109.33 of the Texas Alcoholic Beverage Code.
- (h) All other matters regarding alcoholic beverages not mentioned herein or elsewhere in the Lewisville City Code shall conform to the provisions of the Texas Alcoholic Beverage Code.

SECTION 17-31. LOCATION REGULATIONS FOR SEXUALLY-ORIENTED BUSINESSES

(a) PURPOSE AND INTENT:

- (1) It is the purpose of this Ordinance to regulate the location of sexually-oriented businesses to promote the health, safety, morals, and general welfare of the citizens of the City, and to preserve the quality, property values, integrity and character of the City's neighborhoods, and other businesses, and protect the citizens of the City of Lewisville from objectionable effects of sexually-oriented businesses.
- (2) The provisions of this Ordinance have neither the purpose nor the intent of imposing a limitation or restriction on the content of any communicative materials, including sexually-oriented materials. Similarly, it is not the intent nor the effect of this Ordinance to restrict or deny access by adults to sexually-oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of sexually-oriented entertainment to their intended market.

(b) Definitions:

Sexually-Oriented Business: Any commercial establishment open to the public which:

- (1) Displays, distributes, issues, gives, provides, lends, delivers, transfers, transmits, circulates, disseminates, presents, exhibits, advertises, sells, rents, or leases a substantial or significant portion (20% or more); or
- (2) Utilizes a substantial or significant portion (20% or more) of its display areas, including, but not limited to, floor, shelf, rack, table, stand or case for; or
- (3) Exhibits for substantial or significant portion (20% or more) of the total presentation time, material regulated by the Texas Penal Code, Section 43.21 and/or 43.24; or
- (4) Any commercial establishment open to the public which involves employees or customers who engage in conduct which is distinguished or characterized by "specified sexual activities" or "specified anatomical areas", as defined herein.

Sexually-Oriented Businesses: Include, but are not limited to, any of the following businesses:

- (1) **Adult Bookstore:** An establishment having as a substantial or significant portion (20% or more) of its stock and trade, books, magazines and other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing or relating to "specified sexual activities", or "specified anatomical areas", or an establishment with a segment or section devoted to the sale or display of such material, or instruments, devices, or paraphernalia which are designed for use in connection with "specified sexual activities".
- (2) **Adult Theater:** An enclosed building with a capacity of fifty (50) or more persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to "specified sexual activities" or "specified anatomical areas" for observation by patrons therein.
- (3) **Adult Cabaret:** A nightclub, bar, restaurant, or a similar commercial establishment which regularly features:
 - a. Persons who appear in a state of nudity; or
 - b. Live performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities"; or

- c. Motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depicting or the description of "specified sexual activities" or "specified anatomical area".
- (4) **Sexual Encounter Center:** A business or commercial enterprise that, as one of its primary business purposes, offers for any form of consideration:
- a. Physical contact in the form of wrestling or tumbling between persons of the opposite sex; or
 - b. Activities between male and female persons and/or persons of the same sex when one or more of the persons is in a state of nudity or semi-nude.
- (5) **Nude Modeling Studio:** Any place where a person who appears in a state of nudity or displays "specified anatomical areas" is provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who pay money or any form consideration.

Specified Anatomical Area: Defined as less than completely and opaquely covered:

- (1) Human genitals, pubic region; or
- (2) Buttock; or
- (3) Breast below the point immediately below the top of areola; or
- (4) Human genitals in a discernable turgid state, even if completely and opaquely covered.

Specified Sexual Activities: Activities defined as:

- (1) Human genitals in the state of sexual stimulation or arousal; or
- (2) Acts of human masturbation, sexual intercourse or sodomy; or
- (3) Fondling or other erotic touching of human genitals, pubic region, buttock, or breast.

Nudity or a State of Nudity: The appearance of a human bare buttock, human genitals, or human breast.

Person: An individual, proprietorship, partnership, corporation, association, or other legal entity.

Semi-Nude: A state of dress in which clothing covers no more than the genitals, pubic region, and areolae of the breast, as well as portions of the body covered by supporting straps or devices.

Establishment: Establishment means and includes any of the following:

- (1) The opening or commencement of any sexually-oriented business as a new business;
- (2) The conversion of an existing business whether or not a sexually-oriented business;
- (3) The addition of any sexually-oriented business to any other existing sexually-oriented business; or
- (4) The relocation of any sexually-oriented business.

Transfer of Ownership or Control of an adult entertainment establishment means and includes any of the following:

- (1) The sale, lease or sublease of the business;
- (2) The transfer of securities which constitute a controlling interest in the business, whether by sale, exchange, or similar means; or
- (3) The establishment of a trust, gift, or other similar legal device which transfers the ownership or control of business, except for transfer by bequest or other operation of law upon the death of the person possessing the ownership or control.

Church:

- (1) A structure used primarily for the purpose of engaging in religious worship or promoting the spiritual development or well-being of individuals; and
- (2) A structure used by an organization operated in a way that does not result in accrual of distributable profits, realization of private gain resulting from payment or compensation in excess of a reasonable allowance for salary or other compensation for services rendered, or realization of any other form of public gain; and
- (3) A structure used by an organization whose charter, bylaws or other regulations adopted by the organization to govern its affairs:
 - a. Pledges its assets for use in performing the organization's religious functions; and
 - b. Directs that on discontinuance of the organization by dissolution or otherwise, the assets are to be transferred to the State of Texas or to a charitable, educational, religious or other similar organization that is qualified as a charitable organization under Section 501(c)(3), Internal Revenue Code of 1954, as amended.
- (4) Use of a structure for occasional or secular purposes other than religious worship does not result in loss of the status as a church if the primary use of the structure is for religious worship and all income from the other use is devoted exclusively to the maintenance and development of the structure as a place of religious worship.
- (5) For the purpose of this section, "religious worship" shall mean individual or group ceremony or meditation, education or fellowship, the purpose of which is to manifest or develop reverence, homage, and commitment in behalf of a religious faith.

Hospital: An institution or place where sick or injured in-patients are given medical or surgical care, either at public (charity) or private expense.

Public Park: Any park, playground, greenbelt, nature trail, recreational facility, or wildlife conservation and management area, located within the City of Lewisville and owned, controlled, or operated by any school district, municipality, county, state or federal government, which is open for use by the general public.

School: A facility or place under public, private, or denominational sponsorship having a curriculum equivalent to a public elementary or secondary school, including elementary, middle, or junior high, and senior high schools, but excluding trade or commercial schools.

Civic Facility: Any place or facility owned, controlled, or operated by any school district, municipality, county, state, or federal government which is open for use by the general public. Civic facilities shall include amphitheaters, auditoriums, cemeteries, libraries, museums, post offices, public offices and administrative buildings, public plazas and open space, recreational centers and facilities, stadiums, arenas, convention or civic centers; but excluding storage and maintenance facilities, facilities for public utilities, including substations, treatment, generation, or pump facilities, police or fire stations, or landfills or disposal facilities.

(c) **Location:**

- (1) It shall be a violation of this Ordinance to locate or operate a sexually-oriented business, as defined herein, within the City of Lewisville:
- a. Within one thousand (1,000) feet of the district boundary line of any residential zoning district;
 - b. Within one thousand (1,000) feet of any other sexually-oriented business;
 - c. Within one thousand (1,000) feet of the property line of any church, hospital, public park, school or civic facility, day care center, day nursery or kindergarten legally operating under the zoning laws of the City of Lewisville;
 - d. Within one thousand (1,000) feet of the property line of a lot devoted to residential use.
- (2) For the purpose of this section, measurements shall be made in a straight line, without regard to intervening structures or objects, from the nearest portion of the building or structure used as a part of the premises where sexually-oriented business is located to the nearest property line of the premises of a church, hospital, school, civic facility, day care center, day nursery, kindergarten, lot devoted to residential use, or to the nearest boundary of a district restricted to residential use by the Zoning Ordinance of the City, or to the nearest boundary of a public park.
- (d) **Compliance With Other Ordinances:** Sexually-oriented businesses shall be subject to, and comply with, the rules and provisions of the Building Code, Fire Code, and any other applicable code or ordinance of the City of Lewisville. Where conflict exists between the prescriptions established in this Ordinance and the requirements of the Building Code, Fire Code, or other applicable Code or Ordinance of the City of Lewisville, then the more restrictive requirement shall apply.
- (e) **Exterior Signs:** Exterior signs located on the building or premises of a sexually-oriented business shall conform to the requirements of the Sign Ordinance of the City of Lewisville. Such exterior sign shall not advertise, either graphically or verbally, either by explicit or literal expression, connotation, or implied reference, any specified sexual activity or specified anatomical area, as defined herein.

SECTION 17-32. HEIGHT AND AREA EXCEPTIONS AND MODIFICATIONS

(a) Height:

- (1)** The height regulations prescribed herein shall not apply to church spires, belfries and monuments, or public water and fire towers, ornamental spires, chimneys, flag poles, necessary mechanical appurtenances, or any communication or emergency siren tower owned by a local, state or federal governmental entity.
- (2)** No structure may be erected to a height in excess of that permitted by the regulations of such airfield zoning ordinance as may exist at the time and whose regulations apply to the area in which the structure is being erected.
- (3)** All monopoles and lattice towers above 25 feet in height shall be placed with a minimum 3:1 distance to height ratio from the nearest single family or two family zoned lot or tract. No towers, antennas or communication dishes of any size may be placed within any front yard or side street setback required under this Ordinance.
- (4)** Towers and monopoles placed on the ground whose total height, including antenna, does not exceed 25 feet above ground level shall be allowed in all zoning classifications and shall be exempt from distance to height ratios contained in this Ordinance. Such towers shall be allowed as an accessory use in Agriculture-Open Space and all residential districts, Office District and Medical District, and as a stand-alone use in other districts.
- (5)** An antenna with a total height not exceeding 15 feet may be placed on a building or rooftop in all zoning classifications and shall be exempt from distance to height ratios contained in this Ordinance. Antennas placed on buildings shall be allowed as an accessory use in Agriculture-Open Space and all residential districts, Office District and Medical District, and as a stand-alone use in other districts.
- (6)** Telecommunications antennas may be placed within church spires, belfries and monuments as an accessory use when integrated into the design in a discreet manner so as to not be perceived as an antenna and may be placed on electric transmission towers as an accessory use.
- (7)** Outside storage of materials, where allowed in this Ordinance, shall be limited to a maximum height of twenty-five (25) feet.

(b) Front Yards:

- (1)** Where twenty-five percent (25%) or more of the frontage upon the same side of a street between two intersecting streets is occupied or partially occupied by a building or buildings with front yards of less depth than required by this Ordinance, or where the configuration of the ground is such that conformity with the front yard provisions of this Ordinance would work a hardship, the Board of Adjustment may permit modifications of the front yard requirements.
- (2)** In any residential or "MF" District where twenty-five percent (25%) or more of the frontage upon the same side of a street between intersecting streets is occupied or partially occupied by a building or buildings having front yards of greater depth than is required by this Ordinance, no other lot upon the same side of such street between such intersecting streets shall be occupied by a building with a front yard of less than the least depth of any such existing front yards, unless by permission of the Board of Adjustment.
- (3)** In a residential district no fence, structure, or planting higher than three and one-half (3-1/2) feet above the established street grades, nor any tree with foliage extending below ten (10) feet above the established street grades, shall be maintained within twenty (20) feet of any street intersection.

- (4) Open and unenclosed terraces or porches and eave and roof extensions may project into the required front yard for a distance not to exceed four (4) feet; provided, however, that no supporting structure for such extensions may be located within the required front yard. An unenclosed canopy for a gasoline filling station may extend beyond the building line but shall never be closer to the property line than twelve (12) feet. The building line of a gasoline filling station shall mean the actual wall of the building and shall not be interpreted as being the curb of a walk or driveway or as the front of a canopy of the columns supporting same.
- (5) Where an official line has been established for future widening or opening of a street upon which a lot abuts, then the width of a front or side yard shall be measured from such official line of the right-of-way.

(c) **Side Yards:**

- (1) On a corner lot the width of the yard along the side street shall not be less than any required front yard on the same side of such street between intersecting streets, provided, however, that the buildable width of a lot of record shall not be reduced to less than thirty (30) feet.
- (2) No accessory building shall project beyond a required yard line along any street.
- (3) For the purpose of side yard regulations, an attached dwelling or multi-family dwelling shall be considered as one building occupying one lot.
- (4) Where a lot of record at the time of the effective date of this Ordinance is less than fifty (50) feet in width, the required side yard may be reduced to provide a minimum buildable width of thirty (30) feet, provided, however, that no side yard shall be less than five (5) feet.
- (5) The area required in a yard shall be open to the sky, unobstructed except for the ordinary projections of window sills, belt courses, cornices or other ornamental features.
- (6) A roof overhang, or an open fire escape of an outside stairway may project not more than three (3) feet into a required side yard, but no closer than three (3) feet to a property line.

(d) **Rear Yards:**

- (1) An accessory building not exceeding twenty (20) feet in height may occupy not to exceed twenty-five percent (25%), and unenclosed spaces may occupy not to exceed eighty percent (80%), of the area of a required rear yard but no accessory building shall be closer than twenty (20) feet to the main building nor closer than five (5) feet to any rear or side lot line, and in the case of corner lots, not less than the distance required for buildings from side streets.

- (e) **Residential Storage Buildings:** Residential storage buildings of one hundred twenty (120) square feet and less may be constructed without a permit in single-family and two-family zoning districts, provided the building is located behind the front building line and no closer than five (5) feet to the main structure. For such residential storage buildings larger than one hundred twenty (120) square feet, a permit is required and the building may not be closer than ten (10) feet to the main structure. Residential storage buildings may not exceed a height limit of twelve (12) feet and must be placed on the lot so that the roof does not drain onto an adjacent lot, and in the case of corner lots, not less than the distance required for buildings from side streets.

SECTION 17-33. NONCONFORMING USES

- (a) The lawful use of land existing upon the effective date of this Ordinance, although such use does not conform to the provisions hereof, may be continued, subject to the provisions hereof.
- (b) The lawful use of a building existing upon the effective date of this Ordinance may be continued, although such use does not conform to the provisions hereof. Such use may be extended throughout such portions of the buildings as are arranged or designed for such use, provided no structural alterations, except those required by law or ordinance, are made therein. If no structural alterations are made, a nonconforming use of a building may be changed to another nonconforming use of the same or more restrictive classification. If such nonconforming building is voluntarily removed, the future use of such premise shall be in conformity with the provisions of this Ordinance.
- (c) In the event a nonconforming use of any building or premise is voluntarily discontinued for a period of one (1) year, the use of the same shall thereafter conform to the provisions of the district in which it is located.
- (d) A residential dwelling unit having a lesser floor area at the time of the passage of this Ordinance than the minimum floor area required for the district in which it is located shall not be construed to be nonconforming.
- (e) A nonconforming use if changed to a conforming use or a more restrictive nonconforming use, may not thereafter be changed back to a less restrictive use than that to which it was changed.
- (f) If by amendment to this Ordinance any property is hereafter transferred to a more restricted district by a change in the district boundaries, or the regulations and restrictions in any district are made more restrictive or of a higher classification, the provisions of this Ordinance relating to the nonconforming use of buildings or premises existing upon the effective date of this Ordinance shall apply to buildings or premises occupied or used upon the effective date of such amendment.
- (g) Repairs and alterations may be made to a nonconforming building, provided that no structural alterations or extensions shall be made except those required by law or ordinance, unless the building is changed to a conforming use.
- (h) A nonconforming use shall not be extended or rebuilt in case of obsolescence or total destruction by fire or other causes. In the case of partial destruction by fire or other causes not exceeding fifty percent (50%) of its value, the Building Inspector shall issue a permit for reconstruction. If destruction is greater than fifty percent (50%) of its value, the Board of Adjustment may grant a permit for repair or replacement after a public hearing and having due regard for the property right of the persons affected when considered in the light of public welfare and the character of the areas surrounding the designated nonconforming use and the purposes of this Ordinance.
- (i) A nonconforming use may be expanded or enlarged only upon approval of the Board of Adjustment in accordance with this Ordinance and other applicable City of Lewisville Ordinances.

SECTION 17-34. ENFORCEMENT AND APPLICATION

(a) Administrative Official:

- (1) The provisions of this Ordinance shall be administered and enforced by the Building Inspector.
- (2) The Building Inspector or any duly authorized person shall have the right to enter upon any premises at any reasonable time for the purpose of making inspections of buildings or premises necessary to carry out his duties in the enforcement of this Ordinance.
- (3) Whenever any construction work is being done contrary to the provisions of this Ordinance, the Building Inspector may order the work stopped by notice in writing served on the owner or contractor doing or causing such work to be done, and any such persons shall forthwith stop such work until authorized by the Building Inspector to proceed with the work.

(b) Requirements for Building Permit: All applications for building permits shall be accompanied by accurate plot plans, submitted in duplicate, drawn to scale, showing:

- (1) The actual shape and dimensions of the lot to be built upon.
- (2) The exact sizes and locations on the lot of the buildings and accessory buildings then existing.
- (3) The lines within which the proposed building and structure shall be erected or altered.
- (4) The existing and intended use of each building or part of building.
- (5) The number of families or dwelling units the building is designed to accommodate.
- (6) Such other information with regard to the lot and neighboring lots as may be necessary to determine and provide for the enforcement of this Ordinance.

(c) Existing Permits and Private Agreements: This Ordinance is not intended to abrogate or annul:

- (1) Any permits issued before the effective date of this Ordinance.
- (2) Any easement, covenant or any other private agreement.

(d) Preserving Rights in Pending Litigation and Violations Under Existing Ordinances:

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

(e) Completion of Authorized Buildings: Nothing in these regulations nor in any amendments hereto which change district boundaries shall require any change in the plans, construction or designated use of a building which shall be completed in its entirety within two (2) years from the date of the passage of this Ordinance, provided such building was authorized by building permit before the passage of this Ordinance and further provided construction shall have been started within ninety (90) days from the passage of this Ordinance. Commitments with reference to construction of public utility building necessary

for proposed expansion of the City made prior to the passage of this Ordinance shall be observed.

(f) Newly Annexed Areas:

(1) Zoning Annexed Areas: All territory annexed to the City hereafter shall be temporarily classified as District "AO" Agricultural-Open Space, only until permanently zoned by the City Council. The Planning Commission shall, within sixty (60) days after annexation of any territory, recommend to the City Council a plan for permanent zoning in the area. The procedure to be followed for adoption shall be the same as is provided by law for the adoption of original zoning regulations.

(2) Unplatted Property: The Planning Commission shall not approve any plat or any subdivision within City limits until the area covered by the proposed plat shall have been permanently zoned by the City Council, except that a plat or subdivision in conformance with the recommended zoning may be approved by the Planning Commission concurrently with the recommendation for zoning and sent together to the City Council.

SECTION 17-35. BOARD OF ADJUSTMENT

(a) Organization and Procedure:

- (1) Establishment:** A Board of Adjustment is hereby re-established in accordance with the provisions of §211.008 Texas Local Government Code.
- (2) Membership:** The Board shall consist of five (5) Members and two (2) Alternates, each to be appointed or reappointed by the City Council. Members of the Board shall serve for two-year terms of office with appointments beginning July 1st. Members shall be appointed by Places number 1 through 5, with Alternates 1 and 2. Places 1, 3, and Alternate 1 shall be appointed in odd-numbered years, and Places 2, 4, and Alternate 2 shall be appointed in even-numbered years so that Board memberships will be staggered. At least one member of the Board shall be a member of the Planning and Zoning Commission (the required position being designated as Place 5), and his term shall be for a one-year term of office, and shall expire on June 30th of each year. Each member of the Board shall be removable for just cause by City Council upon written charges and after public hearings. Vacancies shall be filled by the City Council for the unexpired term of any member whose term becomes vacant. The Board shall elect its own Chairman, who shall serve for a period of one (1) year or until his successor is elected.
- (3) Meetings:** Meetings of the Board shall be held at the call of the Chairman and at such times as the Board may determine.
- (4) Hearings:** The hearings of the Board of Adjustment shall be public; however, the Board may go into executive session for discussion but not for a vote on any case before it. The Board shall hear the intervention of any owner of property adjacent to, in the rear of, or across the street from, a lot as to which the granting of any building permit is pending, and shall also hear any other parties in interest. All hearings are to be heard by at least four (4) members of the Board.
- (5) Rules and Regulations:** The Board shall keep minutes of its proceedings, showing the vote of each member upon each question or, if absent or failing to vote, indicating such fact, and shall keep records 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. The Board of Adjustment shall act by resolution in which four (4) members must concur. The Board shall adopt from time to time such additional rules and regulations as it may deem necessary to carry into effect the provisions of the Ordinance, and shall furnish a copy of the same to the Building Inspector, all of which rules and regulations shall operate uniformly in all cases. All of its resolutions and orders shall be in accordance therewith.

(b) Appeals:

- (1) Procedure:** Appeals may be taken to and before the Board of Adjustment by any person aggrieved, or by any Officer, Department, Board, or Bureau of the City. Such appeal shall be made by filing with the Office of the Board a notice of appeal and specifying the grounds thereof. The Office or Department from which the appeal is taken shall forthwith transmit to the Board of Adjustment all of the papers constituting the record upon which the action appealed from was taken. No appeal may be taken with regard to any platted lot until after approval of the final plat by the City Council.
- (2) Stay of Proceedings:** An appeal shall stay all proceedings in furtherance of the action appealed from unless the Building Inspector shall certify to the Board of Adjustment that by reason of facts in the certificate, a stay would, in his opinion, cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board of Adjustment or by a court of equity, after notice to the office from whom the appeal is taken and on due cause shown.

- (3) **Notice of Hearing on Appeal:** The Board shall fix a reasonable time for the hearing of the appeal or other matter referred to it, and shall mail notices of such hearing to the petitioner and to the owners of property lying within two hundred (200) feet or less street frontage of any point of the lot or portion thereof on which a variation is desired, and to all other persons deemed by the Board to be affected thereby, such owners and persons being determined according to the current tax rolls of the City. Depositing of such written notice in the mail shall be deemed sufficient compliance therewith.
- (4) **Decision by Board:** The Board shall decide the appeal within a reasonable time. Upon the hearing, any party may appear in person or by agent or attorney. The Board may reverse or affirm wholly or partly or may modify the order, requirements, decision, or determination as in its opinion ought to be made in the premises, and to that end, shall have all powers of the officer or department from whom the appeal is taken.
- (5) **Fees:** Each appeal or request for hearing before the Board of Adjustment shall be accompanied by payment of a non-refundable fee.
- (c) **Powers and Duties of Board:**
- (1) **Subpoena Witnesses, Etc.:** The Board shall have the power to subpoena witnesses, administer oaths, and punish for contempt, and may require the production of documents, under such regulations as it may establish.
- (2) **Appeals Based on Error:** The Board shall have the power to hear and decide appeals where it is alleged there is error of law in any order, requirements, decision or determination made by the Building Inspector in the enforcement of this Ordinance.
- (3) **Special Exceptions:** The Board shall have the power to hear and decide special exceptions to the terms of this Ordinance upon which the Board is required to pass as follows or elsewhere in this Ordinance:
- a. Permit the erection and use of a building or the use of premises for railroads or for such uses as are in general conformance with the Master Plan and present no conflict or nuisance to adjacent properties.
 - b. To permit a public utility or public service or structure in any district, or a public utility or public service building of a ground area and of a height at variance with those provided for in the district in which such public utility or public service building is permitted to be located, when found reasonably necessary for the public health, convenience, safety, or general welfare.
 - c. To grant a permit for the extension of a use, height or area regulation into an adjoining district, where the boundary line of the district divides a lot in a single ownership on the effective date of this Ordinance.
 - d. Permit the reconstruction of a nonconforming building which has been damaged by explosion, fire, act of God, or the public enemy, to the extent of more than fifty percent (50%) of its fair market value, where the Board finds some compelling necessity requiring a continuance of the nonconforming use and the primary purpose of continuing the nonconforming use is not to continue a monopoly.
 - e. To grant a permit for enlargement or expansion of a nonconforming use.
 - f. To determine whether an industry should be permitted within District "LI", Light Industrial, and District "HI", Heavy Industrial, because of the methods by which it would be operated and because of its effect upon uses within surrounding zoning districts.

- g.** To determine in cases of uncertainty the classification of any use not specifically named in this Ordinance.

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

- a.** Permit a variance in the yard requirements of any district where there are unusual and practical difficulties or unnecessary hardships in the carrying out of these provisions due to an irregular shape of the lot, topographical or other conditions, provided such variance will not seriously affect any adjoining property or the general welfare.
- b.** Authorize upon appeal, whenever a property owner can show that a strict application of the terms of this Ordinance relating to the construction or alterations of buildings or structures will impose upon him unusual and practical difficulties or particular hardship, such variances from the strict application of the terms of this Ordinance as are in harmony with its general purpose and intent, but only when the Board is satisfied that a granting of such variance will not merely serve as a convenience to the applicant, but will alleviate some demonstrable and unusual hardship or difficulty so great as to warrant a variance from the Comprehensive Plan as established by this Ordinance, and at the same time, the surrounding property will be properly protected.

(5) Changes: The Board shall have no authority to change any provisions of this Ordinance and its jurisdiction is limited to hardship and border-line cases which may arise from time to time. The Board may not change the district designation of any land either to a more restrictive or less restrictive zone.

SECTION 17-36. CERTIFICATES OF OCCUPANCY

(a) Certificates of Occupancy Shall be Required for Any of the Following:

- (1)** Occupancy and use of a building hereafter erected or structurally altered.
- (2)** Change in use of an existing building to a use of a different classification.
- (3)** Occupancy and use of vacant land, except agricultural use.
- (4)** Change in the use of land to a use of a different classification.
- (5)** Any change in the use of a nonconforming use.

No such occupancy, use, or change of use shall take place until a Certificate of Occupancy therefore shall have been issued by the Building Inspector.

- (b) Procedure for New or Altered Buildings:** Written application for a Certificate of Occupancy for a new building or for an existing building which is to be altered shall be made at the same time as the application for the Building Permit for such building. Said Certificate shall be issued within three (3) days after a written request for the same has been made to said Building Inspector or his agent after the erection or alteration of such building or part thereof has been completed in conformity with the provisions of this Ordinance.
- (c) Procedure for Vacant Land or a Change in Use:** Written application for a Certificate of Occupancy for the use of vacant land, or for a change in the use of land or a building, or for a change in a nonconforming use, as herein provided, shall be made to said Building Inspector. If the proposed use is in conformity with the provisions of this Ordinance, the Certificate of Occupancy therefore shall be issued within three (3) days after the application for same has been made.
- (d) Contents:** Every Certificate of Occupancy shall state that the building or the proposed use of a building or land complies with all provisions of law. A record of all Certificates of Occupancy shall be kept in file in the office of the Building Inspector or his agent and copies shall be furnished on request to any person having proprietary or tenancy interest in the building or land affected.
- (e) Temporary Certificate:** Pending the issuance of a regular Certificate, a temporary Certificate of Occupancy may be issued by the Building Inspector for a period not exceeding six (6) months, during the completion of alterations or during partial occupancy of a building pending its completion. Such temporary certificate shall not be construed as in any way altering the respective rights, duties or obligations of the owners or of the City relating to the use or occupancy of the premises or any other matter covered by this Ordinance.
- (f) Certificates for Nonconforming Uses:** A Certificate of Occupancy shall be required for all lawful nonconforming uses of land or buildings created by adoption of this Ordinance. Application for such Certificate of Occupancy for a nonconforming use shall be filed with the Building Inspector by the owner or lessee of the building or land occupied by such nonconforming use within one (1) year of the effective date of this Ordinance. It shall be the duty of the Building Inspector to issue a Certificate of Occupancy for a lawful nonconforming use, but failure to apply for such Certificate of Occupancy for a nonconforming use shall be evidence that said nonconforming use was either illegal or did not lawfully exist at the effective date of this Ordinance.

SECTION 17-37. AMENDMENTS

- (a) **Authority:** Under the provisions of Chapter 211, Texas Local Government Code, the City Council may from time to time amend, supplement or change by Ordinance the boundaries of the districts or the regulations herein established.
- (b) **Submission to Planning Commission:** Before taking any action on any proposed amendment, supplement, or change in the Ordinance, the City Council shall submit the proposed revision to the Planning and Zoning Commission for its review, recommendation and report.
- (c) **Public Hearing:** A public hearing shall be held by the City Council before adopting any proposed amendment, supplement, or change to the Ordinance. Notice of such hearing shall be given by publication one (1) time in a newspaper of general circulation in the City, stating the time and place of such hearing, which time shall not be earlier than fifteen (15) days from the first date of publication.
- (d) **In Case of Protest:** If the Planning and Zoning Commission recommends that the change be denied or in case of a written protest against such change signed by the owners of twenty percent (20%) or more either of the area of the lots or land included in the proposed change, or of those lots or land immediately adjoining the same and extending two hundred (200) feet therefrom, such change shall not become effective except by the favorable vote of three-fourths (3/4) of all the members of the City Council.
- (e) **Limitation on Re-Submission of Petition:** No amendment, supplement, change or repeal of any section of this Ordinance which has been rejected by the City Council shall be again considered by the City Council on an appeal or petition by an appellant or application before the expiration of one (1) year from the date of the original rejection by the City Council.
- (f) **Application:** Whenever any person desires that any amendment or change be made in the Zoning and "Use District" Map, as to any property in the City, there shall be presented an application requesting such change or amendment, and clearly describing the property and its boundaries as to which change or amendment is desired, duly signed by the owner, or owners of the real estate included with the boundaries of the tract as described in the application. Each and every petition as provided shall be filed with the City Manager or his appointed Representative prior to being presented to the Planning and Zoning Commission, and the same shall be accompanied by a filing fee, which sum shall be paid to the City at the time the application is filed.
- (g) **Zoning Change Signs:** The applicant shall place a zoning change sign(s), as required by the City, on the site. The applicant shall be responsible for such sign(s) remaining visible on the site as required. The cost of the zoning change sign(s) shall be paid to the City at the time the application is filed.

SECTION 17-38. COMPLIANCE WITH THE REGULATIONS

Except as herein specifically provided:

- (1)** No land shall be used except for a purpose permitted in the district in which it is located.
- (2)** No building shall be erected, converted, enlarged, reconstructed, moved, or structurally altered, nor shall any building be used, except for a use permitted in the district in which such building is located.
- (3)** No building shall be erected, converted, enlarged, reconstructed, or structurally altered to exceed the height limit herein established for the district in which such building is located.
- (4)** No building shall be erected, converted, enlarged, reconstructed, or structurally altered except in conformity with the area regulations of the district in which such building is located.
- (5)** The minimum yards and open areas, including lot area per dwelling unit, required by this Ordinance for each and every building existing at the time of passage of this Ordinance or for any building hereafter erected, shall not be encroached upon or considered as part of the yard or open space required for any other building, nor shall any lot area be reduced below the requirements of this Ordinance for the district in which such lot is located.