

**CITY OF ALTON
ZONING ORDINANCE**

**APPROVED AND PASSED
BY THE
CITY BOARD OF ALDERMEN**

August 7, 2001

CITY OF ALTON, TEXAS

ORDINANCE NO. 2001- 16

AN ORDINANCE REPLACING IN ITS ENTIRETY THE EXISTING ZONING, ORDINANCE OF THE CITY OF ALTON, TEXAS WITH A NEW ZONING ORDINANCE AND ESTABLISHING NEW ZONING DISTRICTS AND LAND USE REGULATIONS; ADOPTS A NEW ZONING MAP; REGULATING THE SIZE AND USE OF BUILDINGS AND LOTS THAT MAY BE OCCUPIED; ESTABLISHES PARKING REQUIREMENTS; PROVIDES FOR THE ISSUANCE OF SPECIFIC USE PERMITS; REGULATES HOME OCCUPATIONS; REQUIRES OFF-STREET PARKING AND LOADING; ESTABLISHES STANDARDS FOR CONDOMINIUM AND TOWNHOUSE DEVELOPMENT; PROVIDES FOR THE CLASSIFICATION OF NEW AND UNLISTED USES; REGULATES NON-CONFORMING USES; PROVIDES FOR THE CREATION, APPOINTMENT AND DUTIES OF THE ZONING BOARD OF ADJUSTMENTS; PROVIDES FOR AMENDMENTS TO THE ZONING ORDINANCE; PROVIDES FOR THE INTERPRETATION AND CONFLICTS; PRESERVES RIGHTS IN PENDING LITIGATION AND VIOLATIONS UNDER EXISTING ORDINANCES; REPEALS CONFLICTING ORDINANCES; PROVIDES FOR SEVERABILITY OF EACH SECTION, PARAGRAPH, SENTENCES, CLAUSES AND PHRASES OF THE ZONING ORDINANCE; PROVIDES FOR A GENERAL PENALTY FOR VIOLATIONS NOT TO EXCEED \$2,000.00 FOR EACH OFFENSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Alton is empowered by Chapter 211 of the Texas Local Government Code to establish a zoning ordinance;

WHEREAS, the Planning and Zoning Commission of the City of Alton has given appropriate and reasonable consideration to the zoning regulations and districts most appropriate for the City and made such recommendations to the Alton Board of Aldermen.

WHEREAS, both the Planning and Zoning Commission and the Board of Aldermen of the City of Alton have duly held public hearings and given proper notice pertaining to the adoption of this zoning ordinance;

WHEREAS, the Alton Board of Aldermen finds that the zoning ordinance represents the best interest of all citizens of Alton and promotes the aesthetics, health, safety, general welfare and convenience of the people.

BE IT ORDERED BY THE CITY BOARD OF ALDERMEN OF THE CITY OF ALTON, TEXAS;

SECTION 1: PURPOSE AND INTENT

This ordinance is prepared under the authority of V.T.C.A., Local Government Code, Chapter 211, to promote health, safety, morals, and for the protection and preservation of places and areas of historical and cultural importance and significance, and the general welfare of the community. These zoning regulations are made in accordance with the spirit of the city comprehensive plan and designed to lessen congestion in the streets; to secure safety from fire, panic, and other dangers; to promote the general welfare of the community; to provide adequate light and air; to prevent overcrowding of land; to avoid undue concentration of population; and to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements. These regulations are made with reasonable consideration, among other things, to the character of the district and its peculiar suitability for particular uses, and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the city.

SECTION 2: ZONING AND ADMINISTRATION

A. JURISDICTION

The jurisdiction of these regulations shall include all land in the corporate limits of Alton, Hidalgo County, Texas. These regulations shall also apply to any land annexed to the City of Alton corporate area upon the legal annexation of such land.

B. ADMINISTRATION

The City Administrator is hereby designated by the City Board of Aldermen as the administrative official to supervise the administration and enforcement of these regulations. The City Administrator may appoint an assistant to help him or her with the general administration and enforcement duties required for this implementation of this zoning ordinance.

If the City Administrator or his or her designated administrative official finds that any of the provisions of this ordinance are being violated, the City Administrator or his or her designated administrative official shall notify, in writing, the person responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it. The City Administrator or his or her designated administrative official shall order the discontinuance of any illegal use of land, buildings or structures, the removal of any illegal buildings or structures or of any illegal additions, alterations or structural changes, the discontinuance of any illegal work being performed, or shall take any other action authorized by this ordinance to insure compliance with or to prevent violation of these provisions.

C. INTERPRETATION AND APPEALS

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

D. CITY BOARD OF ALDERMEN DUTIES

It is further the intent of this ordinance that the duties of the City Board of Aldermen, in connection with this ordinance, shall have the duty of considering and adopting or rejecting proposed amendments to this ordinance or of its repeal, and of establishing a schedule of fees and charges as stated in subsection D here below.

E. FEES

The City Board of Aldermen shall, by ordinance or resolution, establish a schedule of fees and charges for the permits, certificates of occupancy, zoning change requests, Zoning Board of Adjustment appeals and other matters pertaining to this ordinance. The schedule of fees and charges may be altered or amended only by action of the City Board of Aldermen. In December of each year, the Board of Aldermen must consider a two percent (2%) increase in all fees and charges listed on the Schedule of fees and charges. Until all applicable fees and charges have been paid in full, no action shall be taken on any zoning application or appeal.

F. BUILDING PERMITS AND CERTIFICATES OF OCCUPANCY

(1) Building Permits Required

No building or other structure shall be erected, moved, added to, enclosed or structurally altered without a permit therefore, where applicable, and issued by the City of Alton. No building permit shall be issued by the City except in conformity with the provisions of this ordinance, unless a written order from the Zoning Board of Adjustment for a variance, as provided by this ordinance, has been granted.

(2) Certificate of Occupancy Required for New, Altered Or Changes in Use or Nonconforming Uses

(a) It shall be unlawful to use, occupy, or permit the uses or occupancy of any building or premise, or both, or part thereof hereafter created, erected, changed, converted or wholly or partly altered or enlarged in its use or structure until a certificate of occupancy shall have been issued therefore by the City of Alton stating that the proposed use of the principal building or land conforms to the requirements of this ordinance. Application for a certificate of occupancy shall be made at the same time as the application for the building permit for such building.

(b) No nonconforming building or use shall be maintained, renewed, changed or altered until a certificate of occupancy shall have been issued by the building inspector. The certificate of occupancy shall state specifically how the nonconforming use differs from the provisions of this zoning ordinance. After the enactment of this ordinance, the owner or occupant of a nonconforming use or building shall apply to the City for a certificate of occupancy. Upon receipt of the application for a certificate of occupancy, each owner or occupant shall be required to file an affidavit stating that such building or land occupied by the nonconforming use was in lawful use or lawfully existed as of the date of adoption of this zoning ordinance. Upon receipt of such application for a certificate of occupancy and the affidavit, the City shall issue a certificate of occupancy for any lawful nonconforming use if the City is satisfied that such nonconforming use or building was in existence at the time of adoption of this zoning ordinance. Any person denied a certificate of occupancy shall have the right to appeal the decision to the Zoning Board of Adjustments.

(c) No building permit for erection, alteration, moving or structural repair of any structure or building shall be issued until an application has been made for a certificate of occupancy, and the certificate shall be issued in conformity with the provisions of this ordinance upon completion of the work.

(d) A temporary certificate of occupancy may be issued by the City for a period not exceeding three (3) months during alterations or partial occupancy of a building pending its completion, provided that said temporary certificate may include such conditions and safeguards as will protect the safety of the occupants and the public.

(e) The City of Alton shall maintain a public record of all certificates of occupancy.

(f) Failure to obtain a certificate of occupancy shall be a violation of this ordinance and punishable by fine.

(g) A certificate of occupancy shall not be issued for any structure or building, which has not been connected to the city's sanitary sewer system if the sanitary sewer is within five hundred feet (500') of the building or structure and it is technically feasible to connect to the sanitary sewer system.

(3) Construction and Use to be As Provided in Applications, Plans, Permits and Certificates of Occupancy

Building permits or certificates of occupancy issued on the basis of plans and applications approved by the City of Alton authorize only the use, arrangement, or construction set forth in such approved plans and applications, and any other use, arrangement, or construction shall be deemed a violation of this ordinance and punishable by fine.

SECTION 3: DEFINITIONS

A. GENERAL INTERPRETATION

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

Words used in the present tense include the future tense, words in the singular number include the plural number, and words in the plural number include the singular number. The word "building" includes the word "structure," except as otherwise specified. The term "use" means, "used or intended to be used for, or arranged or designed for use." The word "shall" is mandatory not directory; the word "may" is permissive. The word "person" includes a firm, association, organization, partnership, trust, foundation, company or corporation as well as an individual. The word "including" means "including, but not limited to."

Accessory Building – A subordinate building which is incidental to that of the main building on the same lot and which does not exceed 120 square feet in size.

Accessory Use – A subordinate use, which is incidental to the main or primary use.

Administrative Officer – A person or persons designated by the City of Alton, Texas to administer this ordinance.

Agricultural Livestock – Any domesticated animals normally considered to be farm animals, such as, goats, cattle, swine, horses, mules, burros, Lamas, Emus, Ostriches, chickens, ducks, geese, guineas, etc.

Alley – A way, which affords only a secondary means of access to abutting property.

Amusement Park – Any building, lot, Tract, or parcel of land used in whole or part for the operation and maintenance of a circus, carnival, miniature golf course, golf driving range, batting cages, skating rinks, go-kart racing tracks and minstrel shows.

Animal Shelter – A facility that keeps or legally impounds stray, homeless, abandoned, or unwanted animals.

Apartment – A room or suite of rooms in an apartment building intended, designed, or occupied as a home or residence by a single family, individual, or group of individuals living together as a single housekeeping unit.

Apartment (Multi-Family) Building – Any building which is intended, designed, or occupied as the home or residence of three (3) or more families living independently of each other and maintaining separate cooking facilities.

Automobile Repair Shop – A building or space for the repair or maintenance of motor vehicles, but not including factory assembly of such vehicles, auto wrecking establishments or junkyards.

Automobile Sales Lot – An open area or lot used for the display or sale of automobiles, where no repair work is done except minor reconditioning of the cars to displayed and sold on the premises, and no dismantling of cars for sale or keeping of used car parts or junk on the premises.

Basement – A building story, which is partly underground, but may have at least one-half (1-1/2) of its height about the average level of the adjoining ground.

Block – That property abutting on one side of a street and lying between the nearest intersecting or intercepting streets or nearest intersecting or intercepting street and railroad right-of-way, waterway, or other barrier to or gap in the continuity of development along such street.

Boarding (Rooming) House – A dwelling wherein lodging or meals for three (3) or more persons, not members of the principal family therein, is provided for compensation, but not including a building in which ten (10) or more guest rooms are provided.

Building – Any structure built for the support, or enclosure of persons, animals, chattels, or movable property of any kind.

Building, Height of – The vertical distance from grade to the highest point of the roofline.

Building Line – A line parallel or approximately parallel to the street line at a specific distance there from marking the minimum distance from the street line that a building may be erected.

Business – Includes retail, commercial, personal services, excavation, manufacturing and industrial operations and uses.

Car Wash – A building, or portion thereof, where automobiles or other motor vehicles are automatically or manually washed regularly as a business.

Cellar – A building story with more than one-half of its height below the average level of the adjoining ground. A cellar shall not be counted as a story in computing building height.

Cemetery – Land used or intended to be used for the burial of the dead humans, including crematories, mausoleums, and mortuaries.

Certificate of Occupancy – An official certificate issued by the City of Alton, which indicates conformance with or approved conditional waiver from the zoning regulations and authorizes legal use of the premises for which it is issued.

Child Care Center or Facility – A facility that provides care or supervision for children who are not related by blood, marriage, or adoption to the owner or operator of the facility for less than 24 hours a day for more than twelve (12) children under the age of fourteen (14), whether or not the facility is operated for profit or charges for the services it offers.

Child Day Care Home – A facility, sometimes referred to as a “Registered Family Home,” that regularly provides care in the caretaker’s own residence for not more than six (6) children under the age of fourteen (14) years of age, excluding the caretaker’s own children. When more than six (6) children are kept in the home, it shall be considered as either a “Group Day Care Home” or “Child Care Center.”

Church or Rectory – A place of worship and religious training of recognized religions including the on-site housing of ministers, rabbis, priests, and nuns.

Clinic – A group of offices for one or more physicians, surgeons or dentists to treat sick or injured patients who do not remain overnight.

Conforming Use – Any lawful use of a building or lot, which complies, with the provisions of the ordinance.

1. Commercial Parking Lot – Shall mean any outdoor space or uncovered plot, lot, parcel, yard, enclosure or any portion thereof, where one or more vehicles may be parked, stored, housed or kept, for which a fee is made or which is used for the parking of noncommercial vehicles by the patrons or employees of a business or commercial establishment, or which is for use of trailers, connected to tractors or not, or any type of commercial vehicle.
2. Dead Storage Lot – A commercial parking lot used solely for the purpose of storing/parking tractor-trailers or any commercial vehicle for a minimum of thirty (30) calendar days.

Convalescent Home – Any building or structure used for or customarily occupied by persons recovering from illness or suffering from infirmities of age.

County Club (Private) – An area of land containing either a golf course or tennis courts, or both, and a clubhouse and which is available to members only. Country Clubs may contain adjunct facilities such as private club, dining room, swimming pool, and other similar recreational or service facilities.

Courtyard – An open, unoccupied space on the same lot with a building and bounded on two (2) sides by such building, or the open space provided for access to a dwelling group.

District – A section or sections of the City of Alton, Texas for which the zoning regulations governing the use of buildings and premises, the height of buildings, the size of yards, or the intensity of use are uniform.

Dwelling or Dwelling Unit – A building or portion of a building, which is arranged, occupied or intended to be occupied as living quarters and includes facilities for food preparation and sleeping.

Dwelling, Single Family – A detached building which is designed for or occupied as a home or residence by not more than one (1) family.

Dwelling, Two-Family – A detached building containing two (2) dwelling units, commonly referred to as a duplex, and which is designed for or occupied as a home or residence for not more than two (2) families.

Dwelling, Multi-Family- A building containing three (3) or more dwelling units, which is designed for or occupied as a home or residence for three (3) or more families.

Family – One or more persons living together as a single housekeeping unit, in which not more than two (2) individuals are unrelated by blood, marriage or adoption, but not including a group occupying a hotel, motel, boarding house, club, dormitory, fraternity or sorority house.

Farm or Orchard – An area of five (5) acres or more which is used for the growing of farm products such as vegetables, fruit trees, and grain as well as the raising thereon of the usual farm poultry and farm animals such as horses, dairy cattle, sheep, and swine.

Farm Building – A structure used to store legally grown and harvested farm products or equipment.

Filling Station or Service Station – Any building, structure or land use for the dispensing, sale or offering for sale, at retail, of motor fuels, oils, or accessories, including but not limited to lubricants of motor vehicles, fuel and oil additives, and replacement or installation of minor parts and accessories, but not including major repair work such as motor replacement, body and fender repair or spray painting.

Flea Market – A collection or group of outdoor stalls, booths, tables or other similar arrangements, used by individual vendors, for the display and sale of various items of new or used personal property.

Flood Hazard Boundary Map – An official map or plat of a community, issued or approved by the federal insurance administrator on which the boundaries of the flood-prone areas having special hazards have been drawn.

1. Letter of Map Amendment and Revision (LOMAR) – An official letter issued by the federal insurance administrator that change the boundaries of the flood-prone area having special hazard as shown on the Flood Hazard Boundary Map.
2. Flood, 100-Year – The highest level of flooding that, on the average, is likely to occur once every one-hundred (100) years (i. e., that has an one (1) percent chance of occurring each year). Subdivision and/or building construction is prohibited in this area unless a LOMAR is obtained.
3. Flood-Proofing – Any combination of structural and non-constructural additions, changes, or adjustments to properties and structures which reduce or eliminate flood damage to lands, water and sanitary facilities, structures and contents of buildings.

Floor Area – The living area of a building, including the walls thereof, but excluding all porches, open breezeways and garages.

Frontage – All the property on one side of a street between two intersecting streets, (crossing and terminating), measured along the line of the street, or if the street dead ended, then all of the property abutting on one side between an intersecting street and the dead end of the street.

Garage, Auto Repair – A building or portion of a building used for the general repair and/or painting of motor vehicles.

Garage, Parking – A building or portion of a building used for the storage of motor vehicles, other than a private garage or an auto repair garage, in which any sale of gasoline, oil, and accessories is only incidental to the storage of the vehicles.

Garage, Private – An accessory building or portion of a main building on the same lot and used for the storage of private passenger motor vehicles or boats. No more than one of these vehicles may be a commercial vehicle nor may any vehicle exceed five-ton capacity.

Garage, Public – An accessory building or portion of a main building, other than a private garage, designed or used for equipping, repairing, hiring, selling, or storing motor-driven vehicles.

Garage Sale – An occasional sale of personal and/or household property at a non-business location for a temporary period of time not exceeding three (3) consecutive days. Not more than three (3) garage sales may be permitted for the same location within any calendar year. More than three (3) garage sales shall constitute a business. The term shall also include “yard sales” and “patio sales.”

Garage, Storing, or Parking – A building or portion thereof, designed or used exclusively for term storage by prearrangement of motor-driven vehicles, as distinguished from daily storage furnished transients, and within which motor-driven vehicles are equipped, repaired, hired, or sold.

Grade – When used as a reference point in measuring height of building the “grade” shall be the average elevation of the finished ground at the exterior walls of the main building.

Gross Floor Area – The total area of all floors as measured to the outside walls, excluding open porches, breezeways, balconies, and terraces. In computing the gross floor area residential uses, garages and carports shall be excluded.

Group Day Care Home – A facility that regularly provides care in the caretaker’s own residence for seven (7) to twelve (12) children under the age of fourteen (14) years of age, excluding the caretaker’s own children.

Group Home – A residential facility licensed by the Texas Department of Human Resources to house up to six (6) handicapped and/or mentally retarded persons and two (2) supervisors.

Grove – See Farm.

Halfway House – A residential facility providing shelter, supervision and residential rehabilitative service for persons who have been inmates of any county, state or federal correctional institution and released and require a group setting to facilitate the transition to a functional member of society.

Height (of Building) – The vertical distance from the grade to the highest point of the coping of a flat roof or to the deck line of a mansard roof, or the highest ridge board, for gable, hip and gambrel roof.

House Occupation – Any occupation or activity which is clearly incidental and secondary to the residential use of the premises and which is carried on wholly within a main building or accessory building by a member of a family residing on the premises and which does not change the character thereof. However, such use will not be obnoxious or offensive due to vibration, smoke, dust, odor, heat, glare, noise or which increases traffic.

Hospital – An institution or place where sick or injured patients are kept overnight and given medical or surgical care.

Hotel or Motel – A building or arrangement of buildings designed for and occupied as a temporary abiding place by transient guests who are lodged with or without meals for compensation.

Industrialized Housing – A residential structure that is designed for the use and occupancy of one or more families, that is constructed in one or more modules or constructed using one or more modular components built at a location other than the permanent residential site, and that is designed to be used as a permanent residential structure when the modules or modular components are transported to the permanent residential site and are erected or installed on a permanent foundation system. The term includes the plumbing, heating, air conditioning, and electrical systems. The term does not include any residential structure that is in excess of two (2) stories or thirty-five feet (35') in height as measured from the finished grade elevation at the building entrance to the peak of the roof. The term shall not mean nor apply to (a) housing constructed of sectional or panelized systems not utilizing modular components; or (b) any ready-built home which is constructed so that the entire living area is contained in a single unit or section at a temporary location for the purpose of selling it and moving it to another location.

Industrialized Building – A commercial structure that is constructed on one or more modules or constructed using one or more modular components built at a location other than the permanent commercial site, and that is designed to be used as a commercial building when the modules or modular components are transported to the permanent commercial site and are erected or installed on a permanent foundation system. The term includes the plumbing, heating, air-conditioning and electrical systems. The term does not include any commercial structure that is in excess of two (2) stories or thirty-five feet (35) in height as measured from the finished grade elevation at the building entrance.

Institution– A building occupied by a non-profit corporation or a non-profit establishment for public use.

Junk – Means old or scrap ferrous or nonferrous metal, batteries, appliances, equipment, automobile and truck parts, wrecked vehicles, debris, paper, rubber, tires, steel, and other used or second-hand materials or goods.

Junkyard or Salvage Yard – Any area used for the storage, keeping, processing, buying, or selling of junk, including scrap metals or other scrap materials or goods, or used for the dismantling, demolition or abandonment of automobiles or other vehicles or machinery, or parts thereof.

Kindergarten or Nursery School – Any facility, whether known or incorporated under such descriptive title or name as “Child Play School.” “Child Development Center,” “Early Childhood Center,” and the like, where six (6) or more children are left for care, training, or education during the day or portion of the day and a fee is charged for this service.

Kennel – Any place or premise where four (4) or more dogs, cats, or other pets are raised, trained, boarded, or kept with or without charge, except for veterinary clinics, animal hospitals, and animal shelters.

Laundry – A building or place where clothes and linens are washed and thoroughly dried and pressed by the use of washing, drying, and ironing machines for fee basis and shall include the term “cleaners,” and “dry cleaners.”

Living Area – Shall include that portion of the dwelling unit which is used or designed for occupancy but does not include carports, garages, and open porches, breezeways, balconies, and terraces.

Loading Space – A space within the main building or on the same lot therewith, providing for the standing, loading or unloading of trucks, and having a minimum dimension of twelve (12) feet by thirty-five (35) feet and a vertical clearance of fourteen (14) feet.

Lot – A parcel of land occupied or intended to be occupied by a main building and its accessory buildings, or by a group of buildings and their accessory buildings, and having frontage on a dedicated street.

Lot Corner – A lot abutting on two (2) intersecting streets.

Lot Coverage – The percentage of the total area of a lot occupied by the first story or ground floor of buildings located on the lot.

Lot Depth – The average depth from the front line of the lot to the rear line of the lot.

Lot, Double Frontage– A lot having a frontage on two non-intersecting streets as distinguished from a corner lot. One of the two frontages will, normally, have a restriction on vehicular access to and from the street.

Lot Interior – A lot other than a corner lot.

Lot of Record – A lot which is part of a subdivision, the plat of which has been recorded in the office of the County Clerk, or a parcel of land, the deed for which was recorded in the office of the County Clerk prior to passage of this ordinance.

Lot Width – The width measured at a distance back from the front line equal to the minimum depth required for a front yard.

Main Building – A building in which is conducted the principal use of the lot on which it is situated.

Major Thoroughfare Plan – The long-range major thoroughfare plan adopted by the Lower Rio Grande Valley Development Council, the City of Alton Planning Commission and the City of Alton, Texas Board of Aldermen.

Mobile Home (Manufactured Home or House) – A dwelling unit that has the following characteristics:

1. Designed to be transportable in one or more sections, which, in the traveling mode, is eight body feet (8') or more in width or forty body feet (40') or more in length,
2. When erected on site, is seven hundred (700) or more square feet, and is designed for long-term occupancy containing furniture, and major appliances, sleeping accommodations, flush toilet, tub or shower bath, and kitchen facilities, with plumbing and electrical connections provided for attachment to outside systems,
3. Which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning and electrical systems,
4. Which meets existing City of Alton, Texas building, health, fire and safety codes, and
5. Which was manufactured no more than 10-years prior to the issuance date of the permit for installation upon a specified lot or rental space within the City of Alton, Texas.

Mobile Home Park – A parcel of land, which is owned by an individual, a firm, trust, partnership, public or private association or corporation, and has been developed for rental of lots to tenants with mobile home.

Mobile Home Lot – That part of a parcel of land (mobile home site) in a mobile home district or park, which has been reserved for the placement of one (1) mobile home unit.

Motel – See “Hotel.”

Neighborhood Convenience Center – Centers that carry convenience goods, such as groceries, drugs, hardware and some variety items, and also includes some service stores. The neighborhood convenience center may contain one (1) or two (2) small apparel or shoe stores, but is clearly dominated by convenience goods, which are items of daily consumption and very frequent purchase, sometimes called “spot necessity” items. This neighborhood serving store group is within convenient walking distance of families served (within convenient driving range in low-density areas), with due consideration for pedestrian access and amenity of surrounding areas.

Nonconformity– A lawful condition of a structure or land, at the time of adoption of this ordinance, which does not conform to the regulations of the district in which it is situated. This may include, but is not limited to, failure to conform to use, height, area, coverage, or off-street parking requirements.

Nonconforming Use – The use of a building or land that does not conform to these zoning regulations and which lawfully existed at the time these zoning regulations became effective.

Nursing Home – See “Convalescent Home.”

Office Building – A building designed for or used as offices for professional, commercial, industrial, religious, public, or semi-public, persons, or organizations, providing no manufactured goods or products are sold on the premises, excepting for snacks and beverages via vending machines.

Open Storage – See Junk Yard.

Orchard – See “Farm.”

Park or Playground (Public) – An open recreation facility or park owned and operated by a public agency such as the City or the school and available to the general public for neighborhood use.

Parking Lot – An unenclosed, all-weather surface area used exclusively for the temporary storage of motor vehicles.

Parking Space – An area measuring at least nine and one-half (9½) feet wide by eighteen (18) feet in length (except as otherwise provided in Section 21 of this ordinance), surfaced with an all-weather surface, enclosed or unenclosed, together with an all-weather surfaced driveway connecting the parking space with a street or alley permitting satisfactory ingress and egress. For computing off-street parking space requirements, parking spaces on public streets, alleys or right-of-way shall not be used. A handicapped parking space shall measure at least fifteen (15) feet in width.

Personal Services – Businesses which provide services customized for an individual such as: tailor, barber or beauty shop, health studio, travel consultant, shoe repair, portrait photographic studio; however, uses such as customizing of motor vehicles are not included.

Planning Commission – The official planning and zoning body of the City of Alton, Texas.

Premises – Land together with structure or structures occupying it.

Private Club – Facilities where food, beverages (including alcoholic beverages), entertainment, or meeting space are provided to members only.

Public Building – A building owned and used by the city, county, state, and/or federal governments.

Ranch – An area of five (5) acres or more which is used for the keeping or raising farm animals and livestock including but limited to horses, mules, cows, cattle, and swine.

Recycling Collection Facility – A facility designed to collect, sort, and package, either by manual or mechanical processes, recyclable items for transport to a processing plant.

Restaurant – Any eating or drinking establishment where the preparation and serving of food is the primary business of such establishment including cafes, bistros, cafeterias, and other fast food and drive-in food establishments.

School – A place having a curriculum for the purpose of giving instruction, training or education in a service, art, trade, or for general knowledge.

Screening Element (Device) – Or suitably screened as herein referred, shall mean any of the following:

1. Any solid material constructed of brick, masonry or of a concrete or metal frame, or wood or base which supports a permanent type

material, the vertical surface of which is not more than thirty percent (30%) open;

2. Any dense evergreen hedge or plant material suitable for providing a visual barrier, for which such material shall be maintained in a healthy growing condition; or
3. Landscaped earth beams may, when appropriate in scale, be considered and used as a screening element in lieu of a fence, wall, hedge, or other dense planting material.

Seat – As used in determining parking requirements for this ordinance, a seat shall mean such sitting spaces as needed or which is designed to be used for one person to sit down and occupy. In the case of continuous bench or bleacher seating, a seat shall be at least twenty (20) inches wide.

Servant or Caretaker's Quarters – A secondary dwelling unit located on a lot with a main residential structure and used as living quarters for persons employed on the premises only and not for rent or use as a separate domicile by persons other than those employed on the premises or their immediate family. The secondary dwelling unit shall have its own water and utility meters separate from the main building's utility service meters.

Service Station – A building or premise where gasoline, oil, grease, batteries, tires and accessories may be supplied and dispensed at retail, and the servicing of vehicles occurs, but not including the overhaul of major automobile components, body work or repair of heavy trucks. A service station is sometimes referred to as a “gas station,” “filling station,” or “fuel service station.”

Setback – The required minimum distance between any structure and any property line of the lot on which it is located. Setbacks shall be measured perpendicular to lot lines. The terms “setback” and “required yard” shall mean the same and can be interchanged.

Shopping Center – An area consisting of five (5) acres or more arranged according to a site plan to be submitted to and to be approved by the City Board of Aldermen, on which is indicated the amount of land to be devoted to the shopping village, the detailed arrangement of the various buildings, parking area, streets and type of zoning desired. It shall be required that the installation of all utilities, drainage structures, the paving of streets, parking area, alley and sidewalks be in accordance with the City's specifications for each type of improvement.

Sign – An outdoor device or structure, which directs attention to a business, commodity, service, announcement, direction or entertainment, conducted, sold, or offered to the public. Signs shall not have blinking or flashing lights or strobes.

Specific Use – A use that may be allowed if it meets certain specified requirements or conditions and meets the approval of the City Board of Aldermen. Specific uses are sometimes referred to as “conditional” uses or “special uses.”

Stable (Private) – An accessory building used by the residents of the premises for sheltering and quartering of horses owned by the occupants and for which no fee is charged for stabling the horses.

Story – That portion of a building, other than a basement, included between the surface of a floor and the surface of a floor next above it, or if there is not floor above it, then the portion of the building between the surface of a floor and the ceiling or roof above it.

Story, Half – The topmost story under a gable, hip or gambrel roof, the wall plates of which on at least two (2) opposite exterior walls are not more than four feet (4') above the floor of such story, except that any partial story used for residence purposes shall be deemed a full story.

Street – A public or private thoroughfare or road, which affords the principal means of access to abutting property.

Street Line – Public right of way line of streets.

Structural Alteration – Any change, addition or modification in construction in the supporting members of a building, such as exterior walls, bearing walls, beams, columns, foundations, girders, floor joists, roof joists, rafters or trusses.

Structure – Anything constructed or erected having location on or under the ground or attached to something having location on or under the ground.

Substantial Improvement – Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the tax valuation of the structure before the improvement repair, or reconstruction was started.

Television Satellite Dish – An earth-based station shaped like a dish, which is used for the reception of satellite signals for television programs.

Terminal, Motor Freight – The use of property or building for the temporary parking of motor vehicles or trucks of common carriers, during loading and unloading and between trips, including necessary warehouse space for storage of transitory freight.

Tourist Camp or Court – A group of attached or unattached buildings containing individual sleeping or living facilities for overnight tourists, with parking facilities conveniently located to each unit.

Townhouse or Condominium – A single-family dwelling constructed as part of a series of dwellings, all of which are either attached to the adjacent dwelling or dwellings by party or common walls or are located immediately adjacent thereto with no visible separation between walls or roofs.

Trailer or Recreational Vehicle Camp or Park – An area designed, arranged or used for the parking or storing of one or more recreational vehicles, travel trailers, motor homes, motor coaches, pick-up campers, and camping trailers which are occupied or intended for occupancy as temporary living quarters by individuals or families.

Underground Shelter – A concrete structure designed for the protection of humans from tornadoes or from nuclear blast, heat, or fall-out, the main portion of which is underground.

Use – the purpose, for which land or a building or structure thereon is designed, arranged, intended or maintained or for which it is or may be used or occupied.

Use, Accessory – A subordinate use on the same lot with the principal use and incidental and accessory thereto.

Variance – An adjustment in the application of the specific regulations of the zoning ordinance to a particular parcel of property which, because of special conditions or circumstances peculiar to the particular parcel, is necessary to prevent the property from being deprived of rights and privileges enjoyed by other parcels in the same vicinity and zoning district.

Washateria (Laundromat) – A building or place where clothes and linens are washed and thoroughly dried on a self-service basis by the use of washing, drying, and/or ironing machines and shall include the term “self-cleaning laundry.”

Yard – An open space, other than a court, on the same lot with a building and which is not obstructed from ground level to the sky except for roof overhangs, fences, trees, and shrubs.

Yard, Front – A yard extending across the full width of a lot and having a depth equal to the shortest distance between the front line of the lot and the nearest portion of the main building, including an enclosed or covered porch, provided that the front yard depth shall be measured from the future street line for a street on which a lot fronts, when such line is shown on the official map or is otherwise established.

Yard, Rear- A yard extending across the full width of a lot and having a depth equal to the shortest distance between the rear line of the lot and the main building, including an enclosed or covered porch, carport, or garage.

Yard, Side – A yard between the side line of the lot and the main building extending from the front yard to the rear yard and having a width equal to the shortest distance between said side line and the main building, including an enclosed or covered porch, carport, or garage.

SECTION 4: REQUIRED COMPLIANCE

- A. No land shall be used except for a purpose permitted in the zoning district in which it is located.
- B. 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 zoning district in which such building is located.
- C. Exceptions and Modifications

(1) Setbacks

- i. At the time of submission of any original or amended subdivision plat to the Planning and Zoning Commission for approval, the Planning and Zoning Commission shall have the power and authority to accept and approve building setback lines projected on said plat or plats, even though said building setback lines may not be in compliance with the requirements set out in the Ordinance. The modified setbacks may not be less than fifty (50) percent nor more than twice of the setback distances specified in this Ordinance unless there is a clear and present hardship or compromise of the welfare and safety of the citizens of the City by adhering to the setbacks and provisions of this Ordinance.
- ii. Where setbacks were established by the Planning and Zoning Commission on a plat or record, those setbacks shall be enforced even though not in compliance with the restrictions set forth in this ordinance.
- iii. The ordinary projections of sills, eaves, cornices and ornamental features may extend to a distance not to exceed eighteen (18) inches into a required yard.
- iv. Open or lattice-enclosed fire escapes, outside stairways and balconies opening upon fire towers, and the ordinary projections of chimneys and flues into a required yard may be permitted by the Building Inspector for a distance not to exceed five (5) feet when these are so placed as not to obstruct light and ventilation.

(2) Front Yards

- i. When fifty percent (50%) or more of the frontage on one side of a street on any one block is improved with buildings that have a front yard which is greater than the required front yard in the district, no new building shall project beyond the average front yard so established or the front yard setback set by the Ordinance.
- ii. On lots having double frontage, the required front yard shall be provided on both streets and the higher classified street shall have a non-access vehicular easement or restriction.
- iii. Filling stations pumps and pump islands may be located within a required yard provided they are not less than fifteen (15) feet from any property line or twenty (20) feet from the curb, whichever is greater, and not less than one hundred (100) feet from any residential district boundary.

(3) Side Yards

- i. On a corner lot in all districts, the width of the side yard along the street shall not be less than ten (10) feet provided that the buildable width of such a lot of record shall not be reduced to less than thirty-eight (38) feet.

This regulation shall not apply to those lots of record, which have existing buildings prior to the date of this Ordinance. However, should these buildings be removed, destroyed or in any way eliminated from the property, they shall hereafter comply.

Corner lots subdivided after the date of this Ordinance shall be at least four (4) feet wider than the minimum lot size in residential zones and ten (10) feet wider in commercial zones.

- ii. No accessory building shall project into the required yard along any street.
- iii. Where dwelling units are erected above a commercial establishment, no side yard is required except when required for the commercial building on the side of a lot adjoining a residential district.
- iv. A porte-cochere or canopy may project into a required side yard provided every part of such porte-cochere or canopy is unenclosed and not less than five (5) feet from any side lot line.

- v. For the purpose of side yard regulations, a multiple dwelling shall be considered as one (1) building occupying one (1) lot.
- vi. 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 ten percent (10%) of the width of the lot, provided that no side yard shall be less than three and one-half (3-½) feet.
- vii. Community buildings, museums, libraries and other permitted public buildings shall be located not less than forty (40) feet from any side lot line when located in an "R-1", "R-2", or "R-3" District.

(4) Rear Yards

- i. An accessory building not exceeding twenty (20) feet in height may occupy not more than thirty percent (30%) of the rear yard and unenclosed parking spaces may occupy not more than ninety percent (90%) of the area of a required rear yard. And accessory building, however, shall be no closer than twelve (12) feet to the main building and must maintain the required rear setback of the district in which it is located.

(5) Lot Area Per Family

- i. Where a lot of record at the time of the effective date of this Ordinance has less area of width than herein required in the district in which it is located, and the owner of such lot does not own any other parcel or tract adjacent thereto, said lot may nonetheless be used for a one-family dwelling or for any non-dwelling use permitted in the district in which it is located, as long as it meets all other requirements.

- (6) Automotive vehicles of any kind or type without current license plates shall not be parked or stored on any residentially zoned property other than in completely enclosed buildings.
- (7) Outside storage of equipment or materials used in conjunction with commercial or industrial activities shall be prohibited on a residentially zoned property.
- (8) No lot areas shall be reduced below the requirements of this ordinance for the zoning district in which such lot is located. The greater of this Ordinance and the Subdivision Ordinance shall control should there be a conflict.
- (9) In all Districts, where a property is bounded on two adjacent sides by the public-right-of-way for a street, alley or other public passageway, the area of the corner

of such property that forms a triangular bounded by two intersecting boundaries of the present or futures street curb line for a distance of twenty-five (25) feet, no person shall: erect, permit, or maintain the existence of any wall, fence, or other structure, plant, or permit the growth or existence of any tree, hedge, shrub, or similar growth of a height greater than one-half (1/2) foot mature growth from the street flow line.

- (10) Every building hereafter erected, moved or structurally altered shall be located on a lot and in no case shall there be more than one principal building and its customary accessory buildings on any lot, except in the case of a specially designed buildings in an appropriate zoning district, i.e., school campus, cluster housing, shopping center, industrial park, and so forth.
- (11) In no case shall an accessory building be located in a "front yard" or "side yard" as defined by this ordinance.
- (12) No accessory building shall be constructed upon a lot until the main building on said lot is completed and used.
- (13) No yard or lot existing at the time of passage of this ordinance shall be reduced in size or areas below the minimum requirements set forth herein, except for the street widening. Yards or lots, created after the effective date of this ordinance, shall meet at least the minimum requirements established by this ordinance.
- (14) On a corner in any residential district, nothing shall be erected, placed, planted or allowed to grow in such a manner as to materially impede vision at the intersecting streets.
- (15) Automotive vehicles of any kind or type without current license plates shall not be parked or stored on any residentially zone property other than in completely enclosed buildings.
- (16) Outside storage of equipment or materials used in conjunction with commercial or industrial activities shall be prohibited on any residentially zoned property.
- (17) Electrical transformer stations, gas regulator stations, sewage and water treatment plants and pumping stations, and standpipes for public water supply shall be permitted in any district provided that the location of the facility in any residential district shall comply with the following requirements:
 - i. The facility shall be essential to the immediate area of for the proper operation of the total utility system of which the above element is a part.

- ii. All buildings or structures, except enclosing fences, shall be set back at least fifty (50) feet from all property lines.
- iii. A protective fence of adequate height shall enclose the facility.
- iv. All open spaces on the premises shall be suitably landscaped and maintained.
- v. Storage of vehicles and equipment on the premises shall be prohibited.
- vi. The surrounding area shall not be adversely affected, but shall be protected from noise, odor, glare, dust, fumes, gas, smoke, and vibration by such suitable means and conditions as the planning commission and the city commission may specify.

D. No manufactured/mobile homes shall be located on single lots within the City of Alton, Texas, after the adoption of this ordinance, unless a variance is granted and the following requirements are met, or unless the mobile home is being moved into an approved manufactured/mobile home park.

- (1) Each manufactured/mobile home on single lots must be connected to municipal water and sewerage systems if such service is available.
- (2) Anchors or tie-downs such as cast-in-place concrete "dead-men," eyelets imbedded in concrete screw augers, or arrowhead anchors shall be placed at each twenty (20) feet on center or less apart. Each device shall be capable of withstanding a minimum load of four thousand eight hundred (4,800) pounds. All mobile homes shall be connected securely to such devices.

E. No manufactured/mobile home park shall be located within the City of Alton, Texas, after the adoption of this ordinance, unless the following requirements are met.

- (1) Design Standards. All manufactured/mobile home parks must meet the following design standards:
 - i. A mobile home park shall be no less than 2 acres in total area.
 - ii. Each mobile home in a mobile home park shall occupy a designated space having at least 3,000 square feet of lot area.
 - iii. Each mobile home space shall have a width of at least 40 feet, exclusive of common driveways.

- iv. Each mobile home space shall abut a street within the park. Said streets shall be graded and surfaced with not less than 1 1/2 inches of Hot-Mixed Asphaltic Concrete on a well-compacted subbase to a continuous width of 27 feet, exclusive of required parking spaces.
- v. Two off-street parking spaces with not less than 1 1/2-inches of Hot-Mixed Asphaltic Concrete on a well-compacted subbase shall be provided for each mobile home space. Required parking spaces shall be included within the 3,250 or more square feet required for each mobile home space.
- vi. At least 1,500 square feet of recreational space shall be reserved within each mobile park, as common recreation space for the residents of the park. Said "In-Park" recreational space shall not count against the City park recreational space required by the Parks Master Plan Ordinance. Such areas shall, along with driveways and walkways, be adequately lighted for safety.
- vii. No mobile homes or other structures within a manufactured/mobile home park shall be closer to each other than 25 feet, except that storage or other auxiliary structures for the exclusive use of the mobile home may be no closer to another mobile home than 15 feet.
- viii. No mobile home shall be located closer than 30 feet to the exterior boundary of the park or a bounding street right-of-way. Buildings used for laundry or recreational purposes shall be located no closer than 40 feet to the exterior boundary of the right-of-way of a bounding street.
- ix. The manufactured/mobile home park and all occupied units located in it must be connected to an approved public water supply and City sewerage system, if available.
- x. A densely planted buffer strip, consisting of trees, shrubs, and other plantings at least six (6) feet in height, shall be provided along all rear and side property lines of the park. A 6-foot solid fence may be substituted.
- xi. Anchors or tie-downs such as cast-in-place concrete "dead-men" eyelets embedded in concrete screw augers, or arrowhead anchors shall be placed at each corner of the manufactured/mobile home at intervals of not more than twenty (20) feet. Each device shall be capable of withstanding a minimum load

of four thousand eight hundred (4,800) pounds. All manufactured/mobile homes shall be connected securely to such devices.

- xii. Adequate lighting for nighttime use shall be provided within the manufactured/mobile home park. Street light spacing shall not exceed 300 linear feet and must be present at all intersecting streets, cluster type mailbox locations, recreation space, and parking/storage lots.
- xiii. Any expansion of manufactured/mobile home parks in existence on the effective date of this ordinance shall comply with the provisions of this ordinance.
- xiv. Plans clearly indicating the Developers intention to comply with the provisions of this section shall be submitted to and approved by the Planning and Zoning Commission. Such plans must be drawn to a scale of not less than 1" = 50' by a registered professional engineer and a registered professional land surveyor. Such plans must show the area to be used for the proposed manufactured/mobile home park; the ownership and use of neighboring properties; all proposed entrances, exits, driveways, streets, walkways, and off-street parking space; the location of manufactured/mobile homes space, recreational areas and service buildings; the location of sanitary conveniences including toilets, laundries, and refuse receptacles; the proposed plan of water supply, sewage disposal and electric street lighting. The Planning and Zoning Commission shall have the authority to impose such reasonable conditions and safeguards on the proposed development, as it deems necessary for the protection of adjoining properties and the public interest.

SECTION 5: ZONING DISTRICT MAP

B. OFFICIAL ZONING MAP

The City is hereby divided into zoning districts, as shown on the official zoning map, which together with all explanatory matter thereon, is hereby adopted and declared to be a part of this zoning ordinance. This map shall be kept on file in the office of the City Administrator and shall be available for public inspection during regular office hours. The official zoning map shall be identified by the

signature of the Mayor, attested by the City Secretary, and bearing the seal of the City under the following words:

"This is the official zoning map as adopted by part of Ordinance No. 01- 16 on August 7, 2001 by the City Board of Aldermen of the City of Alton, Texas."

ATTEST:



City Secretary



Salvador Vela, Mayor

When changes are made in any zoning district boundaries, such changes shall be entered on the official zoning map promptly after the City Board of Aldermen has approved the amendment. No zoning change shall become effective until after its approval by the City Board of Aldermen.

B. ZONING MAP REPLACEMENT

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

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

Mayor:  Approval Date: _____
Salvador Vela

Attested: 

City Secretary

C. RULES FOR INTERPRETATION OF DISTRICT BOUNDARIES

Where uncertainty exists as to the boundaries of zoning districts as shown on the official zoning map, the following shall apply:

- (1) When the district boundaries are roads or streets, unless otherwise shown, and where the designation of the district map indicates that the various districts are bounded by a road or street line, the centerline of such road or street shall be construed to be the district boundary line;

- (2) Where the district boundaries indicated follow platted lot or tract lines, the district boundaries shall be construed to follow such lot or tract lines.
- (3) Where the district boundaries indicated appear to follow city limit boundaries, the district boundaries shall be construed to follow the city limit boundaries.
- (4) Where district boundaries indicated as dividing a lot or tract, the district boundaries shall be construed as being located as shown on the Zoning District Map. The scale of the map shall determine distances not specifically indicated on the Zoning District Map.
- (5) Where district boundaries are disputed or not otherwise clearly designated, or where the physical or structural features are at variance with the official zoning map or in other circumstances not covered in this section, the Zoning Board of Adjustment shall interpret the district boundaries.

SECTION 6: ZONING DISTRICTS GENERALLY

A. ESTABLISHMENT OF DISTRICTS

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

“AG”	Agricultural District
“R-1”	Single Family Residential District
“R-2”	Single Family Residential District
“R-3”	Single Family Residential District
“D”	Two Family (Duplex) Residential District
“MF”	Multi-Family District
“MH”	Mobile Home District
“C-1”	Central Business District
“C-2”	General Commercial District
“I”	Industrial District
“PD”	Planned Development District
“FP”	Floodplain District Overlay

B. NEWLY ANNEXED TERRITORY

(1) Annexed Territory to be Zoned R-2

All voluntarily annexed territory hereafter incorporated into the City shall be temporarily zoned as "R-2" District, until permanent zoning is established by the City Board of Aldermen, except as provided in paragraph (4) below. The procedure for establishing permanent zoning on newly annexed territory shall conform to the procedure established by law for the adoption of the original zoning regulations.

(2) Annexed Territory to be Zoned AG for Undeveloped Tracts, R-2 for Residential Subdivision, and C-1 for Commercial Subdivisions.

All involuntarily annexed territory hereafter incorporated into the City, except for those areas which have been previously legally subdivided into residential or commercial lots, shall be temporarily zoned as "AG" District, until permanent zoning is established by the City Board of Aldermen except as provided in paragraph (4) below. Those areas already subdivided into residential lots shall be zoned as "R-2" District, until the City Board of Aldermen establishes permanent zoning. Those areas already subdivided into commercial lots shall be zoned as a "C-1" District, until the City Board of Aldermen establishes permanent zoning, except as provided in paragraph (4) below. The procedure for establishing permanent zoning on newly annexed territory shall conform to the procedure established by law for the adoption of the original zoning regulations.

(3) Regulations for Temporary R-1 Districts

In an area classified as R-1:

- (a) No person shall erect, construct or add to any building or structure or cause same to be done in any annexed territory without first applying for and obtaining a building permit or certificate of occupancy for the City as required herein.
- (b) No permit for the construction of a building or use of land shall be issued other than a permit which will allow construction of a building permitted in R-1 District(s) unless and until such territory has been permanently zoned.
- (c) An application for a permit for any use other than that specified above shall be made to the City Board of Aldermen for their consideration and recommendation. The City Board of Aldermen in making its recommendation shall take into consideration the

appropriate land use for the area and the overall plans for the City. The City Board of Aldermen may, by majority vote, authorize the issuance of such building permit or certificate of occupancy or may disapprove the application as their findings may indicate it is inappropriate in the public interest.

(4) Concurrent Re-Zoning and Annexation

The City may consider Application(s) for permanent zoning of a newly annexed area at the same time as the area is being considered for annexation. Although, annexation procedures must be completed prior to any final zoning actions by the City Board of Aldermen.

C. GENERAL COMPLIANCE WITH DISTRICT REGULATIONS

The regulations established by this ordinance within each district shall be minimum regulations and shall apply uniformly to each class and kind of structure or land, and in accordance with the following:

(1) Conformity with District Required

No building, structure or land shall, hereafter, be used or occupied, and no building or structure or part thereof shall hereafter be erected, reconstructed, enlarged or structurally altered except in conformity with all of the regulations herein specified for the district in which it is located.

(2) Height and Lot Coverage to Conform with District Regulations

No building or other structure shall hereafter be erected, reconstructed, enlarged or structurally altered to exceed the height or to occupy a greater percentage of lot area in which it is located.

(3) Height and Area Exceptions

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

- (a) Chimneys, non-commercial television receiving antennas, and satellite dishes as part of a residential development or use are hereby exempted from the height regulations as established herein.

- (b) Church steeples or spires, cooling towers, tanks, water towers, microwave radio and television relay or broadcasting towers, mast or aerials and necessary mechanical appurtenances are hereby excepted from the height regulations as established herein; provided, a specific use permit or variance is granted.
- (c) When a lot has an area less than the minimum number of square feet as required for the district in which it is located, and was of record as such at the time of the passage of this zoning ordinance, such lot may be continued to be occupied or used. However, no building or structure shall be erected, reconstructed, enlarged or structurally altered unless a variance has been granted.
- (d) An open, uncovered porch or paved terrace may project into a required front or back yard for a distance of not more than ten (10) feet or one-half the front yard setback, whichever is less, but shall not be interpreted to include or permit fixed canopies or temporary or permanent walls or other sight restrictions of any type.

(4) Yards to Conform with District Regulations

No building or other structure shall have narrower or smaller rear yards, front yards, side yards or other open spaces than herein required or in any other manner be contrary to the provisions of these regulations unless existing at the time of passage of this ordinance, in which case, they shall not be further reduced in size.

(5) No Yard or Other Integral Component Required for Any Building Shall Be Counted Twice

No part of a yard or other open space, off-street parking or loading space required about or in connection with any building for the purpose of complying with these regulations shall be included as a part of a yard, open space, off-street parking or loading space similarly required for any other building.

(6) Visibility at Intersections Required

On a corner lot, nothing shall be erected, placed or planted, or allowed to grow in such a manner as materially to interfere with traffic visibility across the corner. This visibility area shall be a triangle measured twenty-five feet (25') or more as specified in the City's Subdivision Ordinance from the point or right-of-way line at the corner intersection, except fifteen (15) feet for

alleys intersecting with a city street or another alley. All objects on the ground in said triangle should not exceed one and one half feet (1-1/2') in mature height and vegetation should not droop to less than ten feet (10') from the ground.

(7) Special Scenic Corridor Regulations

All property within Alton Blvd. (aka, Texas Highway 107), within three hundred-feet (300') of Alton Blvd. (aka, Texas Highway 107), and within one hundred and fifty-feet (150') of Main Avenue (aka, FM 676 or Mile 5 North Road) shall adhere to special design guidelines and development standards in addition to its standard or base zoning. These guidelines and standards regulate building design and placement, landscaping, screening and buffering, signage, and lighting and are regulated through such standards when adopted by an ordinance of the Alton City Board of Aldermen will be on file in the office of the City Administrator.

(8) Television Satellite Dishes

(a) One (1)-television satellite dish per single family residential dwelling and one (1) per apartment (multi-family) complex or mobile home park shall be permitted as an accessory use incidental to the main use, under the following conditions:

- (i) The dish shall not exceed ten and one-half feet (10-1/2') in diameter;
- (ii) the dish shall not be erected in front of the main building or the front building line;
- (iii) the overall height of the dish, at any position, shall not exceed twelve and one-half feet (12-1/2').
- (iv) the dish shall not be erected closer than five feet (5') from the rear property line or side property line.
- (v) A screening fence, wall or hedge shall be erected, grown and maintained around the dish, wherever installed, unless a six foot (6') or eight (8) foot backyard fence or wall around the perimeter of the backyard is already in place;
- (vi) roof-top installations of dishes are prohibited except for dishes less than 24" in diameter; and
- (vii) no lettering, logo or any form of advertising or other writing shall appear on the face or back of such satellite dishes, except the name of

the manufacturer, distributor or seller of such dish, and provided the lettering does not exceed two inches (2") in height.

(b) One (1)-television satellite dish per building in all non-residential districts shall be permitted as an accessory use incidental to the main use, under the following conditions:

- (i) the dish shall not be erected in front of the main building or the front building line;
- (ii) when the occupancy is adjacent to a residential district, the overall height of the dish, at any position, shall not exceed more than ten feet (10') in height when located closer than twenty-five feet (25') to a residential district; twenty feet (20') in height when located closer than fifty feet (50'); thirty feet (30') in height when located closer than one hundred feet (100'); forty feet (40') in height when located closer than one hundred fifty feet (150'); sixty feet (60') in height when located closer than two hundred feet (200'); or seventy feet (70') in height when located closer than two hundred fifty feet (250');
- (iii) the dish shall not be erected closer than five feet (5') from the rear property line or side property line; and
- (iv) no lettering, logo or any form of advertising or other writing shall appear on the face or back of such satellite dishes, except the name of the manufacturer, distributor or seller of such dish, and provided the lettering does not exceed two inches (2") in height.

D. SCHEDULE OF DISTRICT REGULATIONS ADOPTED

The following table of district regulations is hereby adopted and shall be considered as part of each applicable zoning district regulations as hereafter described in the ordinance:

	AG	R-1	R-2	R-3	D	MF	MH	C-1	C-2	I
Lot Area (sq. ft.)	1/2 Acre	9,000	6,000	5,000	6,000	(a)	(b)	3,000	3,000	N/A
Minimum Lot Width (ft.)	N/A	80	50	50	50	75	*	25	25	N/A
Minimum Lot Depth (ft.)	N/A	100	100	90	100	120	*	120	120	N/A
Front Yard Setback (ft.)	25	25	25	20	25	25	25*	(c)	(c)	(c)
Rear Yard Setback (ft.)	25	25	25	20	25	15	15 25*	(d)	(d)	(d)
Side Yard Setback (ft.) Interior Lot	25	15	10	5	7.5	7.5	12	(e)	(e)	(e)
Side Yard Setback (ft.) Corner Lot	15	15	15	15	15	7.5	20	15	15	15
Maximum Height (stories) (ft.)	2.5 35	2.5 35	2.5 35	2.5 35	2.5 35	3 45	1.5 22.5	3 45	10 125	8 100

Maximum Lot Coverage	40%	40%	40%	40%	40%	50%	50%	N/A	N/A	50%
Minimum Living Area, excludes Garage (sq. ft.)	1,000	1,500	1,000	900	900/Unit	(f)	700	N/A	N/A	N/A

* See Table in the Subdivision Regulations

** Along Park Boundary

- (a) The minimum lot area for multi-family dwellings shall be 2,000 square feet per apartment or condominium and shall not be less than six thousand (6,000) gross square feet.
- (b) For mobile home lots, which are individually owned, the minimum lot area shall be three thousand two hundred and fifty (3,250) square feet when a public sewer system is available or twenty one thousand eight hundred (21,800) square feet where no public system is available and septic tanks are used for sanitary sewage disposal.
- (c) No front yard or setback is required except where a lot adjoins a residential district or lot, in which instance the front yard in the residential district shall be provided for a distance of not less than twenty-five (25) feet from the boundary of said residential district.
- (d) No rear yard required except that a rear yard of not less than twenty (20) feet in depth shall be provided upon that portion of a lot abutting upon a residential district or lot.
- (e) No side yard shall be required except that a side yard of not less than twenty (20) feet in width shall be provided on the side of a lot adjoining a residential district.
- (f) The minimum living area per unit shall be seven hundred (700) square feet for an efficiency, seven hundred (700) square feet for one (1) bedroom, nine hundred (900) square feet for two (2) bedrooms, and one thousand (1000) square feet for three (3) bedrooms. However, the average living area for all apartments in an apartment building must be a minimum of nine hundred (900) square feet.

SECTION 7: "AG" AGRICULTURAL DISTRICT

A. PURPOSE

The "AG" District is established to be used primarily in areas where agricultural uses or open space should be retained. These lands should be continued to be used for agricultural purposes until needed for urban purposes in conformity with the orderly growth of the City.

B. PERMITTED USES

The uses permitted in the "AG" District include those in the "Schedule of Uses" found in Section 19 hereof.

C. AREA, YARD, HEIGHT, LOT COVERAGE, AND BUILDING SIZE

The requirements regulating the minimum lot size, minimum yard sizes (front, side and rear), maximum building height, maximum percent of lot coverage by buildings and the minimum size of buildings, as pertains to this district, shall conform with the provisions of the "Schedule of District Regulations" found in Section 6-D and any other applicable regulations as herein provided.

D. SCREENING REQUIREMENTS

(1) Except as otherwise provided, a solid fence, wall or hedge must be erected, placed, grown and maintained along a boundary line of any single family residential district when adjacent to any mobile home district, multi-family or non-residential use or district, or major thoroughfare. Such fence, wall or hedge shall not be less than four (4) feet in height nor greater than eight feet (8') in height. Screening in the front yard setback shall not exceed four feet (4') in height. However, no fence, wall or hedge on a corner lot shall have a height in conflict with the regulations governing visibility at intersections as prescribed in Sections four (4) and six (6) of these regulations.

(2) Additionally, any parking lot, playground, ball field, tennis court or swimming pool, when adjacent to any non-residential use or district, shall be suitably screened from view with a fence, wall or hedge of at least four (4) feet in height.

(3) No fence, wall or other screening shall be erected or placed in any dedicated easement or right-of-way because it would interfere with the installation or maintenance of any public utility line, service, thoroughfare or drainage way.

E. PARKING REQUIREMENTS

Off-street parking require shall be in accordance with the parking schedule found in Section 19 and in accordance with Section 21 hereof . Such off-street parking shall be enclosed by a garage or covered by a carport.

SECTION 8: "R-1" SINGLE FAMILY RESIDENTIAL DISTRICT

A. PURPOSE

The "R-1" District is established to allow for larger lots with larger single-family dwelling structures per lot. This district is intended to provide a more rural and estate setting.

B. PERMITTED USES

The uses permitted in the "R-1" District include those listed in the "Schedule of Uses" found in Section 19 hereof.

C. AREA; YARD; HEIGHT; LOT CIVERAGE; AND BUILDING SIZE

The Requirements regulating the minimum lot size, minimum yard sizes (front, side and rear), maximum building height, maximum percent of lot coverage by buildings and the minimum size of buildings, as pertains to this district, shall conform with the provisions of the "Schedule of District Regulations" found in Sections four (4) and six (6) and any other applicable regulations as herein provided.

D. SCREENING REQUIREMENTS

(1) Except as otherwise provided, a solid fence, wall or hedge must be erected, placed, grown and maintained along a boundary line of any single family residential district when adjacent to any mobile home district, multi-family or non-residential use or district, or major thoroughfare. Such fence, wall or hedge shall not be less than four feet (4') in height nor greater than eight feet (8') in height. Screening in the front yard setback shall not exceed four feet (4') in height. However, no fence, wall or hedge on a corner lot shall have a height in conflict with the regulations governing visibility at intersections as prescribed in Sections four (4) and six (6) of these regulations.

(2) Additionally, any parking lot, playground, ball field, tennis court or swimming pool, when adjacent to any non-residential use or district, shall be suitably screened from view with a fence, wall or hedge of at least four (4) feet in height.

(3) No fence, wall or other screening element shall be erected or placed in any dedicated easement of right-of-way because it would interfere with the installation or maintenance of any public utility line, service, thoroughfare or drainage way.

(4) . Fences shall not be topped with broken glass or other sharp objects. Barbed wire topping of fences is allowed upon the issuance of an annual permit by the City of Alton.

E. PARKING REQUIREMENTS

Off-street parking requirements shall be in accordance with section 19 and 21 hereof. Such off-street parking shall be enclosed by a garage or covered by a carport.

F. SIGN RESTRICTIONS

All signs are prohibited with the exception of those listed, below. Signs may not be lighted or contain flashing lights unless specific indicated, below.

- (1) One bulletin board 25 square feet or smaller for churches, schools, public and semi-public institutions. These signs may be lighted, but shall not contain any type of flashing light or beacon.
- (2) One temporary real estate sign not exceeding 9 square feet in area that advertises the sale, rental or lease of the premises.
- (3) Signs of public service companies that provide aid to service or warning of danger. These signs may have flashing lights that alert of emphasis a dangerous condition or situation.
- (4) One temporary unlighted sign not exceeding 32 square feet in a real estate development containing five (5) or more lots.
- (5) Home occupation signs of 2 square feet or less which are unlighted.

SECTION 9: "R-2" SINGLE FAMILY RESIDENTIAL DISTRICT

A. PURPOSE

This district is one of the preferred single-family housing districts for the city. Unless otherwise specified or requested, all residentially suited areas presently undeveloped should be zoned in this classification. Development in the "R-2" district is limited primarily to single family dwellings and certain community and recreational facilities to serve residents of the district.

B. PERMITTED USES

The uses permitted in the "R-2" district include those listed in "Schedule of Uses" found in Section 19 hereof.

C. SCREENING REQUIREMENTS

(1) Except as otherwise provided, a solid fence, wall or hedge must be erected, placed, grown and maintained along a boundary line of any single family residential district when adjacent to any mobile home district, multi-family or non-residential use or district, or major thoroughfare. Such fence, wall or hedge shall not be less than four (4) feet in height or greater than (8') feet in height. Screening in the front yard setback shall not exceed four feet (4') in height. However, no fence, wall or hedge on a corner lot shall have a height in conflict with the regulations governing visibility at intersections as prescribed in Sections four (4) and six (6) of these regulations.

(2) Additionally, any parking lot, playground, ball field, tennis court or swimming pool, when adjacent to any non-residential use or district, shall be suitably screened from view with a fence, wall or hedge of at least four (4) feet in height.

(3) No fence, wall or other screening element shall be erected or placed in any dedicated easement or right-of-way because it would interfere with the installation or maintenance of any public utility line, service, thoroughfare or drainage way.

(4) . Fences shall not be topped with broken glass or other sharp objects. Barbed wire topping of fences is allowed upon the issuance of an annual permit by the City of Alton.

D. PARKING REQUIREMENTS

Off-street parking requirements shall be in accordance with the parking schedule found in Section 19 and in accordance with Section 21 hereof. Such off-street parking shall be enclosed by a garage or covered by a carport.

E. SIGN RESTRICTIONS

All signs are prohibited with the exception of those listed, below. Signs may not be lighted or contain flashing lights unless specific indicated, below.

(2) One bulletin board 25 square feet or smaller for churches, schools, public and semi-public institutions. These signs may be lighted, but shall not contain any type of flashing light or beacon.

(3) One temporary real estate sign not exceeding 9 square feet in area that advertises the sale, rental or lease of the premises.

- (4) Signs of public service companies that provide aid to service or warning of danger. These signs may have flashing lights that alert of emphasis a dangerous condition or situation.
- (5) One temporary unlighted sign not exceeding 32 square feet in a real estate development containing five (5) or more lots.
- (6) Home occupation signs of 2 square feet or less total area that are unlighted.

SECTION 10: "R-3" SINGLE FAMILY RESIDENTIAL DISTRICT

A. PURPOSE

This district is one of the predominate single family housing districts that now exists in the city. This district allows for smaller and more affordable housing for residents. Development in the "R-3" District is limited to primarily single-family dwellings and certain community and recreational facilities of the district.

B. PERMITTED USES

The uses permitted in the "R-3" district include those listed in "Schedule of Uses" found in Section 19 hereof.

C. AREA; YARD; HIEGHT; LOT COVERAGE; AND BUILDING SIZE

The requirements regulating the minimum lot size, minimum yard sizes (front, side and rear), maximum building height, maximum percent of lot coverage by buildings and the minimum size of buildings, as pertains to this district, shall conform with the provisions of the "Schedule of District Regulations" found in Sections four (4) and six (6) and any other applicable regulations as herein provided. Screening in the front yard setback shall not exceed four feet (4') in height.

D. SCREENING REQUIREMENTS

(1) Except as otherwise provided, a solid fence, wall or hedge must be erected, placed, grown and maintained along a boundary line of any single family residential district when adjacent to any mobile home district, multi-family or non-residential use or district, or major thoroughfare. Such fence, wall or hedge shall not be less than four (4) feet in height or greater than (8') feet in height. Screening in the front yard setback shall not exceed six feet (6') in height. However, no fence, wall or hedge on a corner lot shall have a height in conflict with the regulations governing visibility at intersections as prescribed in Sections four (4) and six (6) of these regulations.

(2) Additionally, any parking lot, playground, ball field, tennis court or swimming pool, when adjacent to any non-residential use or district, shall be suitably screened from view with a fence, wall or hedge of at least four (4) feet in height.

(3) No fence or wall shall be erected or placed in any dedicated easement or right-of-way because it would interfere with the installation or maintenance of any public utility line, service, thoroughfare or drainage way.

(4) Fences shall not be topped with broken glass or other sharp objects. Barbed wire topping of fences is allowed upon the issuance of an annual permit by the City of Alton.

E. PARKING REQUIREMENTS

Off-street parking requirements shall be in accordance with the parking schedule found in Section 19 and in accordance with Section 21 hereof. Such off-street parking shall be enclosed by a garage or covered by a carport.

F. SIGN RESTRICTIONS

All signs are prohibited with the exception of those listed, below. Signs may not be lighted or contain flashing lights unless specific indicated, below.

- (1) One bulletin board 25 square feet or smaller for churches, schools, public and semi-public institutions. These signs may be lighted, but shall not contain any type of flashing light or beacon.
- (2) One temporary real estate sign not exceeding 9 square feet in area that advertises the sale, rental or lease of the premises.
- (3) Signs of public service companies that provide aid to service or warning of danger. These signs may have flashing lights that alert of emphasis a dangerous condition or situation.
- (4) One temporary unlighted sign not exceeding 32 square feet in a real estate development containing five (5) or more lots.
- (5) Home occupation signs of 2 square feet or less total area that are unlighted.

SECTION 11: "D" TWO-FAMILY (DUPELX) RESIDENTIAL DISTRICT

A. PURPOSE

The "D" district is established in order to follow more affordable housing for both rental and ownership. The "D" District is established to meet the needs for medium density residential development where such areas are suitable for higher development than traditional areas of single-family dwellings.

B. PERMITTED USES

The requirements regulating the minimum lot size, minimum yard sizes (front, side, and rear), maximum building height, maximum percent of lot coverage by buildings and the minimum size of buildings, as pertains to this district, shall conform with the provisions of the "Schedule of District Regulations" found in Sections four (4) and six (6) and any other applicable regulations as herein provided.

C. SCREENING REQUIREMENTS

(1) Except as otherwise provided, a solid fence, wall or hedge must be erected, placed, grown and maintained along a boundary line of any single family residential district when adjacent to any mobile home district, multi-family or non-residential use or district, or major thoroughfare. Such fence, wall or hedge shall not be less than four (4) feet in height or greater than (8') feet in height. Screening in the front yard setback shall not exceed four feet (4') in height. However, no fence, wall or hedge on a corner lot shall have a height in conflict with the regulations governing visibility at intersections as prescribed in Section 5-C(6) of these regulations.

(2) Additionally, any parking lot, playground, ball field, tennis court or swimming pool, when adjacent to any non-residential use or district, shall be suitably screened from view with a fence, wall or hedge of at least four (4) feet in height.

(3) No fence, wall or other screening element shall be erected or placed in any dedicated easement or right-of-way because it would interfere with the installation or maintenance of any public utility line, service, thoroughfare or drainage way.

(4) Fences shall not be topped with broken glass or other sharp objects. Barbed wire topping of fences is allowed upon the issuance of an annual permit by the City of Alton.

D. PARKING REQUIREMENTS

Off-street parking requirements shall be in accordance with the parking schedule found in Section 18 and in accordance with Section 21 hereof. Such off-street parking shall be enclosed by a garage or covered by a carport.

E. SIGN RESTRICTIONS

All signs are prohibited with the exception of those listed, below. Signs may not be lighted or contain flashing lights unless specific indicated, below.

- (1) One bulletin board 25 square feet or smaller for churches, schools, public and semi-public institutions. These signs may be lighted, but shall not contain any type of flashing light or beacon.
- (2) One temporary real estate sign not exceeding 9 square feet in area that advertises the sale, rental or lease of the premises.
- (3) Signs of public service companies that provide aid to service or warning of danger. These signs may have flashing lights that alert of emphasis a dangerous condition or situation.
- (4) One temporary unlighted sign not exceeding 32 square feet in a real estate development containing five (5) or more lots.
- (5) Home occupation signs of 2 square feet or less total area that are unlighted.

SECTION 12: "MF" MULTI-FAMILY RESIDENTIAL DISTRICT

A. PURPOSE

The "MF" District is established to meet the needs for medium to high-density residential development where such areas are suitable for higher impact development and higher volume traffic while encouraging the provision of conveniently located rental accommodations.

B. PERMITTED USES

The uses permitted in the "MF" District in the "Schedule of Uses" found in section 18 hereof. Mobile or other manufactured homes shall not be installed within the corporate limits of the City of Alton, Hidalgo County, Texas that, are more than five (5) years old at the time of installation unless a special uses permit is obtained. The Planning & Zoning Commission and the Alton Board of Aldermen shall not grant a special use permit for the installation of any mobile or other manufactured home that is older than ten (10) years upon its installation within the corporate limits. Existing mobile or other manufactured homes, which

are older than ten (10) years upon annexation into the corporate limits of the City of Alton, are grandfathered but may not be modified after the annexation.

C. AREA; YARD; HIEGHT; LOT COVERAGE; AND BUILDING SIZE

The requirements regulating the minimum lot size, minimum yard sizes (front, side and rear), maximum building height, maximum percent of lot coverage by buildings and the minimum size of buildings, as pertains to this district, shall conform with the provisions of the "Schedule of District Regulations" found in Section 5-D and any other applicable regulations as herein provided. Screening in the front yard setback shall not exceed four feet (4') in height.

D. SCREENING REQUIREMENTS

(1) Except as otherwise provided, a solid fence, wall or hedge must be erected, placed, grown and maintained along a boundary line of any single family residential district when adjacent to any mobile home district, multi-family or non-residential use or district, or major thoroughfare. Such fence, wall or hedge shall not be less than four (4) feet in height or greater than (8') feet in height. Screening in the front yard setback shall not exceed six feet (6') in height. However, no fence, wall or hedge on a corner lot shall have a height in conflict with the regulations governing visibility at intersections as prescribed in Sections four (4) and six (6) of these regulations.

(2) Additionally, any parking lot, playground, ball field, tennis court or swimming pool, when adjacent to any non-residential use or district, shall be suitably screened from view with a fence, wall or hedge of at least four (4) feet in height.

(3) No fence, wall or other screening element shall be erected or placed in any dedicated easement or right-of-way because it would interfere with the installation or maintenance of any public utility line, service, thoroughfare or drainage way.

(4) Fences shall not be topped with broken glass or other sharp objects. Barbed wire topping of fences is allowed upon the issuance of an annual permit by the City of Alton.

(5) Garbage, refuse, and trash collection/storage areas in multi-family residential district and any condominium or townhouse project shall be enclosed on at least three (3) sides by a dense screening element to adequately screen such area from view of the surrounding area.

E. PARKING REQUIREMENTS

Off-street parking requirements shall be in accordance with the parking schedule found in Section 19 and in accordance with Section 21 hereof. No covered parking is specifically required, however, carports are encouraged.

F. MINIMUM SETBACK REQUIREMENTS FOR CARPORTS AND ACCESSORY BUILDINGS

Carports or other detached accessory buildings shall be located in the rear portion of the lot and shall not exceed one (1) story in height nor shall any such structure be located closer than seven and one-half feet (7-1/2') to a side lot line, nor closer than ten feet (10') to any other lot line nor closer than twenty feet (20') to any side street.

G. SIGN RESTRICTIONS

All signs are prohibited with the exception of those listed, below. Signs may not be lighted or contain flashing lights unless specific indicated, below.

- (1) One bulletin board 25 square feet or smaller for churches, schools, public and semi-public institutions. These signs may be lighted, but shall not contain any type of flashing light or beacon.
- (2) One temporary real estate sign not exceeding 9 square feet in area that advertises the sale, rental or lease of the premises.
- (3) Signs of public service companies that provide aid to service or warning of danger. These signs may have flashing lights that alert of emphasis a dangerous condition or situation.
- (4) One temporary unlighted sign not exceeding 32 square feet in a real estate development containing five (5) or more lots.
- (5) Home occupation signs of 2 square feet or less total area that are unlighted.

SECTION 13: "MH" MOBILE HOME DISTRICT

A. PURPOSE

The "MH" District is intended to provide for quality mobile home park subdivision development and trailer park development containing many of the characteristics and atmosphere of a conventional type single-family residential subdivision.

B. PERMITTED USES

The uses permitted in the "MH" District include those listed in the "Schedule of Uses" found in section 19 hereof.

C. AREA; YARD; HIEGHT; LOT COVERAGE; AND BUILDING SIZE

The requirements regulating the minimum lot size, minimum yard sizes (front, side and rear), maximum building height, maximum percent of lot coverage by buildings and the minimum size of buildings, as pertains to this district, shall conform with the provisions of the "Schedule of District Regulations" found in Section 5-D and any other applicable regulations as herein provided.

D. SCREENING REQUIREMENTS

(1) Except as otherwise provided, a solid fence, wall or hedge must be erected, placed, grown and maintained along a boundary line of any mobile home residential district when adjacent to any single family, multi-family or non-residential use or district, or major thoroughfare. Such fence, wall or hedge shall not be less than six feet (6') in height nor greater than eight feet (8') in height. Screening in the front yard setback shall not exceed four feet (4') in height. However, no fence, wall or hedge on a corner lot shall have a height in conflict with the regulations governing visibility at intersections as prescribed in Sections four (4) and six (6) of these regulations.

(2) Additionally, any parking lot, playground, ball field, tennis court or swimming pool, when adjacent to any non-residential use or district, shall be suitably screened from view with a fence, wall or hedge of at least four (4) feet in height.

(3) No fence, wall or other screening element shall be erected or placed in any dedicated easement or right-of-way because it would interfere with the installation or maintenance of public utility line, service, thoroughfare or drainage way.

(4) Fences shall not be topped with broken glass or other sharp objects. Barbed wire topping of fences is allowed upon the issuance of an annual permit by the City of Alton.

(5) Garbage, refuse, and trash collection/ storage areas in any mobile home park district shall be enclosed on at least three (3) sides by a dense screening element to adequately screen such area from view of the surrounding area.

E. PARKING RESTRICTIONS

Off-street parking requirements shall be in accordance with the parking schedule found in Section 19 and in accordance with Section 21 hereof. No covered parking is specifically required, however, carports and garages are encouraged.

F. OTHER REQUIREMENTS

All manufactured homes must be tied down to withstand 90 MPH winds by means such as cast-in-place concrete "dead-men," eyelets imbedded in concrete,

screw augers, or arrowhead anchors. All manufactured homes shall be mounted upon a foundation and have fire resistant skirting, if the foundation is not a continuous type foundation. The manufactured home must be located in such a manner as to have access to a public street or road right-of-way within two hundred feet (200'). All manufactured homes must be connected to an approved potable water supply and wastewater disposal system.

G. SIGN RESTRICTIONS

All signs are prohibited with the exception of those listed, below. Signs may not be lighted or contain flashing lights unless specific indicated, below.

- (1) One bulletin board 25 square feet or smaller for churches, schools, public and semi-public institutions. These signs may be lighted, but shall not contain any type of flashing light or beacon.
- (2) One temporary real estate sign not exceeding 9 square feet in area that advertises the sale, rental or lease of the premises.
- (3) Signs of public service companies that provide aid to service or warning of danger. These signs may have flashing lights that alert of emphasis a dangerous condition or situation.
- (4) One temporary unlighted sign not exceeding 32 square feet in a real estate development containing five (5) or more lots.
- (5) Home occupation signs of 2 square feet or less total area that are unlighted.

SECTION 14: "C-1" CENTRAL BUSINESS DISTRICT

A. PURPOSE

The "C-1" District has been established because it is recognized that the downtown business area was generally developed without off-street parking. Therefore, this district is provided to accommodate this existing development and to encourage compatible future development. This district is designed for a limited area of the city, being the central business district is. This district will accommodate the basic shopping needs of residents and to provide retail and office space for merchants and financial, administrative, government, and business services. Businesses in this district should be oriented to satisfy the daily and frequent shopping needs or personal services of citizens.

B. PERMITTED USES

The uses permitted in the "C-1" District include those listed in the "Schedule of Uses" found in Section 19 hereof.

C. AREA, YARD, HEIGHT, LOT COVERAGE, BUILDING SIZE

The requirements regulating the minimum lot size, maximum building height, maximum percent of lot coverage by buildings and the minimum size of buildings, as pertains to this district, shall conform with the provisions of the "Schedule of District Regulations" found in Sections four (4) and six (6) and any other applicable regulations as herein provided.

D. SCREENING REQUIREMENTS

(1) Except as otherwise provided, a solid fence, wall or hedge must be erected, placed, grown, and maintained along a boundary of any commercial use or District when adjacent to any residentially zoned property or major thoroughfare to a height of not less than six feet (6') nor more than eight feet (8') above ground level. When a parking lot or facility is adjacent to any residential use or boundary, then a fence, wall or hedge will be required along the common boundary in order to provide suitable screening and shall not exceed six feet (6') in height in the front yard setback. Such a fence, wall or hedge must be at least three and one half feet (3-1/2') in height. However, no fence, wall or hedge on a corner lot shall have a height in conflict with the regulations governing visibility at intersections as prescribed in Sections four (4) and six (6) of these regulations. Also, no fence or wall shall be erected or placed in any dedicated easement or right-of-way.

(2) All storage within one hundred feet (100') of a residential use or district, except for motor vehicles in operable condition, shall be within completely enclosed buildings or effectively screened with a fence, wall, or hedge not less than six feet (6') nor more than eight feet (8') in height, provided no storage located within fifty feet (50') of such screening shall exceed the height of such screening.

(3) Whenever any commercial use is permitted in a residential district or when the rear or side property line of such commercial use or district abuts a residential district or use, or when the refuse and trash collection/storage areas are visible from a public thoroughfare, then the garbage, refuse and trash collection/ storage areas shall be enclosed by three (3) sides, by a dense screening element to adequately screen such area room view of the surrounding area.

(4) Fences shall not be topped with broken glass or other sharp objects. Barbed wire topping of fences is allowed upon the issuance of an annual permit by the City of Alton.

(5) The Zoning Board of Adjustment may grant a variance from this subsection after public hearing if it is found that such action is still within the general purpose and intent of this ordinance.

E. PARKING REQUIREMENTS

Off-street parking requirements shall be in accordance with the parking schedule found in Section 19 and in accordance with Section 21 hereof. No covered parking is specifically required.

F. ALL COMMERCIAL OPERATIONS TO BE ENCLOSED; EXCEPTIONS

All commercial uses, except for off-street parking and off-street loading facilities shall be conducted within completely enclosed buildings unless otherwise indicated in this section. The City Administrator may grant a permit to businesses for sidewalk sales for a period of up to thirty days. No more than four permits may be granted annually.

G. SIGN RESTRICTIONS

All signs are prohibited with the exception of those listed, below. Signs may not be lighted or contain flashing lights unless specific indicated, below.

- (1) No more than two signs may protrude, suspend or protrude from any establishment overhead. No sign may be more than 32 square feet in area or the total signage areas exceed 64 square feet. Signs may be lighted but shall not contain any flashing lights or beacons. Strobe lights are strictly prohibited.
- (2) One temporary real estate sign not exceeding 9 square feet in area that advertises the sale, rental or lease of the premises.
- (3) Signs of public service companies that provide aid to service or warning of danger. These signs may have flashing lights that alert of emphasis a dangerous condition or situation.
- (4) Temporary or portable commercial signs are strictly prohibited
- (5) No sign or other outdoor advertising device shall be erected or continued that constitutes a nuisance because of light glare, noise, flashing, animation, or distraction created. No illuminated sign shall cast light into a residential property or be located within 50 feet of the boundary of any residential lot.
- (6) Overhead signs must be located at least 12 feet above the finished grade of the sidewalk and/or parking.

- (7) Annual permits must be obtained for each commercial sign within the district, except for those described in (2) and (3), above.
- (8) Flashing-light Holiday Displays are allowed from the Friday after Thanksgivings to the Friday after New Years. These Holiday displays may not contains, strobes, beacons, or rotating type-flashing lights.

SECTION 15: "C-2" GENERAL COMMERCIAL DISTRICT

A. PURPOSE

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

B. PERMITTED USES

The uses permitted in the "C-2" District include those listed in the "Schedule of Uses" found in Section 19 hereof.

C. AREA; YARD; HIEGHT; LOT COVERAGE; BUILDING SIZE

The requirements regulating the maximum lot size, minimum yard sizes (front, side and rear), maximum building height, maximum percent of lot coverage by buildings and the minimum size of buildings, as pertains to this district, shall conform with the provisions of the "Schedule of District Regulations" found in Sections four (4) and six (6) and any other applicable regulations as herein provided.

D. SCREENING REQUIREMENTS

(1) Except as otherwise provided, a solid fence, wall or hedge must be erected, placed, grown and maintained along a boundary line of any commercial use or district when adjacent to any residentially zoned property to a height of not less than six feet (6') nor more than eight feet (8') above ground level. Screening within the front yard shall not exceed six feet (6') in height. When a parking lot or facility is adjacent to any residential use or boundary, then a fence, wall or hedge will be requires along the common boundary in order to provide suitable screening. Such fence, wall or hedge must be at least four (4) feet in height. However, no fence, wall or hedge on a corner lot shall have a height in conflict with the regulations governing visibility at intersections as prescribed in Section 5-C (6) of these regulations of these regulations. Also, no fence or wall shall be erected or placed in any dedicated easement or right-of-way.

- (2) All storage within one hundred feet (100') of a residential use or district, except for motor vehicles in operable condition, shall be within completely enclosed buildings or effectively screened with a fence, wall or hedge not less than six feet (6') nor more than eight feet (8') in height, provided no storage located within fifty feet (50') of such screening shall exceed the height of such screening.
- (3) Whenever any commercial use is permitted in a residential district or area or when the rear or side property line of such commercial use or district abuts a residential district or use, or when the refuse and trash collection/ storage areas are visible from a public thoroughfare, then the garbage, refuse and trash collection/ storage areas shall be enclosed on at least three (3) sides, by a dense screening element to adequately screen such area from view of the surrounding area.
- (4) Fences shall not be topped with broken glass or other sharp objects. Barbed wire topping of fences is allowed upon the issuance of an annual permit by the City of Alton.
- (5) The board of adjustment may grant a variance from this subsection after public hearing if it is found that such action is still within the general purpose and intent of this ordinance.

E. PARKING REQUIREMENTS

Off-street parking requirements shall be in accordance with the parking schedule found in Section 19 and in accordance with Section 21 hereof. No covered parking is specifically required.

F. SIGN RESTRICTIONS

All signs are prohibited with the exception of those listed, below. Signs may not be lighted or contain flashing lights unless specific indicated, below.

- (1) No more than two signs may protrude, suspend or protrude from any establishment overhead. No sign may be more than 32 square feet in area or the total signage areas exceed 64 square feet. Signs may be lighted but shall not contain any flashing lights or beacons. Strobe lights are strictly prohibited.
- (2) One temporary real estate sign not exceeding 9 square feet in area that advertises the sale, rental or lease of the premises.
- (3) Signs of public service companies that provide aid to service or warning of danger. These signs may have flashing lights that alert of emphasis a dangerous condition or situation.

- (4) Temporary or portable commercial signs are strictly prohibited
- (5) No sign or other outdoor advertising device shall be erected or continued that constitutes a nuisance because of light glare, noise, flashing, animation, or distraction created. No illuminated sign shall cast light into a residential property or be located within 50 feet of the boundary of any residential lot.
- (6) Overhead signs must be located at least 12 feet above the finished grade of the sidewalk and/or parking.
- (7) Annual permits must be obtained for each commercial sign within the district, except for those described in (2) and (3), above.
- (8) Flashing-light Holiday Displays are allowed from the Friday after Thanksgivings to the Friday after New Years. These Holiday displays may not contains, strobes, beacons, or rotating type-flashing lights.

Section 16: "I" INDUSTRIAL DISTRICT

A. PURPOSE

The "I" district is established to accommodate most industrial and manufacturing uses, provided such use is not noxious or offensive by reason of emission of odors, soot, dust, noise, fumes or vibrations.

B. PERMITTED USES

The uses permitted in the "I" District include those listed in the "Schedule of Uses" found in Section 18 hereof.

C. AREA; YARD; HEIGHT; LOT COVERAGE; BUILDING SIZE

The requirements regulating the minimum lot size, minimum yard sizes (front, side, and rear), maximum building height, maximum percent of lot coverage by buildings and the minimum size of buildings, as pertains to this district, shall conform with the provisions of the "Schedule of District of Regulations" found in Sections four (4) and six (6) and any other applicable regulations as herein provided.

D. SCREENING REQUIRMENTS

- (1) Except as otherwise provided, a solid fence, wall or hedge must be erected, placed, grown and maintained along a boundary line of an industrial district when adjacent to any residentially zoned property or major thoroughfare to a height of

not less than six feet (6') nor more than eight feet (8') above ground level. Screening shall not exceed six feet (6') in height in the front yard setback.

(2) All storage within one hundred feet (100') of a residentially use or district, except for motor vehicles in operable condition, shall be within completely enclosed buildings or effectively screened with a fence, wall or hedge not less than six feet (6') nor more than eight feet (8') in height, provided no storage located within fifty feet (50') of such screening shall exceed the height of such screening.

(3) Whatever any industrial or manufacturing use is permitted in a residential district or when the rear or side property line of such industrial manufacturing use or district abuts a residential district or use or when the refuse and trash collection/ storage areas are visible from a public thoroughfare, then the garbage, refuse and trash collection/ storage areas shall be enclosed on at least three (3) sides by a dense screening element to adequately screen such area from view of the surrounding area.

(4) The Zoning Board of Adjustment may grant a variance from this subsection after public hearing if it is found that such action is still within the general purpose and intent of this ordinance.

E. PARKING REQUIREMENTS

The minimum off-street parking requirements for manufacturing and industrial uses shall be one (1) space for each two (2) employees or on (1) space for each one thousand square feet of gross floor area of all buildings used for the such manufacturing or industrial purposes, whichever is greater. Such off-street parking shall also be in accordance with Section 21 hereof.

F. SIGN RESTRICTIONS

All signs are prohibited with the exception of those listed, below. Signs may not be lighted or contain flashing lights unless specific indicated, below.

- (1) No more than two signs may protrude, suspend or protrude from any establishment overhead. No sign may be more than 32 square feet in area or the total signage areas exceed 64 square feet. Signs may be lighted but shall not contain any flashing lights or beacons. Strobe lights are strictly prohibited.
- (2) One temporary real estate sign not exceeding 9 square feet in area that advertises the sale, rental or lease of the premises.
- (3) Signs of public service companies that provide aid to service or warning of danger. These signs may have flashing lights that alert of emphasis a dangerous condition or situation.

- (4) Temporary or portable commercial signs are strictly prohibited
- (5) No sign or other outdoor advertising device shall be erected or continued that constitutes a nuisance because of light glare, noise, flashing, animation, or distraction created. No illuminated sign shall cast light into a residential property or be located within 50 feet of the boundary of any residential lot.
- (6) Overhead signs must be located at least 12 feet above the finished grade of the sidewalk and/or parking.
- (7) Annual permits must be obtained for each commercial sign within the district, except for those described in (2) and (3), above.
- (8) Flashing-light Holiday Displays are allowed from the Friday after Thanksgivings to the Friday after New Years. These Holiday displays may not contains, strobes, beacons, or rotating type-flashing lights.

G. PERFORMANCE STANDARDS

The following performance standards shall apply to all warehousing and industrial uses specified in this ordinance.

- (6) Smoke: Any use of the premises that produces smoke, gases, odors, fumes, aerosols, particles, products of combustion, or other atmospheric pollutants shall be conducted strictly within the terms of the permit(s) issued by the federal, state, and local agencies having jurisdiction.
- (7) Particulate Matter: No visible emissions of smoke, other than motor vehicle emissions from transportation conveyances shall be permitted. Trash and waste material incineration shall be allowed only upon issuance of the proper permits by federal, state and local agencies having jurisdiction. Wind borne dust, spray and mist originating from any plant shall comply with the terms of the terms of the permit issued by the federal, state, and local agencies having jurisdiction.
- (8) Odor: No emission of offensive odors adversely affecting the sense of smell, shall be detectable at any point beyond the "R" zone boundary of any plant.
- (9) Toxic Materials: The emission of toxic and noxious materials shall not produce concentrations exceeding 10% of the threshold limit values for the toxic materials in an industry at the "R" Zone boundary line, as set forth in the "Threshold Limit Values" for the current year as adopted at the annual meeting of the American Conference of Governmental Industrial Hygienists.

(10) Heat and Glare: Any operation producing intense heat or glare shall be performed within an enclosed or screened area in such a manner that prevents the heat or glare emitted from being discernible from any point on the "R" zone boundary. All artificial light sources shall be shielded to prevent rays of light from crossing an "R" zone boundary.

(11) Vibration: Any industrial operation or activity that shall cause at any time or point along the nearest adjacent lot line, earth borne vibrations in excess of the limits set forth in Column I below, are prohibited. Additionally, any industrial operation or activity that shall cause at any time and point along the "R" zone boundary line, earth borne vibrations in excess of the limits set forth in Column II are prohibited. Vibrations shall be expressed as a resultant of displacement in inches.

FREQUENCY (CYCLES/SECOND)	DISPLACEMENT INCHES I	DISPLACEMENT INCHES II
BELOW 10	0.0008	0.0004
10-19	0.0005	0.0002
20-29	0.0002	0.0001
30-39	0.0002	0.0001
40 AND OVER	0.0001	0.0001

This tabulation is for steady state vibration, which is defined as "continuous vibration in contrast to discrete pulses." Impact vibration, that is, discrete pulses, which do not exceed 100 pulses per minute, shall not produce in excess of twice the displacement stipulated above.

(6) Noise: At no point along the "R" zone boundary line exceed the decibel limits in the octave bands designated below.

OCTAVE BAND PER SECOND	MAX. SOUND LEVEL R. AT DIST. BDRY.	MAX. SOUND FREQ. (CYC.) AT 125' FROM PLANT OR OPER. LOT
0-74	67	73
75-149	62	68
150-299	58	64
300-599	54	60
600-1199	49	55
1200-2399	45	51
2400-4799	41	47
4800 AND HIGHER	37	43

Sound levels shall be measured with sound-level meter and associated octave band filter, manufactured and calibrated according to standards prescribed by the American Standards Association. Measurements shall be made using the flat or C network of the sound level meter and the fast meter movement of the octave band analyzer. Impulsive type noises shall be subject to the performance standards hereinafter prescribed provided that such noises shall be capable of being accurately measured with such equipment.

- (7) Fire Hazards: The storage, utilization or manufacture of solid materials or products ranging from incombustible to moderate burning is permitted. The storage, utilization or manufacture of solid materials or products ranging from free or active burning to intense burning is permitted provided the following condition is met: Said materials or products shall be stored, utilized or manufactured within complete enclosed buildings having incombustible exterior walls and protected throughout by an automatic fire extinguishing system.

The storage, utilization, or manufacture of flammable liquids or gases that produce flammable or explosive vapors, shall be permitted in accordance with rules furnished by the Alton Fire Marshal, and in accordance with the Fire Prevention Code as interpreted by the Fire Marshal.

All plants involved in the storage, utilization or manufacture of moderate burning to intense burning solid materials or products or flammable liquids or gases shall have "in plant" fire suppression teams. Additionally, these industries must provide a two-four hour orientation

and fire safety training and review with the Alton fire department personnel on a semi-annual basis, plus or minus two weeks.

- (8) Water Pollution: Operations or activities which liquid or solid waste into public waters shall do so only upon full compliance with the terms and provisions of their discharge permits issued by federal, state and local authorities having jurisdiction.
- (9) Rubbish, Nuisances and Animals: Garbage receptacles, containers, dumpsters, and trash cans shall comply with federal, state, and local sanitary laws, rules and regulations. Garbage receptacles, containers, dumpsters, and trash cans shall be screened or hidden from public view. Garbage, trash, debris, or refuse shall not be allowed to accumulate on the property in excess of the volume contained in the garbage receptacles, containers, dumpsters, and trash cans. No trash and/or waste material incineration is permitted without the proper permits issued by federal, state and local authorities having jurisdiction. All incineration activities must be in strict compliance with the terms of these permits.
- (10) Fences and Buffers: A solid masonry or other reinforced solid fence with landscape screening shall be constructed and maintained to buffer areas from public view for the following operations and activities: land used for open storage of materials and equipment used in the manufacturing process and operations; truck parking or loading areas; and adjacent residential areas. Fences shall not be topped with broken glass or other sharp objects. Barbed wire topping of fences is allowed upon the issuance of an annual permit by the City of Alton.
- (11) Liquid or Solid Waste: Discharges into the public sanitary sewer, private sewer disposal system, storm sewer system, stream, ground injection or upon the ground shall be prohibited except in accordance with standards, criteria, and terms of permits approved by the State Department of Health, Texas Natural Resources Conservation Commission, U.S. Environmental Protection Agency, U.S. Army Corps of Engineers, and local wastewater treatment and health entities with jurisdiction. Discharges shall not contaminate any water supply, interfere with bacterial processes in wastewater treatment plants, or otherwise cause emissions of dangerous or offensive gases, particles, and other elements.
- (12) Dust: All ground areas not covered by structures, within the premises shall be landscaped or surfaced with concrete, asphaltic concrete, or other dust free surfacing. Declarant property within 300 feet distance measured perpendicular from the faces of the main structure, shall be maintained in good condition to minimize weeds, trash, dust, and other debris. These areas shall be properly drained and graded. Dust control shall be accomplished before the issuance of a certificate of occupancy.

(13) SECTION 17: "PD" PLANNED DEVELOPMENT DISTRICT

A. PURPOSE AND SCOPE

The "PD" District is established to provide a greater flexibility in development planning and the opportunity of the application of modern planning concepts than is permitted under conventional regulations. "PD" Districts may combine a variety of land uses and/ or housing types. Mixed uses may include any combination of residential, commercial, or industrial uses as long as the uses are compatible with each other and with potential and existing uses surrounding the district. "PD" Districts may be established on parcels of land, which are suitable for and of sufficient size to be planned and developed in a manner consistent with the purposes and objectives of this zoning ordinance. "PD" Districts shall not be less than 10 acres in gross land area.

In addition, property may be classified under the "PD" district in combination with any other zoning district (or base district) and so designed by the letters "PD" affixed to the code letters of that base district.

B. PERMITTED USES

The following uses may be permitted in a designated "PD" District:

- (1) Residential Uses, including Detached, Attached or Semi-Attached single Family Units, Row Houses, Townhouses, Condominiums, and Patio Homes, in addition to Duplexes and Multi-Family dwellings- No mobile homes or mobile home parks shall be allowed;
- (2) Business Park;
- (3) Office and Shopping center;
- (4) Hotel and Motel;
- (5) Medical Clinic and Hospital;
- (6) Industrial Park;
- (7) Library, Museum and Gallery;
- (8) Community, Recreation, and Civic Center;
- (9) Park, Playground, and Golf Course;
- (10) Church and School;
- (11) College and University;

- (12) Police and Fire Station
- (13) Municipal and Governmental Building;
- (14) Water Pumping Station, water Reservoir, Water Tower, Artesian Well, Sewage Lift Station and Septic Tank;
- (15) Telephone Exchange; and
- (16) Radio and Television Transmitter and Satellite Dish.

Whenever a property is classified as a "PD" District in combination with any other zoning district, the permitted uses shall primarily be those allowed under the base district. In no event shall more than thirty percent (30%) of the land area of this district be utilized as any other use than that permitted in such base district unless otherwise agreed to by a concurring vote of at least four (4) members of the City Board of Aldermen, and only after public hearings and proper notices to all parties affected.

C. APPLICATION FOR "PD" DISTRICT

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

(1) Proposed Uses

An application for a "PD" district shall specify and describe the category or type of use or the combination of uses proposed. Permitted uses under "PD" zoning shall be specified in each "PD" District ordinance. If such ordinance specifies permitted uses by references to a conventional zoning district, the permitted uses by references to a conventional zoning district, the permitted uses shall mean those uses permitted in the referenced district.

(2) Development Requirements

An application for a "PD" District shall include a list of proposed development standards, which may be incorporated into the "PD" District ordinance. Development standards shall include, but not limited to: density; lot size; setbacks; building sizes; height and exterior requirements; lot coverage; parking ratios; screening; landscaping; and any other requirements the council may deem appropriate.

Whenever a property is classified as a "PD" District in combination with any other zoning district, the standards set forth in the specific zoning district will be used as a guideline for planned development. Modifications of standards may be considered if the modification substantially meets the intent of this ordinance and

improves the overall development design or if a unique project design is proposed which cannot readily be accommodated through other zoning districts, provided that pecuniary reasons shall not be the sole reason for modifying standards.

(3) Concept Plan

An application for a "PD" District shall include a concept plan showing a preliminary layout of proposed uses, access, buildings, parking open space and the relationship to existing natural features and adjacent properties and uses.

Upon submission of the application for a "PD" District and after proper notice has been given to all affected parties and public hearings are had, the Planning and Zoning Commission and the City Board of Aldermen shall review the application and may either give approval, with or without modifications, or reject it. In approving the "PD" District, the City Board of Aldermen may impose conditions relative to the standard of development and such conditions shall be compiled with before a Certificate of Occupancy is issued for the use of land or any structure which is part of the "PD" District, and such conditions shall not be construed as conditions precedent to the granting of a Certificate of Occupancy.

D. DEVELOPMENT SITE PLAN

(1) Approval Required

In establishing a "PD" District in accordance with this section, a comprehensive site plan of the development is required. Such site plan shall be approved and filed as part of the "PD" ordinance prior to the issuance of any building permit in the "PD" District. The approval of the development site plan may also serve as preliminary plat approval, provided that all requirements of the subdivision ordinance and its subsequent amendments are satisfied. A minimum of five (5) copies of the site plan will be required to be submitted to the city prior to the issuance of any building permit.

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

- (a) a change in character of the development;
- (b) an increase in the ratio of gross floor area in structures to the area of any lot;
- (c) an increase in the intensity of use;
- (d) a reduction in the originally approved separations between buildings;

- (e) an increase in the problems of circulation, safety and utilities;
- (f) an increase in the external effects on adjacent property;
- (g) an increase in ground coverage by structures;
- (h) reduction in the ratio of off-street parking and loading space; or
- (i) a change in the locations, lightings or orientation of approved signs.

(2) Compliance with Approvals of Site Plan

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

(3) Site Plan Information

Every application for approval of a site plan under the terms of this district shall contain sufficient information delineating the characteristics of the site, changes in those characteristics as may be proposed by the development, how the development will relate to public services and facilities, and what protection features are included to insure that the development will be compatible with existing and allowable development an adjacent property. The site plan shall show at least the following items of information:

- i. Site/Adjacent Property Information: The land area included within the site; the land area of all abutting sites and zoning classification; all public and private rights-of-way and easements bounding and intersecting the site and the abutting sites which are proposed to be continued, created, relocated and/or abandoned; and north arrow, date and scale;

- ii. Building Layout: The location of each existing and each proposed structures on the site; the general category of use or uses to be contained therein; the number of stories, gross floor area and the location of entrances and exits to buildings; front, side and rear building setback lines; and elevation views or renderings indicating architectural design and building materials proposed;

A table showing the type of units by size, number of bedrooms and number and type for all residential dwellings, including floor plans, will also be required;

- iii. Circulation and Parking: The location, dimensions, and proposed construction of all streets, private drives, alleys, parking areas and drive approaches, as well as their alignment with existing thoroughfares; location and dimensions of sidewalks, off-street parking areas, fire lanes and loading zones;
- iv. Drainage and Utilities: existing and proposed finished grade of the site, shown to contour intervals not exceeding one-half (1/2) feet, (elevations shall be referenced to a FEMA reference elevation) proposed handling of onsite surface drainage, location of any floodway or flood-prone area as shown on site surface drainage, location of any floodway or flood-prone area as shown on current FEMA mapping; existing and proposed fire hydrants; and
- v. Screening, Landscaping and Recreational Facilities: The location, height and building materials for any proposed or required walls or fences; height, location and type of any proposed beams or living screens; proposed landscaping plan; location and size of any proposed recreational facilities such as swimming pools, tennis courts and playgrounds.

SECTION 18: "FP" FLOODPLAIN DISTRICT OVERLAY

A. PURPOSE

To provide for the appropriate use of land, which has a history of inundation or is determined to be subject to flood hazard and to promote the general welfare and to provide protection from flooding, the "FP" District Overlay is hereby established. This district may also be coextensive with or overly any or all of the other zoning districts or portions thereof as provide for herein.

Where a tract of land or portion thereof is zoned for the uses of one of the other zoning districts and is also zoned "FP" District, the restrictions contained in the controlling regulations for that district or portion of that district.

B. PERMITTED USES

The following uses shall only be permitted in the "FP" District:

- (1) Agricultural Activities, including the ordinary cultivating or grazing of land and legal and permitted types of animal husbandry;
- (2) Park, Playground or Golf Course;
- (3) Parking Facilities;
- (4) Railroad Right-of-Way and Tracks, but not including railroad yards or shops, freight or service buildings;
- (5) Advertising and business signs; and
- (6) Farmer's seasonal roadside fruit and vegetable stands.

C. SPECIFIC USES WHICH MAY BE PERMITTED

The following uses may be allowed in an "FP" District only if expressly authorized by the City Board of Aldermen, other regulatory agencies and subject to the provisions of Section 19:

- (1) Nonresidential structures, except for schools and day care facilities, in conformity with the "A-1", "R-1", "R-2", "R-3", "D", "MF", "MH", "C-1", "C-2", "I", or "PD" District in which they are located, providing that such structure's finished floors, together with attendant utility and sanitary facilities, are elevated at least 18-inches above the one hundred (100) year flood elevation.
- (2) Excavation and Mining Operation;
- (3) Salvage and Wrecking Yard;
- (4) Stadium and Sports Arena;
- (5) Theater, drive in;
- (6) Shooting Range;
- (7) Storage Facility and Warehouse;
- (8) Rodeo Arena;
- (9) Stable for Horses and Livestock;
- (10) Car Wash

- (11) Granary or Gin; and
- (12) Public Utilities providing that special measures are taken to guard against contamination of the potable water supply and prevent sanitary sewage from being released into the floodwaters.
- (13) Radio and Television Transmitter and Satellite Dish.

D. AREA, YARD; HIEGHT, LOT COVERAGE; BUILDING SIZE

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

E. GENERAL REGULATIONS

(1) No building or structure shall be erected in that portion of any district designated "FP" District until such building or structure has been approved by the City Board of Aldermen after recommendation by the City Engineer, who will ascertain that such building or structure is probably not subject to damage by flooding and would not constitute an encroachment hazard or obstacle to endanger the value and safety of other property or the pubic health and welfare, in his opinion. The level of the first floor of buildings or structures in flood plain areas shall be a minimum of at least eighteen inches (18") above the highest flood elevation shown in the most recent Federal Emergency Management Administration (FEMA) flood insurance rate map (FIRM) for the area on which such building or structure is erected.

Owners of buildings in flood-prone areas are encourages to participate in the flood insurance program made available by insurance companies with the support of the FEMA and the Department of Housing and Urban Development (HUD).

(2) An area may be removed from the "FP" District designation when by the provision of drainage works, grading, flood protection or specific drainage study, it is determined by the city engineer that the flood hazard has, in most probability, been alleviated. Removal of the "FP" District designation shall be accomplished by resolution of the City Board of Aldermen after written notification from the City Engineer advising of the removal of the flood hazard and after proper public hearing and notice has been compiled with and a Letter of Map Amendment (LOMAR) has been received amending the latest FIRM. It shall be the responsibility of any person or organization applying for the alteration of "FP" District to provide the necessary studies, correspondence with FEMA data on which a decision may be made concerning such change request.

(3) No septic tank system or electric or telephone utilities, with the exception of sanitary sewers with bolt down manhole covers and rain guards, may be located underground in a flood plain designated areas unless installed by the guide lines set forth by the Federal Insurance Administration. Potable water blow-off valves, meter pits & boxes, valves and potable water mains may not be located in a "FD" designated District, unless special measures have been taken to prevent contamination of the potable water supply.

E. CITY NOT LIABLE FOR ANY DAMAGES

(1) The fact that land is, or is not, within a district having a floodplain designation, shall not be interpreted as assurance that such land or area is, or is not, subject to periodic flooding. The city shall not be held responsible for failure to designate any lands as flood-prone areas and shall not be held responsible for any such damages caused by any such failure or action.

(2) No building permit shall be issued for the construction of any building or structure in a floodplain designated area unless and until deed restrictions are executed in favor of the city reciting that the owner and his successors will indemnify and hold harmless the city from any damages caused by flooding. Any structure constructed within the "FD" Overlay District must have its finished floor at least 18 inches above the one hundred (100) year flood elevation.

(3) Flood insurance must be carried on all structures constructed within the "FD" Overlay District.

SECTION 19: SCHEDULE OF USES AND OFF-STREET PARKING REQUIREMENTS

A. SCHEDULE OF USES ESTABLISHED

Land and buildings in each of the following classified districts may be used for any of the following listed uses but no land shall hereinafter be used and no building or structure shall hereinafter be occupied, used, erected, altered, removed, placed, demolished, or converted, which is arranged or designed to be used for other than those uses specified for the district in which it is located as set forth by the following schedule of uses:

X	Designates Use Permitted In District
	Designates Use Prohibited in District
S	Designates Use Permitted With Specific Approval By The City Board of Aldermen

NOTE: Gross floor area is abbreviated as g.f.a.

Residential Use:	A	R-1	R-2	R-3	D	MF	MH	C-1	C-2	I	Off-Street PARKING
Single Family Dwelling-detached	X	X	X	X	X	X	S		S		2/dwelling unit
Duplex Dwelling			S	X	X	X					2/dwelling unit
Triplex Dwelling					S	X					2/dwelling unit
Quadraplex Dwelling					S	X					2/dwelling unit
Apartment					S	X					2.5/dwelling unit
Mobile/Mfg. Home	S		S	S			X				2/dwelling unit
Industrialized Housing	X	S	S	X	X	X	X		S		2.5/dwelling unit
Mobile/Mfg. Home Park				S	S	S	X				2.5/dwelling unit
Townhouse			S	S	S	X					2.5/dwelling unit
Condominium			S	S	S	X					2.5/dwelling unit
RV Park							X				2/dwelling unit
Rooming (Boarding) House			S	S	S	S		S	S		1.2/dwelling unit
Child Day Care Home	X	X	X	X	X	X	X	S	S		½ per child
Group Home	S	S	S	S	S	X	S	S	S		None
Group Day Care Home	S	S	S	S	S	S	S	S	S		Specified by SUP
Halfway House	S	S	S	S	S	S	S	S	S		½ residents
Guest House or Quarters	X	X	X	X	X	S	S	S	S		1.25/dwelling unit
Accessory Building	X	X	X	X	X	X	X	X	X	X	None
Community Center (private)	S	S	S	S	X	X	X				1/200g.f.a.
Tennis Court (private)	X	X	X	X	X	X	X	X	X	X	None
Swimming Pool (private)	X	X	X	X	X	X	X	X	X	X	None

Home Occupation	S	S	S	S	S	S	S	S	S	S	None
-----------------	---	---	---	---	---	---	---	---	---	---	------

Agriculture/ Ranch Uses:	A	R-1	R-2	R-C	D	MF	MH	C-1	C-2	I	PARKING
Animal Feed Lot	S									S	None
Dairy	X									S	None
Farm	X	S									2/dwelling unit
Greenhouse	X	S	S	S	S	S	S	S	S		1/200 g.f.a.
Livestock Auction Barn	S								S	S	See Sec. 16-E, 21
Orchard	X	S									None
Ranch	X	S									2/dwelling unit
Rodeo Ground, Arena	S								S	S	Specified by SUP
Stable, Private	S	S					S				None
Stable, Public	S										½ Stalls

Utility/ Solid Waste Uses:	A	R-1	R-2	R-3	D	MF	MH	C-1	C-2	I	PARKING
Electric Substations	X	S	S	S	S	S	S	S	S	X	½/employee
Gas Line (6" or larger)	S	S	S	S	S	S	S	S	X	X	½/employee
Gas Regulating/ Gate Station	S	S	S	S	S	S	S	S	X	X	½/employee
Microwave Tower	X	S	S	S	S	S	S	S	X	X	½/employee
Radio and Television Tower	X	S	S	S	S	S	S	S	X	X	½/employee
Railroad Freight Terminal										X	½/employee
Railroad Yard										X	½/employee
Recycling Facility									S	X	½/employee
Refuse Transfer Station									S	S	½/employee
Sewer Lift Station	X	S	S	S	S	S	S	S	S	X	½/employee
Telephone Exchange	X	S	S	S	S	S	S	X	X	X	½/employee
Wastewater Treatment Plant	S							S	S	S	½/employee

Water Pump Station	X	S	S	S	S	S	S	X	X	X	½/employee
Water Storage Tank	X	S	S	S	S	S	S	X	X	X	½/employee
Water Treatment Plant	X	S	S	S	S	S	S	X	X	X	½/employee

Gov't & Institutional Uses	A	R-1	R-2	R-3	D	MF	MH	C-1	C-2	I	PARKING
Athletic Field or Stadium	S	S	S	S	S	S	S	X	X	X	1/2 seats
Church or Rectory	X	S	X	X	X	X	X	X	X	X	1/2 seats
College or University	S	S	S	S	S	S	S	X	X		1/2 students
Community/ Recreation Center	X	X	X	X	X	X	X	X	X		1/200 g.f.a.
Convalescent Center								X	X		1/3 beds
Fire Station	X	S	S	S	S	S	S	X	X	X	2/bay
Hospital		S	S					S	X		1.2/bed
Library	X	X	X	X	X	X	X	X	X	X	1/300 g.f.a.
Museum or Art Gallery								X	X	X	1/200 g.f.a.
Park or Playground	X	X	X	X	X	X	X	X	X	X	1/2000 S.F. site area
Police Station	S	S	S	S	S	S	S	X	X		2 visitor spaces
Post Office								X	X	X	1/400 g.f.a.
Prison or Penitentiary	S									S	1/6 cells
Sanitarium									X		1/6 beds
School (nursery or kindergarten)	S	S	S	S	S	S	S	X	X		1/6 children
School (trade or business)								S	X	X	1/3 students
School (elementary or middle)	X	X	X	X	X	X	S	X	X		1/10 students
School (high school)	X	X	X	X	X	X	S	X	X		1 per 2.5 students
Government Office								X	X		1/300 g.f.a.
Swimming Pool (public)	S	S	S	S	S	S	S	X	X		10 minimum
Tennis Court (public)	S	S	S	S	S	S	S	X	X		2/court

Commercial Uses:	A	R-1	R-2	R-3	D	MF	MH	C-1	C-2	I	PARKING
Alcoholic Beverage Sales (Wet Areas Only)								S	X	X	1/200 g.f.a.
Amusement Park	S								X	X	1/500 S.F. site area
Animal Hospital	X							X	X	X	1/500 g.f.a.
Animal Shelter	X								X	X	1/500 g.f.a.
Antique Shop								X	X		1/200 g.f.a.
Apparel Store								X	X		1/200 g.f.a.
Appliance Rental Store								X	X		1/400 g.f.a.
Appliance Repair Shop								S	X		1/400 g.f.a.
Appliance Store (retail)								X	X		1/400 g.f.a.
Art Supply Store								X	X		1/300 g.f.a.
Athletic or Fitness Club								X	X	X	1/200 g.f.a.
Audio and Video Store (retail)								X	X		1/200 g.f.a.
Auto body and Paint Shop									X	X	1/200 g.f.a.
Auto Rental							S	S	X	X	1.3/rental car
Auto repair Garage								S	X	X	3/service bay
Auto Sales Lot									X		1/1000 S.F. site area
Bakery (retail)								X	X		1/200 g.f.a.
Bank or Financial Institutions							S	X	X		1/300 g.f.a.
Barber or Beauty Shop	S	S	S	S	S	S	S	X	X		1/chair
Bicycle sales and Repair								X	X		1/300 g.f.a.
Boat Sales									X	X	1/400 g.f.a.
Bowling Alley								S	X	X	6/lane
Building Materials Yard									X	X	1/500 g.f.a.
Bus Terminal								X	X	X	1/300 g.f.a.
Business Office								X	X	X	1/300 g.f.a.
Cabinet Shop								S	X	X	1/400 g.f.a.

Camera Store (retail)									X	X		1/200 g.f.a.
Car Wash									S	X	X	1/wash bay
Carnival or Circus									S	S	S	Specified by SUP
Carpet Store (retail)									X	X		1/400 g.f.a.
Child Care Center									X	X	X	1/6 children
Commercial Signs (>32 s.f.)	S								S	X	X	None
Computer Store (retail/ service)									X	X		1/200 g.f.a.
Contractor Yard (outside storage)										X	X	1/2000 S.F. site area
Convenience/One-Stop Store	S	S	X	X	X	X	X		S	S	S	1/200 g.f.a.
Dental Clinic or Office									X	X		1/200 g.f.a.
Department Store									X	X		1/200 g.f.a.
Electrical Supply Store										X	X	1/400 g.f.a.
Electronics Store (retail)									X	X	X	1/200 g.f.a.
Farm Implement Sales										X	X	1/400 g.f.a.
Feed Store										X	X	1/400 g.f.a.
Florist Shop									X	X		1/300 g.f.a.
Flea Market (outside)	S									X	X	1/750 S.F. gross site area
Fraternity/ Sorority Lodge									X	X		1/200 g.f.a.
Furniture Store (retail)									X	X		1/400 g.f.a.
Game Hall									S	X		1/100 g.f.a.
Gift or Novelty Shop							S		X	X		1/200 g.f.a.
Go-Cart Track										X	X	1/go-cart
Golf Course	X	S	S	S	S	S	S			X	X	2/green
Golf Course (miniature)										X	X	1.5/hole
Golf Driving Range	S									X	X	1/driving tee
Granary or Gin	X										X	1/2000 site area
Grocery Store									X	X		1/200 g.f.a.

Gun Shooting Range (indoor)	S								S	X	1/500g.f.a.
Gunsmith Shop								X	X		1/300g.f.a.
Hardware Store								X	X		1/400 g.f.a.
Heavy Equipment Sales									X	X	1/100 site area
Hobby Shop						S		X	X		1/200 g.f.a.
Hotel or Motel								S	X	X	1.3/room or suite
Jewelry Store								X	X		1/200 g.f.a.
Kennel	S							S	X	X	1/400 g.f.a.
Laboratory, Medical or Dental								S	X	X	1/400 g.f.a.
Laundry or Dry Cleaners			S	S	S	S	S	X	X	X	1/400 g.f.a.
Lawnmower Sales & Service	S	S	S	S	S	S	S	S	X	X	1/400 g.f.a.
Lithographic Shop								X	X	X	1/300 g.f.a.
Locksmith Shop								X	X	X	1/300 g.f.a.
Meat Market								X	X	X	1/300 g.f.a.
Medical Clinic or Office								X	X		1/300 g.f.a.
Mini-warehouse								S	X	X	1/500 g.f.a.
Manufactured Home Sales Lot									X	X	1/1000 S.F. site area
Massage Establishment								S	S	S	1/200 g.f.a.
Mortuary or Funeral Home								S	X	X	1/3 sanctuary seats
Motorcycle Sales									X	X	1/200 g.f.a.
Movie theater (drive-in)	S								X	X	1/employee
Movies Theater (indoor)								X	X	X	1/3 seats
Musical Instrument Store								X	X		1/200 g.f.a.
Newspaper Office								X	X		1/200 g.f.a.
Newsstand								X	X		1/200 g.f.a.
Nightclub								S	X	X	1/100 g.f.a.
Office Supply Store								X	X		1/200 g.f.a.

Optical Clinic or Office								X	X		1/200 g.f.a.
Optical Dispensary								X	X		1/200 g.f.a.
Paint Sales Store (retail)								X	X		1/200 g.f.a.
Pawnshop								S	X	X	1/200 g.f.a.
Pet Grooming Shop								X	X		1/200 g.f.a.
Pet Shop								X	X		1/200 g.f.a.
Pharmacy or Drug Store								X	X		1/200 g.f.a.
Picture Framing Shop								X	X		1/200 g.f.a.
Plant Nursery	S								X		1/400 g.f.a.
Plumbing Shop (retail)								X	X		1/200 g.f.a.
Pool or Billiard Hall								S	X		1/100 g.f.a.
Printing Shop								X	X		1/400 g.f.a.
Private Club (serving alcohol)								X	X	X	1/100 g.f.a.
Professional Offices								X	X		1/300 g.f.a.
Race Track, Automobile or Motorcycle	S							X	X	X	1/2 participants & viewer seats
Recording Studio								X	X		1/200 g.f.a.
Recreation Center								X	X		1/2 seats
Restaurant or Café (inside)								X	X		1/75 g.f.a.
Restaurant, (drive-in)								X	X		1/200 g.f.a.
Second Hand Store								S	X	X	6 minimum
Service Station	S							S	S	S	Specified by SUP
Sexually Oriented Business								S	X		1/200 g.f.a.
Shoe or Boot Store								X	X	X	1/200 g.f.a.
Shopping Center or Mall									X	S	1/400 g.f.a.
Sign shop								S	X	X	1/400 g.f.a.
Skating Rink								X	X		1/200 g.f.a.
Sporting Goods Store								X	X		1/200 g.f.a.

Tanning Salon								S	X	X	1/400 g.f.a.
Taxidermist									X	X	1/400 g.f.a.
Tire Sales & Repair								X	X	X	1/400 g.f.a.
Tool Rental								X	X		1/300 g.f.a.
Travel Agency								X	X	X	1/400 g.f.a.
Truck Rental									X	X	1/400 g.f.a.
Truck Repair									X	X	1/1000 site area
Truck Sales									X	X	2/wash bay
Truck Wash									X	X	1/400 g.f.a.
Upholstery Shop								S	X	X	1.3/wash machine
Washateria (self-serve)				S	S	S	S	X	X	X	1/400 g.f.a.

Industrial Uses:	A	R-1	R-2	R-3	D	MF	MH	C-1	C-2	I	PARKING
Airport	S								S	S	Specified by SUP
Ammonia Manufacturing										X	See Sec. 16-E, 21
Apparel Manufacturing										X	See Sec. 16-E, 21
Appliance Manufacturing										X	See Sec. 16-E, 21
Artificial Limb Manufacturing										X	See Sec. 16-E, 21
Asphalt Batching Plant										S	See Sec. 16-E, 21
Auto Salvage Yard										X	See Sec. 16-E, 21
Bakery, Commercial									X	X	See Sec. 16-E, 21
Bleach Manufacturing										X	See Sec. 16-E, 21
Bookbinding & publishing									S	X	See Sec. 16-E, 21
Bottling Plant									S	X	See Sec. 16-E, 21
Box Manufacturing										X	See Sec. 16-E, 21
Brewery									S	X	See Sec. 16-E, 21
Brick or Tile Manufacturing										X	See Sec. 16-E, 21

Canning Operation										X	See Sec. 16-E, 21
Carpet Manufacturing										X	See Sec. 16-E, 21
Cartage Operation									S	X	See Sec. 16-E, 21
Chemical Storage &Mfg										S	See Sec. 16-E, 21
Chlorine Manufacturing										X	See Sec. 16-E, 21
Cold Storage Plant									S	X	See Sec. 16-E, 21
Concrete Batching Plant									S	X	See Sec. 16-E, 21
Concrete Product casting Plant										X	See Sec. 16-E, 21
Contractor Yard (outside storage)									X	X	See Sec. 16-E, 21
Cotton Gin										X	See Sec. 16-E, 21
Creamery										X	See Sec. 16-E, 21
Creosote Manufacturing										X	See Sec. 16-E, 21
Distribution Center									S	X	See Sec. 16-E, 21
Distillation Plant										X	See Sec. 16-E, 21
Dying Plant										X	See Sec. 16-E, 21
Electroplating										X	See Sec. 16-E, 21
Envelope Manufacturing										X	See Sec. 16-E, 21
Explosives Manufacturing										S	See Sec. 16-E, 21
Fertilizer Manufacturing										S	See Sec. 16-E, 21
Fiberglass Manufacturing										X	See Sec. 16-E, 21
Fireworks Manufacturing										S	See Sec. 16-E, 21
Food Processing										X	See Sec. 16-E, 21
Foundry										X	See Sec. 16-E, 21
Freight Terminal, Motor										X	See Sec. 16-E, 21
Freight Terminal, Railroad										X	See Sec. 16-E, 21
Furniture Manufacturing										X	See Sec. 16-E, 21
Glass Manufacturing										X	See Sec. 16-E, 21

Glue Manufacturing										X	See Sec. 16-E, 21
Gypsum Manufacturing										X	See Sec. 16-E, 21
Heliport or Helistop	S								S	S	Specified in SUP
Ice Cream Plant										X	See Sec. 16-E, 21
Ice Plant									S	X	See Sec. 16-E, 21
Incinerator									S	S	See Sec. 16-E, 21
Insecticide Processing										S	See Sec. 16-E, 21
Junkyard										X	See Sec. 16-E, 21
Laundry Plant									S	X	See Sec. 16-E, 21
Light Fabrication Plant										X	See Sec. 16-E, 21
Machine Shop										X	See Sec. 16-E, 21
Marble Manufacturing Plant										X	See Sec. 16-E, 21
Mattress Manufacturing										X	See Sec. 16-E, 21
Meat Processing Plant										X	See Sec. 16-E, 21
Metal Fabrication										X	See Sec. 16-E, 21
Metal Stamping and Extrusion										X	See Sec. 16-E, 21
Mining, Extraction Operation	S									X	See Sec. 16-E, 21
Monument Works										X	See Sec. 16-E, 21
Packing Operation									S	X	See Sec. 16-E, 21
Paint Manufacturing										X	See Sec. 16-E, 21
Pallet Manufacturing										X	See Sec. 16-E, 21
Paper Mill										X	See Sec. 16-E, 21
Pesticide Processing										X	See Sec. 16-E, 21
Petroleum Products (wholesale)										X	See Sec. 16-E, 21
Petroleum Refinery & Storage										X	See Sec. 16-E, 21
Pharmaceutical Manufacturing										X	See Sec. 16-E, 21
Plastic Product Manufacturing										X	See Sec. 16-E, 21

Pottery Manufacturing										X	See Sec. 16-E, 21
Poultry Processing Plant										X	See Sec. 16-E, 21
Radio Transmitting Station	S								S	X	See Sec. 16-E, 21
Rendering Plant										S	See Sec. 16-E, 21
Smelter Plant										S	See Sec. 16-E, 21
Tanning Plant										S	See Sec. 16-E, 21
Television Transmitting Plant	S								S	X	See Sec. 16-E, 21
Temporary Construction Office	S	S	S	S	S	S	S	S	S	X	1/3employees
Textile Manufacturing										X	See Sec. 16-E, 21
Tire Manufacturing										X	See Sec. 16-E, 21
Tire Recapping Plant										X	See Sec. 16-E, 21
Vehicle Conversion Facility									X	X	See Sec. 16-E, 21
Warehouse									S	X	See Sec. 16-E, 21
Welding Shop									S	X	See Sec. 16-E, 21
Wrecking Yard										X	See Sec. 16-E, 21

B. UNLISTED LAND USES

In instances where a proposed land use is not included in the "Schedule of Uses" and interpretation is required regarding the appropriate classification of an unlisted form of land use, the procedures as set forth in section 23 shall be followed.

C. PARKING RESTRICTIONS IN RESIDENTIAL, TWO FAMILY, MULTI-FAMILY, MANUFACTURED HOME DISTRICTS:

Tractor-trailers (combination), and other commercial trucks in excess of two tons gross vehicle weight shall be prohibited from parking in these areas for more than 2-hours, unless they are actively engaged in delivery or pick up of appliances, furniture, building materials, other consumer commodities, or involved actively in a public works project. Moving vans may not park in the above Districts for more than 12-hours in any 24-hour period. Parking of any idling commercial truck for more than 30 minutes, whether on street or off-street, is strictly prohibited, and shall be subject to enforcement action for disturbance of the peace.

SECTION 20: SPECIFIC USE PERMITS GENERALLY

C. PURPOSE

The purpose of the regulations described by this article is to allow the compatible and orderly development within the city, of uses that may be suitable only in certain locations in a zoning district if developed in a specific way or only for a limited time. A use permit is required for all specific use paragraph of each use district. At no time may a structure or property be adapted to a Specific Use without first obtaining a use permit.

D. APPROVAL, PROCEDURE, RESPONSIBILITY AND APPEALS

The City's Administrator or his designee shall have the responsibility for processing all Use Permits for Specific Uses and presenting them to the Planning and Zoning Commission for processing as described below. The following procedures shall be complied with prior to the approval or denial of any use permit.

- (1) Notice to all owners of real property within two hundred (200) feet of the property for which application has been made shall be via certified U.S. mailed, but in no case shall this notification occur less than ten (10) working days prior to consideration at a meeting of the Planning and Zoning Commission to consider such application. The applicant shall pay for the postage prior to the mailing of such notices.
- (2) Application concerning Use Permits for those uses that are conditional shall be automatically referred to the planning and Zoning Commission for a public hearing. The City Administrator shall investigate, notify the adjacent property owners, and provide necessary consultation and recommendations. The Planning and Zoning Commission may deny an application for a Use Permit after a public hearing if the proposed use fails to meet one of the criteria set forth in Requirements for Approval.
- (3) Appeal shall be in accordance with this Section 19.

C. APPLICATION, FILING PROCEDURES, AND FEES

The property owner or his agent shall make application on a form prescribed by the City and such application shall provide for drawings as set forth in the Site Plans Required Section. Obtaining a Use Permit does not exempt the applicant from complying with requirements of the Building, Fire, Plumbing, and other codes adopted by the City or other city ordinances. The fee for a Use Permit shall be recommended by the City Planning and Zoning Commission and approved by the City Board of Aldermen. Payment of such fees shall not be refundable in

whole or part. Fees will double for applications that are filed after construction has started or is complete.

D. SITE PLANS REQUIRED

- (1) Purpose: The purpose of the Site Plan is to ensure compliance with the zoning Ordinance and to assist in the orderly and harmonious development of the City of Alton, the stability of land values and investments, and enhancement of the general welfare.
- (2) Filing: The applicant shall file with the City Administrator four (4) copies of his proposed site plan. If the Use permit is approved with changes, the applicant must file with the City Administrator two (2) copies of the revised site plans with the changes prior to being issued the Use Permit.
- (3) Contents: The Site Plan shall contain drawings to scale indicating the following:
 - i. The location of all structures on the subject property and on adjoining property;
 - ii. Landscaping and/or fencing of yards and setback areas as required in by the existing District and any proposed changes;
 - iii. Design of ingress and egress;
 - iv. Off-street parking and loading facilities;
 - v. Height of all structures;
 - vi. Location of garbage, debris, trash, and waste receptacles, dumpsters, containers, and trash cans and the associated screening;
 - vii. Proposed use;
 - viii. Location of all proposed utilities;
 - ix. The location and types of all signs, including lighting and heights; and
 - x. In the "FD" Overlay District, the ground elevation, one hundred (100) year flood elevation and finished floor of all structures and parking must be indicated.

E. STANDARDS

No application for a specific use shall be recommended by the Planning and Zoning Commission and granted by the City Board of Aldermen unless the Board finds all of the following conditions present:

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

F. DEVELOPMENT, REVOCATION, AND/OR AUTOMATIC CANCELLATION OF SPECIFIC USE PERMIT

- (1) The City building inspector shall ensure compliance with this Ordinance and the Use Permit. He/She shall:
 - i. Make inspections to determine compliance with the provisions of this Ordinance, the Use Permit, and the Specific Use drawings, and initiate appropriate action if necessary.
 - ii. Investigate thoroughly all complaints of noncompliance concerning a permitted special use, and keep a written record of all complaints, indicating the results of his/her investigation and any action taken. These records shall be made available at the time of renewal of the Use Permit.
- (2) Upon determination of noncompliance with the provisions of the Specific Use Permit, the Building Inspector shall take action as follows:

- i. Give written notice to the permit holder of the nature of the violation, the necessary action to remedy the violation, and the time period, not less than ten (10) calendar days nor more than thirty (30) calendar-days after the date of the notification, within which to comply.
 - ii. Notify the Planning and Zoning Commission, via the City Administrator, of the noncompliance if the violations have not been corrected within the prescribed time period.
- (3) The planning and Zoning Commission, after due hearing, may revoke any Specific Use Permit that has been reported in violation by the Building Inspector. Continued use without a valid Use Permit shall be a violation of the Zoning Ordinance and subject to the same penalties provided therein.
- (4) If the Specific Use Permit has not been used within six (6) months of issuance, the permit is automatically cancelled.
- (5) Appeal of a decision of the planning and Zoning Commission shall be in accordance with the procedures specified in this Section 19.

G. CONDITIONS AND GUARANTEES

Prior to the granting of any specific use permit, the City Board of Aldermen may stipulate such conditions and restrictions upon the establishment, location, construction, maintenance and operation of the specific use as deemed necessary to protect the public health standards and requirements specified in Section A above. In all cases in which specific use permits are granted, the City Board of Aldermen shall require such evidence and written guarantees as it may deem necessary as proof that the conditions stipulated in connection therewith are being and will be complied with.

D. PERIOD OF SPECIFIC USE PERMIT AND RENEWAL

A Specific Use Permit **shall** have a time limit of not more than one (1) calendar year, unless otherwise approved by the City Board of Aldermen. If the Specific Use Permit does have a time limitation of less than one (1) year attached, the expiration date shall be one (1) year from the date of issuance. Any permittee wishing a renewal of such Specific Use Permit for successive time periods shall make application for renewal, not less than twenty (20) calendar days before the Specific Use Permit expiration. Renewals shall be administratively processed, upon payment of the renewal fees, if there are not any complaints recorded against the Specific Use Permit. Failure to apply for the Specific Use Permit renewal prior to the expiration date shall or uses with three or more complaints in the past year shall result in the filing of a new application along with all the required documentation and applicable fees.

H. EFFECT OF DENIAL OF APPLICATION

No application for a specific use permit which has been denied wholly or in part by the City Board of Aldermen shall be re-submitted for a period of sixty (60) calendar days from the date of said denial.

(0) SPECIFIC USE PERMIT CONDITIONS

(1) Specific Uses must meet applicable conditions, including but not limited to:

ii. Home Occupations:

- (1) The area used in conducting the home occupation will be clearly secondary to the residential use and shall involve 25 percent or less of the gross square footage of one (1) story of the home, excluding the garage or carport.
- (2) All signs must have an aggregate gross square footage of 2 square feet or less and may not protrude more than two (2) inches from the face of the residence. The sign may not have any internal lighting or animation. Flashing lights, beacons, strobes, etc. are strictly prohibited. The sign may be silk screened, painted or carved identifying the owner, assumed business name as registered with the Hidalgo County Clerk and the State Comptroller, and the occupation of the business. The "open/closed" sign may not be electrified, and will be counted against the allowable two (2) square feet of gross sign area.
- (3) There shall be no exterior display or alterations indicating that the residence is being used for any purpose other than that of a dwelling.
- (4) There shall be no more than one (1) additional employee other than immediate family members residing on the premises.
- (5) There shall not be any outside storage of materials or product, except in accessory buildings as permitted by this Ordinance.
- (6) The permitted Specific Use shall not create frequent or heavy traffic, not greater than ten percent (10%) of the average daily traffic load per hour, per street.
- (7) No retail sales (items can be delivered).

- (8) Additions to the residence or accessory buildings specifically to accommodate the business are prohibited.
- (9) The business must take place in the primary residential structure on the premises rather than detached garage or accessory buildings.
- (10) The activity must take place at the location for which the Specific Use Permit was issued.
- (11) Delivery or pickup of materials, supplies, other raw materials, merchandise, or other products may not be made by tractor-trailers or other trucks in excess of 5-tons gross weight nor occur more than three times per seven-day week.
- (12) Operations of the home occupation shall not significantly increase in the use of utilities, and trash/refuse generation over that of other homes in the neighborhood and zoning district.

ii. Mobile Homes:

(1) An Owner-occupied mobile home is permitted:

- i. For residential purposes only;
- ii. On vacant unsubdivided tract of five (5) acres or more;
- iii. The owner of the mobile home must own the land on which it is located;
- iv. Must be located within two hundred feet (200') of a public road or street right-of-way;
- v. Must be connected to an approved potable water system and a wastewater disposal system;
- vi. Must be tied down to withstand winds of at least 90 mph;
- vii. Must have a solid waste contract in force to prevent the accumulation of garbage, trash, debris, rubbish, and other solid waste products.

(2) A mobile home for security or office purposes is permitted:

- i. Accessory to the permitted use;

- ii. Only one mobile home allowed on the premises;
 - iii. Must be related to an existing ongoing business located on the premises.
 - iv. Must be located within two hundred feet (200') of a public road or street right-of-way.
 - v. Must be connected to an approved potable water system and a wastewater disposal system;
 - vi. Must be tied down to withstand winds of at least 90 mph;
 - vii. Must have a solid waste contract in force to prevent the accumulation of garbage, trash, debris, rubbish, and other solid waste products.
- iii. Portable Buildings:
- (1) Same uses and requirements as Mobile Homes, above, except the minimum gross square footage for use as a home must be 900 square feet or more.
- iv. Bars, package stores (including convenience/quick stop/retail stores), cocktail lounges, taverns, cantinas, saloons, dancehalls, discotheques, discos, or nightclubs:
- (1) The property line of the lot of any of the above-mentioned businesses, especially those businesses having late hours (after 10:00 p.m.), must be at least three hundred (300) feet from the property line of the nearest residence, church, school, publicly owned property, or must provide sufficient buffering and sound insulation of the building, such that the business is not visible and does not emit noise in excess of 50 db(A) at the business property line.
 - (2) The above-mentioned businesses must be located within three hundred (300) feet of the centerline of Alton Blvd. (aka, State Highway 107) or Main Avenue (aka, FM 676) and must not ingress or egress onto any other public street.
 - (3) The above-mentioned businesses must provide parking in accordance with the Off-Street Parking requirements of this Ordinance as a minimum, and make provisions to prevent use of

adjacent street parking, especially in adjacent residential or school areas, by providing additional on-site parking.

- (4) The above-mentioned businesses must do everything reasonably possible to prevent the unauthorized parking of its patrons on adjacent businesses, residential, or school properties including but not limited to, installation of fences, hedges, and/or relocation of ingress and egress to the lot and/or establishment.
- (5) The above-mentioned businesses shall do everything reasonably possible and be designed to discourage criminal activities and vandalism, both on site and on adjacent properties. These measures shall include but are not limited to providing sufficient lighting, installation of a perimeter fence, elimination of under-illuminated areas, orientation of the building to provide maximum visibility of the site from the public street, employment of private security guards and off-duty law enforcement officers, etc.
- (6) The above-mentioned businesses must make provisions to keep litter, trash, and other solid waste to a minimum and keep it from contaminating adjacent public street rights-of-way and properties.
- (7) The above-mentioned businesses shall restrict the number of building occupants, both employees and patrons, to the lesser of maximum number allowed under the Specific Use Permit, the fire codes, public health codes, and other federal state, and/or local laws, ordinances, rules and regulations.

v. Guest House, Maids Quarters, Gardeners Quarters:

- (1) Maximum of one (1) allowed per lot;
- (2) Must meet all setback requirements;
- (3) Must be connected to electrical, an approved potable water supply with its own meter, its own wastewater disposal facilities, and other utilities that service the primary residence;
- (4) The gross lot area must be eight thousand (8,000) square feet or larger;
- (5) The ingress and egress for vehicles must use the same ingress and egress as the primary residence. Carports and/or garage structures may be separate from the primary residence;

- (6) May not be rented or leased to third parties;
- (7) If money or other valuable services or products are paid for rent , lease, or utilities, etc., the Specific Use Permit will be immediately revoked, null and void.

vi. Parking facilities for non-residential uses:

- (1) Side yards adjacent to residential Districts and school property are to be screened by an eight (8) feet to ten (10) high solid opaque fence that is resistance to sound transmission (minimum thickness of 2-inches and density of 35 lbs per cubic foot). Gaps shall not be allowed under the fence nor shall any holes be allowed through the fence.
- (2) The paved area is to be landscaped in compliance with the off-street provisions of this ordinance and other applicable city ordinances.
- (3) Lighting shall be directional and aimed away from the residential Districts and schools.
- (4) All utilities and drainage structures serving the parking facility shall be installed underground or be contained within the structure of the amenities such as light standards, conduits, manholes, drop structures, etc.

xiii. Produce Stands

- (1) Must be placed in an "AG", "C-1", "C-2", or I District;
- (2) Must take be placed on a tract of land of ½ acre or more with at least 75 feet of frontage on a public street;
- (3) Produce may be offered for sale out of a truck or automobile providing the bed is 12 feet long or shorter and trailers or other structures are not involved. Canvas or plastic tarps are allowed as sunshades;
- (4) No more than one truck or automobile may be permitted on a tract at one time;
- (5) The truck or automobile must be parked on private property, not on public right-of-way or public easements;

- (6) The truck or automobile must be parked at least 100 feet from the intersection of street right-of way lines;
- (7) The site must be vacated by trucks and automobiles entirely each night;
- (8) The produce sold must be raised by the vendor or his/her immediate household;
- (9) The operation may not occur on the same property for more than four (4) months in any one calendar year, unless a permanent structure with off-street parking is erected;
- (10) Proof of ownership of the property or written authorization from the property owner must be presented to City or law enforcement officials upon requested;
- (11) Ingress and egress of traffic must not interfere with the flow of traffic on the public road or street;
- (12) A permit must be obtained from the City by the vendor for each location that is used to offer produce for sale from produce stands, automobiles and trucks. A new permit must be obtained if the location changes; and
- (13) The sale of produce must be approved by appropriate federal, state, and local agencies having jurisdiction.

viii. Day Care Facilities:

- (1) Must meet all requirements of the Department of Human Resources;
- (2) Must have fences in the are for outside activities of children and/or adults patrons;
- (3) Must have a paved off-street parking area for the delivery and pick-up of children or adults patrons;
- (4) Area used for day care must be clearly secondary to residential use of the structure;
- (5) Person who applies for the Specific Use Permit must reside on the premises for which the use permit is applied;

- (6) There may not be more than two (2) day care facilities within six hundred feet (600') of each other as measured along the public street frontage between the two properties;
 - (7) No more than one day care facility shall be permitted on a dead-end street or cul-de-sac. The day care facility shall care for no more children or adult patrons than are permitted in a Registered Family Home by the Texas Department of Human Resources;
 - (8) Day care facilities accessed on streets less than 30 feet in width from back of curb to back of curb shall be prohibited;
 - (9) Day care facilities that care for more than ten (10) children or adult patrons shall be prohibited in residential zoning districts;
 - (10) Signage requirements are the same as for home occupations;
 - (11) Employee requirements are the same as for home occupations;
 - (12) If the owner of the property is not the operator of the day care facility, then the application must be signed by the owner and a letter of authorization for the operator from the owner must be submitted with the application;
 - (13) The ratio of providers to patrons shall not exceed one (1) provider for every five (5) patrons;
 - (14) The minimum age of the primary provider shall be at least twenty-one (21) years old. The secondary provider must be at least sixteen (16) years old and may not be left alone with the patrons unless he/she is at least twenty-one (21) years old.
- ix. Portable and/or temporary food concessions stands:
- (1) Cannot be located in "R-1", "R-2", "R-3", "D", "MF", or "MH" District;
 - (2) Must be inspected by the City Building Inspector and meet all applicable Building, Fire, Plumbing, Health, and Safety Codes;
 - (3) Must have a paved off-street parking available over and above what is required for a business or industry to which it is adjacent;

- (4) Must be tied down to withstand a 90 mph wind if the structure is a portable building or trailer;
 - (5) Must meet zoning district setback criteria and not be located in any easement;
 - (6) Must be connected to an approved potable water supplier with its own meter and must have its own approved wastewater disposal facilities; and
 - (7) Must have a bathroom for employees.
- x. Amusement parks, circus or carnival grounds, commercial recreational or amusement developments, tents, or other structures:
- (1) Must be located at least three hundred feet (300') from the nearest residential zoning district;
 - (2) Must have adequate restroom and other sanitary facilities for the patron loading;
 - (3) Food vendors must meet the standards of portable or temporary food concession stands except the sanitary facilities may be self-contained for those facilities that are operated for less than seven calendar days within the Alton Corporate limits;
 - (4) Must have a permit to operate within the Alton Corporate limits.
- xi. Railroads and private utilities:
- (1) Existing facilities may continue operating and be maintained in residential and commercial districts;
 - (2) New railroads and above ground utility structures must be located only agricultural and industrial zone districts unless permitted as a Specific Use other areas specified in the table shown in Section 19; and
 - (3) All new utility service lines in any residential area must be installed underground;

xii. Fireworks Stands & Other Temporary Merchandising Stands

- (1) Cannot be located in "R-1", "R-2", "R-3", "D", "MF", or "MH" District;
- (2) Must be inspected by the City Building Inspector and meet all applicable Building, Fire, Plumbing, Health, and Safety Codes;
- (3) Must have a paved off-street parking available over and above what is required for a business or industry to which it is adjacent;
- (4) Must be tied down to withstand a 90 mph wind if the structure is a portable building or trailer;
- (5) Must meet zoning district setback criteria and not be located in any easement;
- (6) Must be connected to an approved potable water supplier with its own meter, must have its own approved wastewater disposal facility and hand washing facility.

xiii. Merchandise Stands Utilizing Vehicles

- (1) Cannot be located in "R-1", "R-2", "R-3", "D", "MF", or "MH" District;
- (2) Must take be placed on a tract of land of ½ acre or more with at least 75 feet of frontage on a public street;
- (3) Merchandise may be offered for sale out of a trailer, truck, van or automobile providing the bed is 12 feet long or shorter and trailers or other structures are not involved. Canvas or plastic tarps are allowed as sunshades;
- (4) No more than one trailer, truck, van or automobile may be permitted on a tract at one time;
- (5) The trailer, truck, van or automobile must be parked on private property, not on public right-of-way or public easements;
- (6) The trailer, truck, van or automobile must be parked at least 100 feet from the intersection of street right-of way lines;

- (7) The site must be vacated by the trailer, truck, van or automobile entirely each night;
- (8) The vendor must have obtained a license from the City and the seller(s) must be the vendor or his/her immediate household; and
- (9) The trailer, truck, van or automobile needs to be equipped to carry at least three-gallons of drinking water, have an approved mobile toilet facility, and hand washing provisions.

xiv. Other Restrictions or Conditions

- (1) The Planning and Zoning Commission may impose additional reasonable restrictions or conditions to carry out the spirit and intent of this Ordinance and to mitigate adverse effects of the proposed use. These requirements may include, but are not limited to, increased open space, loading and parking requirements, suitable landscaping, additional improvements such as curb & gutter and sidewalk, increased setback requirements, etc.

SECTION 21: OFF-STREET PARKING AND LOADING REQUIREMENTS GENERALLY

A. PURPOSE

To secure safety from fire, panic and other dangers; to lessen congestion in the streets; to facilitate the adequate provision of transportation; to conserve the value of buildings; and to encourage the most appropriate use of land, minimum off-street parking and loading areas shall be provided as set forth in the following schedules, provisions and as required by Section 19 above. In all districts there shall be provided at the time any building or structure is erected or structurally altered. All parking and maneuvering space shall be provided on private property unless otherwise indicated. When, in the opinion of city officials, the provisions of this Section are not adequate, such additional requirements as may be necessary and desirable may be required as recommended by the Planning & Zoning Commission and approved by the City Board of Aldermen.

B. GENERAL PROVISIONS FOR OFF-STREET PARKING

- (1) Parking facilities required herein shall have an all-weather surfacing (paved) and shall be connected by an all-weather surfaced driveway to the paved street or alley. An all-weather surface parking facility shall be of asphalt or portland cement concrete construction.
- (2) No parking space shall be less than eighteen feet (18') in length and nine and one-half feet (9½') in width. Exception: parking spaces may be reduced in length when a tire stop curb is installed sixteen feet (16') from the maneuvering lane and a clear space of two feet (2') is provided for a vehicle overhang. The overhang is not permitted over public property, a sidewalk, or a setback in which parking is not permitted. Such reduction is permitted only when the width of the maneuvering lane is maintained at twenty-six feet (26') or greater. Handicapped spaces shall be at least fifteen (15) feet wide.
- (3) Sixty degree angled parking shall be at least twenty (20) feet in length when measured at right angles to the parking line and nine and one-half (9½) feet wide when measured perpendicular to the parking angle. Maneuvering space shall be at least sixteen (16) feet wide in clear distance.
- (4) Forty-five degree angled parking shall be at least nineteen (19) feet in length when measured at right angles to the parking line and nine and one-half (9½) feet wide when measured perpendicular to the parking angle. Maneuvering space shall be at least twelve (12) feet wide.
- (5) The space required for maneuvering vehicles into and out of parking spaces in such a manner as to preclude the backing of any vehicle into any street right-of-way is called maneuvering space. Such maneuvering space shall be no closer than six (6) feet from the back edge of the curb. Maneuvering space shall be at least twenty-four (24) feet wide, unless otherwise specified in this Ordinance. When off-street parking facilities are located adjacent to a paved public alley, the width of the alley right-of-way may be used as a portion of the maneuvering space requirement.
- (6) Required off-street parking for residential uses shall be provided on the lot or tract occupied by the principal use. Single-family residential property requires two off-street parking spaces per lot. If a dwelling occupies multiple lots, the number of off-street parking spaces required will be two (2) times the number of lots occupied. Multiple-family dwellings such as duplexes, triplexes, quadraplexes, apartments, condominiums, etc. require two or more off-street parking spaces per dwelling unit per the Section 18. Where the lot was subdivided prior to January 1, 1996, or where the lot has less than fifty feet (50) of frontage an exception may be granted to allow one of the two required parking spaces to be on the public

street if the lot contains less than 5,000 square feet gross area. No maneuvering space is required for single-family and duplex residential properties.

- (7) Required off-street parking for permitted non-residential uses shall be provide on the lot or tract occupied by the principal use, upon a portion of said lot or tract which is contained in the same zoning district as the principal use. The City Board of Aldermen may permit a parking facility to accommodate either required or additional off-premise parking, as a special exception, under such regulations and conditions as the City Board of Aldermen may deem advisable, when the proposed parking facility is on a platted lot within one hundred fifty feet (150') of the principal use property. The City Board of Aldermen shall approve the location of entrances and exits to these parking facilities and may require screening devices along the parking facility boundaries. At least, one ingress and egress shall be from a public street.
- (8) In determining the required number of parking spaces, fractional spaces shall be rounded up to the next whole space. Parking spaces located in buildings used for repair garages or car washes shall not be counted as meeting the required minimum parking.
- (9) The floor area of structures devoted to off-street parking of vehicles shall be excludes in computing the floor area off-street parking requirements.
- (10) Where a lot or tract of land is used for a combination of uses, the off-street parking requirements shall be the composite or sum of the requirements for each type of use and no off-street parking space provided for one type use or building shall be included in calculation of the off-street parking requirements for any other use or building except as prescribed by this ordinance.
- (11) Head-In Parking: The following provisions shall apply to all head-in parking adjacent to a public thoroughfare:
 - (a) Head-in parking spaces shall be so situated that the maneuverings of a vehicle in entering or leaving such spaces is done on a public street or within public right-of-way shall not be classified as off-street parking in computing any parking requirements herein; and
 - (b) The construction of head-in parking as described in subparagraph (a) hereof shall be prohibited hereafter. All such head-in parking facilities in existence at the time of enactment of this section are hereby declared to be nonconforming use of land subject to the provisions of Section 23 of this ordinance.
- (12) No off- street parking facility shall be located, either in whole or in part, in a public street or sidewalk, parkway, alley, or other public right-of-way.

- (13) No off-street parking or loading space shall be located, either in whole or in part, within any fire lane required by the city or within aisles, driveways or maneuvering areas necessary to provide reasonable access to any parking space. Tandem parking is prohibited, unless specifically authorized by variance granted by the Zoning Board of Adjustment.
- (14) No required off-street parking facility shall be used for sales, non-vehicular storage, repair or service activities.
- (15) Off-street lighting facilities shall be refracted away from property zoned or used for residential purposes.
- (16) No asphalt or portland cement concrete paving shall be permitted in the city, county or state rights-of-way or in any required setback where parking facilities are prohibited unless such paving is intended for use as a drive approach approved for access to property or such paving is required to meet minimum city street and sidewalk standards.
- (17) For multi-family and non-residential uses, parking spaces shall be striped or otherwise clearly designated on the parking facility surface, and shall not include any fire lane or other area necessary for aisles or maneuvering vehicles.
- (18) For multi-family and non-residential uses, handicapped parking shall be provided at the rate of one space for each ten (10) parking spaces or fraction thereof. A minimum of one handicapped parking space is required for those lots with less than ten (10) parking spaces. Handicapped spaces shall be a minimum of fifteen (15) feet wide.
- (19) Handicapped parking shall be required at the rate of one handicapped space for each ten non-handicapped parking spaces or fraction thereof. Single-family and Duplexes are exempt from the requirement to provide handicapped parking spaces. Triplexes and other multi-family residential properties are required to provide handicapped parking spaces.
- (20) When off-street parking facilities are provided in excess of the minimum amounts herein specified, or when off-street parking facilities are provided, but not required by this Ordinance, said off-street parking facilities shall comply with the minimum requirements for parking spaces, maneuvering space and handicapped spaces herein specified.
- (21) Whenever a property is changed or enlarged in floor area, number of employees, number of dwelling units, seating capacity or otherwise, to create a need for an increase to ten (10) percent or more in the number of existing parking spaces, such space shall be provided on the basis of the enlargement or change.

Whenever a building or use existing prior to January 1, 1996 is enlarged to the extent of fifty percent or more in floor area used, said building or use shall then thereafter comply with the parking requirements set forth herein.

- (22) In case of mixed uses, the parking spaces required shall equal the sum of the requirements of the various uses computed separately.
- (23) All parking spaces required herein shall be located on the same property with the activity or establishment, except that where an increase in the number of spaces is required by a change in use or enlargement or where such spaces are provided collectively or used jointly by two (2) or more activities or establishments, the required spaces may be located up to three hundred feet (300') from the establishment(s) provided the handicapped spaces are located at or within 75 feet of the establishment.
- (24) No more than fifty percent (50%) of the parking spaces required for theaters, bowling alleys, dance halls, nightclubs, cafes or funeral homes and up to one hundred percent (100%) of parking spaces required for a church or school auditorium may be provided and used jointly by banks, offices, retail stores, service establishments, and similar uses not open, used or operated during the same hours; provided that written joint use agreement thereto is properly executed and filed as specified below.
- (25) In any case where the required parking spaces are not located on the same property with the activity or establishment, or where such spaces are collectively or jointly provided and used, a written agreement thereby assuring their retention for such purposes, shall be properly drawn and executed by the parties concerned, approved as to form by the City attorney and shall be filed with the application for a building permit. Should such agreement terminate, be canceled or otherwise be voided, the parties shall notify the City within fifteen calendar days of the date of the expiration of termination notice and provide an alternate parking space plan proposal. If such notification and plan proposal is not made to the City prior to the termination of the joint or shared use parking agreement, the establishments operating under the joint or shared parking use agreement shall cease operations until such time that they provide the required parking either through another joint or shared parking use agreement or construction of the on-site parking spaces.
- (26) All loading areas and their ingress and egress shall be heavy-duty pavements. The parking and loading spaces shall be clearly marked by colored paint, buttons, or other approved traffic and parking devices.
- (27) The minimum ingress-egress requirements for off-street parking lots are:

- i. All ingress and egress driveways shall have a curb and gutter between the parking lot and the public street.
- ii. One-way entrance and exit driveways shall be a minimum of twelve (12) feet and a maximum of twenty-five (25) feet wide at the property line.
- iii. Two-way entrances and exits shall be a minimum of twenty-five (25) feet and a maximum of forty-five (45) feet wide at the property line. A raised center island that starts at the property line and is a minimum of eight (8) feet long shall divide two-way entrances and exits. The curb on this center island shall be painted yellow.
- iv. The curb radius shall be between five (5) and twenty-five (25) feet. The width of the driveway, street length, and traffic volumes must be considered when setting curb radii so as to minimize hazards from entering and exiting public street traffic flow.
- v. Obstruction to visibility at the intersection of ingress and egress driveways with public streets or alleys shall comply with the provisions of this ordinance and shall not be less than required by the Manual of Uniform Traffic Control Devices, Texas Supplement.
- vi. Entrance and exit driveways shall be as near to the middle of the block as practical and must not be located closer than one hundred twenty-five (125) feet from the centerline of intersecting public roadways whenever technically feasible. The City on a plat layout diagram must approve the exact location of the off-street parking lot ingress and egress point(s) at the time of issuance of the building permit. Both the City and TXDOT must approve ingress and egress points involving intersections with roadways under the jurisdiction of the Texas Department of Transportation. The City reserves to reduce the number of ingress and egress points or combine one-way ingress and egress driveways where requirements of traffic safety demand. The cost of such reductions or driveway combination will be borne by the applicant.
- vii. As a general guide, parking lots with more than seventy-five (75) parking spaces shall have more than one (1) entrance and one (1) exit and parking lots with more than one hundred fifty (150) parking spaces shall have entrances and exits on more than one (1) public street or alley, one of which must be a public street. The specific requirements for the number of ingress and egress

driveways will be determined by the nature of the establishment, anticipated traffic flow in and around the parking lot, and the requirements for traffic and pedestrian safety.

- (28) Where no maneuvering space is provided in the existing Central Business District, "C-1" District, a six-foot (6') wide sidewalk shall be provided on the building side of the parking area.
- (29) Where none of the foregoing rules and guides are applicable to an existing situation, the method for computing the parking requirement shall be the one established by "Traffic Engineering & Practice," Louis Pisnatro, Prentice Hall or "Parking in the City Center," Wilbur Smith & Associates, New Haven, Connecticut, or other parking data from Acceptable Publications.

C. OFF-STREET LOADING REQUIREMENTS

Except in the "C-1" District, all retail, commercial and industrial uses shall be provided with off-street facilities for receiving and loading merchandise, supplies and materials within a building or on the lot or tract. Such off-street loading space may be adjacent to a public alley or private service drive or may consist of a truck berth within the structure. Such off-street loading space or truck berth shall consist of a minimum area of ten by forty-five feet (10'x 45') and such spaces or berths shall be provided in accordance with the following schedule for each ten thousand square feet (10,000 ft²) or fraction thereof, of gross floor area in the building shall be provided. Said loading space(s) shall normally be provided at the rear of the building.

<u>Square Feet of Gross Floor Area in Structure</u>	<u>Minimum Required Spaces or Berths</u>
0 to 10,000	1
10,001 to 20,000	2
20,001 to 30,000	3
30,001 to 40,000	4
40,001 and greater	4 + (gross floor area - 40,000)/10,000 rounded up to next whole number.

The existence of a twenty-foot (20') alley adjacent to the property shall be construed as equivalent to one (1) berth. All off-street loading spaces shall have an all-weather surface of asphalt or Portland cement concrete construction and shall be accessible by a heavy-duty street, driveway or alley. No loading docks shall be constructed facing on any public street or highway unless said loading dock is at least seventy-five feet (75') from the right-of-way line of the street or highway on which said loading dock fronts.

D. City Owned Parking Lot Permits

(1) The City hereby authorizes the leasing and any future off-street parking spaces on city-owned property to individuals or business establishments to be utilized by such lessees upon the terms and conditions as follows:

- i. All parking permits shall be good for one calendar year beginning the first day of the month it was purchased.
- ii. The annual rental for such parking space shall be one hundred eighty dollars (\$180.00), payable annually in advance. This amount may be increased from time to time, but only on the permit anniversary and with authority of the City Board of Aldermen.
- iii. The annual permit for the succeeding year may be purchased beginning the first day of the expiration month.
- iv. A five calendar-day grace period will be given after expiration of the annual parking permit. Extension of the grace period will not be made if the fourth and/or fifth day of the grace period falls on a Saturday or Sunday.

(2) Any person leasing a parking space shall have the right at any time to park in any city-owned off-street parking lot without necessity of putting any money into the parking meter thereon located. However, the City does not guarantee that a space will be available.

(3) The City will issue a permit to the lessees of such spaces of a form and design to be determined and provided by the City. Such permit shall have the two-digit year during which it is valid with the months along three sides of the permit sticker. The expiration month will be punched out. Permits shall be nontransferable

(4) Each holder of a lease for said one-year period shall be issued a sticker that shall be placed on the driver's side of the rear window.

(5) In the event of the destruction of a vehicle on which such annual parking permit sticker is located to such an extent that the vehicle is no longer used, or in the event of a transfer of title of such vehicle, such sticker shall be removed by the owner of the vehicle and returned to the Police Department so that the Police Department may issue a new sticker for the remaining portion of the term for which it was paid and which shall be immediately placed on the owner's new vehicle as indicated.

(6) Owners or tenants required by this Section to furnish off-street parking spaces in accordance with the off-street parking requirements above, may in lieu thereof, purchase off-street parking permits in an amount up to an equivalent of twenty-

five (25) percent of the required non-handicapped parking spaces required, provided that:

- i. The required number of off-street parking spaces in city-owned lots does not exceed ten percent (10%) of the parking spaces available in the city-owned lots.
 - ii. At least seventy-five (75) percent of the off-street parking permits required must be provided on site or within 150 feet of the establishment.
 - iii. On existing buildings where enlargement or change of use is contemplated that does not directly create a need for additional parking, such as warehouse or storage facilities, no additional parking will be required for such enlargement or change, except where the enlargement is greater than ten percent (10%) of existing floor area or where the change in use requires an increase to existing parking. Any enlargement of less than ten percent (10%) of the existing floor space and thus required additional parking shall be permitted only once, and the right to such enlargement without providing additional parking is not cumulative.
 - iv. To alleviate undue hardships from the strict application of the terms of this section, as amended, persons aggrieved may appeal the decision of City staff within ten (10) calendar-days of the decision directly to the City Board of Aldermen. A hearing on the merits of the complaint after due notice to all parties involved, and as required by state law, will be held at the earliest possible date.
- (7) Each lessee will receive a copy of this section at the time of purchase of the annual parking permit.
- (8) The City reserves the right based upon its best judgment at any time to cancel and terminate any permit issued as authorized by this section. The City will refund to the purchaser or lessee the prorated value of the unused term thereof based upon the number of whole months remaining on the parking permit. Credit will not be made for partial months of unused parking permit privileges.
- (9) The City reserves the right based upon its best judgment at any time to cancel and terminate any permit issued as authorized by this section. The City will not refund to the purchaser or lessee the prorated value of the unused term if the cancellation or termination of the permit is based upon a violation of the conditions of the permit.

- (10) The City reserves the right based on its best judgment related to the use and anticipated use under this section of off-street parking spaces to limit the total number of permits that may be granted for such existing spaces and, when the total available number is reached to terminate any further leases unless as a result thereof, additional off-street parking space is acquired by the City.
- (11) The City shall maintain a continuing record of all permits issued by purchasers name, purchaser address, license plate number of the vehicle, vehicle identification number, permit serial number, and permit expiration date.

E. COMMERCIAL LOT OFF-STREET PARKING AND LOADING FACILITY REQUIREMENTS

- (1) The general requirements for commercial off-street parking and loading facilities shall be paved with an all-weather surface such as hot mixed asphaltic concrete or Portland cement concrete. Caliche surfacing is not acceptable. This provision applies to all commercial lots, specifically, any outdoor space, uncovered plot, place lot, parcel, yard, enclosure, or any portion thereof, where one or more vehicles may be parked, stored, housed or kept for which any fee or other valuable exchange of property, services, labor, or other consideration is made or which is used by employees of a business or other commercial establishment or which is for the use of trailers, connected to tractors or not, or any type of commercial vehicle, including heavy equipment.
- (2) All commercial parking lots specified under this Ordinance shall be paved in accordance with the specifications and standards set forth in the Ordinances of the City of Alton, included but not limited to those generally accepted engineering standards.
- (3) The commercial parking lot lanes shall be clearly marked by traffic paint, buttons, or other materials meeting specifications and standards set for the suitability of such materials for the herein described purpose. Paving plans shall be part of the building permit, and failure to construct paved parking in accordance with the building permit shall be a violation of this ordinance. A certificate of occupancy shall not be issued if the parking lot is not constructed in accordance with the Ordinances, rules, and regulations of the City.
- (4) Where a dead storage parking lot is adjacent to or within one hundred (100) feet of a residential district or residential development, items E(1) through E(3), above, shall apply. The dead storage lot shall also be screened by an opaque eight (8) feet fence or higher.

- (5) Where a dead storage parking lot is more than 100 feet from a residential district or residential development, there shall be a concrete apron at the entrance of the parking lot from the public street or alley to at least fifteen feet inside the property line and the rest of the lot shall, at a minimum, be covered with six (6) inches of compacted caliche. The dead storage lot shall also be screened by an opaque six (6) feet fence or higher.
- (6) All commercial and dead storage parking lots shall meet the requirements of this Ordinance on or before January 1, 2002.

SECTION 22: DISTRICT DIMENSIONAL REQUIREMENTS

Minimum requirements within the various districts shall be observed as shown below:

DISTRICT	FRONT YARD DEPTH (FT)	SIDE YARD DEPTH (FT)	REAR YARD DEPTH (FT)	LOT AREA (SQ. FT.)	LOT WIDTH AT SETBACK	LOT WIDTH AT FRONTAGE
AG	25	25	25	21,780	50	30
R-1	25	15	25	9,000	80	30
R-2	25	10	25	6,000	50	30
R-3	20	5	20	5,000	50	30
D	25	7.5	25	6,000	50	30
MF	25	20 ⁽²⁾	15	6,000 ⁽¹⁾	75	30
MH	25	12	15 ⁽³⁾	3,250 ⁽³⁾	40 ⁽³⁾	30
PD	25	20 ⁽²⁾	15	6,000 ⁽¹⁾	25	25
C-1	NONE	NONE ⁽⁴⁾	NONE ⁽⁴⁾	NONE	25	25
C-2	35	10 ⁽⁴⁾	NONE ⁽⁴⁾	NONE	25	25
I	35	20 ⁽⁵⁾	NONE ⁽⁴⁾	NONE	NONE	NONE

FOOTNOTES:

- (1) 3,000 square feet for first dwelling unit and 2,000 SF for each additional dwelling unit. A minimum of three dwelling units required.
- (2) 20 feet required for exterior side lots
- (3) As per the requirements of the Subdivision Ordinance
- (4) 20 feet is required when lot is abutting a residential district or development
- (5) 40 feet is required when lot is abutting a residential district or development

SECTION 23: STANDARDS FOR CONDOMINIUM AND TOWNHOUSE PLANNED DEVELOPMENT

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

The following standards are set forth as guidelines for the preparation of a development plan as required for "PD" Districts, which incorporate condominium and/or townhouse development. Consistent with the intent of the "PD" Districts, these standards may be modified as may serve the best interests of the community upon approval of the development plan.

(1) Condominium and Townhouse Lots

The following minimum requirements should apply to each lot used for condominium or townhouse development:

- (a) Area of lot- Three thousand (3,000) square feet;
- (b) Depth of Lot- One hundred feet (100'), except where the lot backs up to a freeway, expressway, or thoroughfare, in which case the minimum depth of lot shall be one hundred twenty feet (120');
- (c) Width of Lot - Twenty-five (25) feet minimum;
- (d) Front Yard Setback- Twenty-five feet (25'); and
- (e) Exterior Side Yard- Where a side lot line abuts a street, a side yard of twenty feet (20') shall be required.

Street access to a condominium or townhouse lot shall be required in order to provide fire protection and sanitation service.

(2) Spacing Between Buildings

Dwelling units should be in groups of not less than three (3) condominium or townhouse units nor more than eight (8) units; but in no event should more than one quarter of the total building groups contain eight (8) condominiums or townhouses. The total length of any one group of units should not exceed the overall length of two hundred twenty-five feet (225'). There shall be a minimum space of forty-five (45) feet between building groups and twenty feet (20') between the end of a building and a street, private drive or alley.

(3) Open Space

Not less than 40% of the total gross land area shall be open space or permanent landscaped areas. Such open space shall be used exclusively for the purpose of installation of recreational facilities and green or landscaped areas. Flood plains, or any standing surface water, other than swimming pools may be considered open space if specifically approved by the City Board of Aldermen.

(4) Density

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

(5) Living Area in Each Condominium or Townhouse Unit

The minimum living area for a one bedroom condominium or townhouse unit shall be nine hundred (900) square feet; two (2) bedroom units shall have a minimum of one thousand (1,000) square feet; three (3) or more bedroom units shall have a minimum of one thousand two hundred fifty (1,250) square feet living area; exclusive of garages, breezeways, patios and porches.

(6) Exterior Fire Resistant Construction

All main buildings shall be of exterior fire resistant construction having at least eighty percent (80%) exterior walls constructed of brick, brick veneer, stone veneer, stucco or other masonry, or materials of equal characteristics, or as approved in the review of the development plan.

(7) Fire Walls

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

(8) Utilities

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

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

(9) Parking Regulations

Off-street parking requirements shall be in accordance with the parking schedule found in Section 18 and in accordance with Section 21 hereof. Such off-street parking shall be enclosed by a garage or covered by a carport. Additional guest

parking spaces shall also be placed in groups scattered through the development to accommodate the guests of the homeowners.

(10) Recreational Facilities

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

(11) Recreational Vehicles and Equipment

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

(12) Sanitation Services

Sanitation services within each condominium or townhouse development should be provided by any of the following:

- (a) Stationary compaction system provided the homeowners' association is responsible to own, collect, and place trash into the compactor;
- (b) Plastic bag or can system; and/or
- (c) Trash container system.

(13) Screening

In the event that a condominium or townhouse development backs up or sides upon single family residential districts, except a mobile home district, a solid fence wall or hedge of not less than six feet (6') shall be erected or placed, or grown and maintained along property line separating the two districts. However, no such screening fence shall be erected so as to obstruct the vision of motorists at alley, street or drive intersections. Screening in the front yard setback shall not exceed four feet (4') in height.

(14) Construction Requirements

All streets, parking area, access drives, sidewalks, and drainage structures constructed on private at public property shall be approved by the city and constructed in accordance with the city's subdivision regulations. Handicapped access facilities and amenities are required.

(15) Homeowners' Association

Where any condominium or townhouse development plan proposes the reservation of land or structure in common ownership for recreational, parking, landscape or open land space use or for any other use, or private streets are

proposed, a homeowners' association shall be required for the purpose of control over the development and maintenance of such private land, streets and facilities which are intended to be owned in common.

A homeowners' association shall be established by the developer for the purpose of control over the private facilities of the project. Preliminary bylaws, restrictions and other covenants shall be submitted with the application for zoning or site plan approval. Prior to issuance of building permits, final homeowners' association must be approved by the City Board of Aldermen. The responsibility and control of the homeowners' association shall be with the developer until such time that eighty percent (80%) of the dwelling units are occupied. The homeowners' association must include, but not necessarily be limited to, the following requirements:

- (a) Mandatory membership from all residents and owners in the association;
- (b) A system for payment of association dues to be collected with mortgage payment;
- (c) Provisions for enforcement of the rules and regulations within the development and association;
- (d) Deed restrictions pertaining to size, architectural style and type of building materials used in the construction of dwelling units and other buildings erected on the site;
- (e) Provisions for the construction, maintenance and repair of all open land, buildings, facilities and improvements determined to be private or common as established by the site plan;
- (f) Provisions for storage and control of boats, campers, old automobiles and other items considered being unsightly;
- (g) In the event the approved association does not perform its specified responsibilities or fulfill its obligations as specified in the homeowners' association, or is declared nonexistent for any reason, the city shall have the right to levy special assessments against the property on a pro-rata basis for the cost of maintenance or the cost of correcting any such condition for which the association was responsible and the lien holder shall be responsible for collecting such levies and assessments and transmitting such funds to the city; and
- (h) Such other provisions as deemed appropriate to secure a sound and stable association.

SECTION 24: CLASSIFICATION OF NEW AND UNLISTED USES

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

The applicant shall refer the question of any new or unlisted use to the Planning and Zoning Commission requesting an interpretation as to the zoning classification into which such use may be placed. Such request shall be accompanied by a statement of facts listing the nature of the use and amount or nature thereof, enclosed or open storage, anticipated employment, transportation requirements, the amount of noise, odor, fumes, toxic material and vibration likely to be generated and the general requirements for public utilities and public sanitation collection.

The Planning and Zoning Commission shall then consider the nature and described performance of the proposed use and its capability with the uses permitted in the various districts, and after public hearing, determine the zoning district or districts within which such use should be permitted. Following its decision, the Planning and Zoning Commission shall submit its recommendation to the City Board of Aldermen for final approval. The same procedures should be followed as outlined in Section 26 pertaining to amendments, including the public notice and hearing requirements, when considering any zoning classification request for a new or unlisted land use.

SECTION 25: NONCONFORMING USES

A. NONCONFORMING USE OR STRUCTURE DEFINED

When a use or structure does not conform to the regulations prescribed in the district in which such use or structure is located and was in existence and lawfully operating prior to the adoption of any previous zoning ordinance and has been operating since without continuance, or when on the effective date of this ordinance, the use or structure was in existence and lawfully constructed, located and operating in accordance with the provisions of any previous zoning ordinance or which was a nonconforming use hereunder, and which use or structure does not now conform to the regulations herein prescribed for the district in which the use or structure is located, such use or structure shall be considered as a nonconforming use or structure.

B. NONCONFORMING LOTS OF RECORD

In any district in which residential, commercial or industrial buildings are permitted, buildings may be erected on any single lot of record or multiple lots, provided there is access to such buildings or swelling units from a street and it's

same ownership which uses are recorded prior to the effective date of this ordinance in the same ownership. This provision shall apply even though such lot or lots fail to meet the minimum requirements for area, width, or both, for such districts in which located; however, all other requirements shall still apply. Any required variances shall be obtained only through the Zoning Board of Adjustment.

C. EXPANSIONS, ENLARGEMENTS OR MOVING PROHIBITED

No nonconforming use or structure may be expanded or increased beyond the lot or tract of land upon which such nonconforming use or structure is located after the passage of this ordinance except to provide off-street loading or off-street parking space. Routine maintenance of the structure or use may occur providing the cost does not exceed ten (10) percent of the structure or use replacement value in any calendar year and that the gross square footage of the structure or use does not increase.

Should any such structure be moved for any reason, for any distance whatsoever, it shall be required to conform to the regulations and standards for the district in which it is located.

To avoid undue hardship, nothing in this ordinance shall be deemed to require a change in the plans, construction or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this ordinance and upon which a building permit has been properly secured from the city. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner. Where excavation or demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such excavation or demolition or removal shall be deemed to be actual construction, provided that work shall be carried on diligently.

D. WHEN DISCONTINUED, CONFORMANCE REQUIRED

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

E. CLASSIFICATION CHANGES

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

For the purpose of this regulation, uses permitted in the "R-1" Districts shall be deemed to be those in the most restrictive zoning classification while industrial districts shall be the least restrictive.

F. WHEN RESTORATION ALLOWED

A nonconforming structure destroyed or damaged by fire, flood, wind, earthquake, explosion or other casualty, or by the public enemy, to the extent where the cost of restoration would amount to less than fifty percent (50%) of its assessed value may be restored. If the damage is in excess of fifty percent (50%) of its value, application for restoration shall first be made to the Zoning Board of Adjustment to permit such restoration. The board may grant or deny such restoration only after public hearing and taking into consideration the property owners circumstances and the effect on the surrounding property. Homeowners, as shown by the Appraisal District records on the effective date of this ordinance, shall be able to restore their property regardless of the extent of destruction, without making application to the Zoning Board of Adjustment. However, said restoration shall comply with all construction codes then in effect within the city and must be started within one (1) year. The failure to start restoration or reconstruction within one (1) year shall forfeit the owner's right to restore or reconstruct the same unless as a conforming use or building. Historic structures shall be restored to the architectural style of the historical period they represent.

G. BOARD-APPROVED USES CONSIDERED CONFORMING

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

SECTION 26: ZONING BOARD OF ADJUSTMENT

A. ORGANIZATION OF ZONING BOARD OF ADJUSTMENT

There is hereby created a Zoning Board of Adjustment which shall consist of five (5) members who are residents of the city, each to be appointed by the City Board of Aldermen for a term of two (2) years and removable for cause by the City Board of Aldermen upon written charges and after public hearing. No more than two (2) of the Board Members may be on the City Board of Aldermen, nor may more than one of the alternate be a member of the Board of Aldermen. The City Board of Alderman shall designate one (1) member as chairperson. Vacancies shall be filled for the unexpired term of any member whose place becomes vacant for any cause, in the same manner as the original

appointment was made. Provided, however, that the City Board of Alderman may appoint two (2) alternate members of the board who shall serve in the absence of one (1) or more of the regular members when requested to do so by the chairperson of the board or the mayor, as the case may be. All cases to be heard by the Board shall always be heard by a minimum of four (4) members. Alternate members, when appointed, shall serve for the same period as the regular members, which is for a term of two (2) years, and any vacancy shall be filled in the same manner and they shall be subject to removal the same as the regular members. Any Board Member who has a conflict of interest either financial or by first or second genealogical relationship shall abstain from voting on the request presented to the Board.

B. OPERATIONAL PROCEDURE

- (1) The Board shall adopt rules to govern its proceedings provided, however, that such rules are not inconsistent with this ordinance or state law. Meetings of the board shall be held at the call of the chairperson and at such other times as the board may determine, and in accordance with the Open Meetings Law. The chairperson, or in his or her absence, the vice-chairperson or acting chairperson, may administer oath and compel the attendance of witnesses.
- (2) 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 record of its examinations and other official actions, all of which shall be immediately filed in the office of City Clerk and shall be a public record.
- (3) Appeals to the Board can be taken by any person aggrieved by any decision of the City Administrator or his or her designated zoning administrator or by any officer or department of the City. Such appeal shall be taken within fifteen (15) calendar days after the City Administrator has rendered the decision or designated administrative officer, by filing with the City Clerk and with the Board, a Notice of Appeal specifying the grounds thereof. The officer or department from whom the appeal is taken shall forthwith transmit to the Board all the papers constituting the records upon which the action appealed from was taken.
- (4) An appeal shall stay all proceedings in furtherance of the action appealed from, unless the City Administrator or designated administrative officer from whom the appeal is taken certifies to the Board, after the Notice of Appeal shall have been filed with him or her, that by reasons of facts stated in the certification, a stay would, in his or her opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board or a court of

record on the application or notice to the officer from whom the appeal is taken and on due cause shown.

- (5) No appeal to the Board for the same or related variance on the same piece of property shall be allowed prior to the expiration of sixty (60) calendar days from a previous ruling of the Board on any appeal to such body unless other property in the immediate vicinity has, within the said sixty (60) calendar day period, been changed or acted on by the Board or City Board of Aldermen so as to alter the facts and conditions on which the previous board of action was based. Such a change of circumstances shall permit the re-hearing of an appeal by the Board, prior to the expiration of sixty (60) calendar days period, but such conditions shall in no way have any force in law to compel the Board, after a hearing, to grant a subsequent appeal. Such subsequent appeal shall be considered entirely on its merits and the peculiar and specific conditions related to the property on which the appeal is brought.
- (6) At a public hearing relative to any appeal, any interested party may appear in person or by agent or by attorney. The burden of proof shall be on the applicant to establish the necessary facts to warrant favorable action of the board on any appeal or variance request. Any special exception or variance granted or authorized by the Board under the provisions of this ordinance shall authorize the issuance of a building permit or a certificate of occupancy, as the case may be, for a period of six (6) months from the date of the favorable action of the Board unless said Board shall have in its action approved a longer period of time and has so shown such specific longer period in the minutes of its action. If the building permit and/or certificate of occupancy shall not have been applied for within said six (6) month period or such extended period as the Board may have specifically granted, then the special exception or variance shall be deemed to have been waived and all rights hereunder terminated. Such termination and waiver shall be without prejudice to a subsequent appeal and such subsequent apple shall be subject to the same regulation and requirement for hearing as herein specified for the original appeal.

C. ACTIONS OF THE BOARD OF ADJUSTMENT

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

- (2) The concurring vote of four (4) members of the Board shall be necessary to reverse any order, requirement, decision or determination of the City Administrator or other administrative official, or to decide in favor of the application on any matter upon which it is required to pass under this ordinance or to effect any variance in said ordinance.
- (3) Any person or persons, jointly or severally aggrieved by any decision of the Board or any taxpayer or any officer, department, or board of municipality may present to a court of record (district court) a petition, duly verified, setting forth that such decision is illegal, in whole or in part, specifically the grounds of illegality. Such petition shall be presented to a court within ten (10) calendar days after the filing of the decision in the office of the Board and not thereafter.

D. NOTICE OF HEARING BEFORE BOARD REQUIRED

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

Additionally, the City Administrator should erect at least one (1) sign on the property in which a variance has been requested. Such sign shall be erected adjacent to a street if possible and should have an area of at least four (4) square feet. The sign should state that a zoning variance has been requested on that particular property and the telephone number of the city offices from where dates of public hearings and more information about the zoning variance request may be obtained. The sign should be erected prior to the hearing as early as possible and convenient, but not less than seven (7) calendar days prior to the hearing. The erection and continued maintenance of this sign, however, shall not be deemed a condition precedent to the granting of any zoning variance or the holding of public hearing.

E. JURISDICTION BOARD

When, in its judgment the public convenience and welfare will be substantially served and the appropriate use of the neighboring property will not be substantially or permanently injured, the Board may, in specific cases after public notice and public hearing and subject to appropriate conditions and

safeguards, authorize the following variances and special exceptions to the regulations herein established and take action relative to the continuance and discontinuance of a nonconforming use:

- (1) To hear and decide appeals where it is alleged there is error on any order, requirement, decision or determination made by the City Administrator or other zoning administrator in the enforcement of this ordinance;
- (2) Interpret the intent of the zoning district map where uncertainty exists because the physical features on the ground vary from those on the zoning district map and none of the rules set forth in Section 4-C apply;
- (3) Initiate on its motion or cause presented by interested property owners action to bring about the discontinuance of a nonconforming use;
- (4) Require the discontinuance of a nonconforming use under any plan whereby full value of the structure can be amortized within a definite period of time, taking into consideration the general character of the neighborhood and the necessity for all property to conform to the regulations of this ordinance;
- (5) Permit the change of occupancy of a nonconforming use to another nonconforming use in accordance with the provisions of Section 24;
- (6) Permit the enlargement of a nonconforming use in accordance with the provisions of section 24;
- (7) Permit the reconstruction of a nonconforming structure or building on the lot or tract occupied by such building, provided such reconstruction does not, in the judgment of the board, prevent the return of such property to a conforming use or increase the non-conformity of a nonconforming structure and provided that such actions conform to the provisions of section 24;
- (8) Require the vacation and demolition of a nonconforming structure which is deemed to be obsolete, dilapidated or substandard; and
- (9) Permit such variance such as the front yard, rear yard, lot width, lot depth, coverage, minimum setback standards, off-street parking, off-street loading regulations, lot area, maximum height, or building, where the literal enforcement of the provisions of this ordinance would result in an unnecessary hardship, or where such variance is necessary to permit a specific parcel of land which differs from other parcels of land in the same district by being of such area, shape or slope that it cannot be developed in a manner commensurate with the development

permitted upon other parcels of land in the same district. Variances will not normally be granted for more than twenty-five percent (25%) deviation from the requirements herein or of the subdivision ordinance unless severe mitigating circumstances are clearly demonstrated.

SECTION 27: AMENDMENTS

A. GENERAL

The zoning regulations, restrictions and boundaries may from time to time be amended, supplemented, changed, modified or repealed. Such amendments, supplements, changes, modifications or repeal shall be deemed to amend, supplement, change, modify or repeal the comprehensive plan of the city and shall become a part of such comprehensive plan.

An amendment to this ordinance may be initiated by the request by owner or agent of owner of property to be changed, the City Administrator, or the Planning and Zoning Commission or City Board of Aldermen on its own motion when it finds that the public may benefit from the consideration of such matter.

B. PROCEDURE

All requests for amendments to zoning district boundaries shall be submitted, together with required fees to the City Administrator or his or her designated administrative official, who shall cause notices to be sent and the petition placed on the Planning and Zoning Commission agenda. Requests for changes in zoning districts shall include the proposed designation or designations for the area concerned. Alternative proposals may be made at the time of filing the original request for amendment, however all hearings and deliberations shall be limited to the request as submitted by the applicant at the time of original filing.

C. SIGN POSTING

The City Administrator, or his or her designated administrative official, shall have at least one (1) sign erected on the property to be rezoned which sign shall have a total area of at least four (4) square feet. Such sign or signs shall, if possible, be located adjacent to streets. Such sign shall be erected on or before the first date of the first notice to property owners and shall be removed immediately after final action by the City Board of Aldermen or when the applicant withdraws request, whichever comes first. The sign shall state that a zoning change has been requested on that particular property and the telephone number of the city offices from where dates of public hearings and more information about the zoning request may be obtained. The erection or

continued maintenance of signs shall not be deemed a condition precedent to the granting of any zoning change or holding of any public hearing.

D. HEARINGS AND NOTICES

The City Board of Aldermen may from time to time amend, supplement or change by ordinance the boundaries of the districts or the regulations herein established after receiving a report thereon from the Planning and Zoning Commission. A public hearing on such amendment, supplement, or change shall be held by, both the Planning and Zoning Commission and the City Board of Aldermen. A public hearing on such amendment, supplement, or change shall be held by, both the Planning and Zoning Commission and the City Board of Aldermen. Notice of hearings shall be given by publication one (1) time in the official newspaper of the city, stating the time and place of such hearing, which time shall not be earlier than fifteen (15) calendar days from the date of publication. Publication of such change shall be accomplished by publishing a descriptive caption of the proposed change.

E. PLANNING AND ZONING COMMISSION CONSIDERATION AND REPORT

The Planning and Zoning Commission, after conducting a hearing on a zoning request, shall report its recommendations on the zoning request to the City Board of Aldermen for their consideration. The Planning and Zoning Commission may recommend favorable approval of the request or that the request be denied, with or without prejudice. Every proposal, which is recommended favorably by the Planning and Zoning Commission, shall automatically be forwarded to the City Board of Aldermen for public hearing and consideration. When the Planning and Zoning Commission determines that the proposal should be denied, it shall report the same to the City Board of Aldermen and the applicant. A hearing before the City Board of Aldermen shall be set on an application recommended for denial only when an appeal is filed by the applicant with the City Administrator or his or her designated administrative official provided such appeal is requested within fifteen (15) calendar days of the Planning and Zoning Commission's decision.

F. APPLICATION NOT TO BE CONSIDERED FOR SIXTY (60) CALENDAR DAYS AFTER DENIAL OF REQUEST FOR REZONING

No application for rezoning shall be considered within sixty (60) calendar days of denial of request by City Board of Aldermen for the same classification on the same property.

G. PROTEST AGAINST CHANGE

In case of a protest against such change signed owners of twenty percent (20%) or more either of the land included in such proposed change, or of the land within two hundred (200) feet thereof, such amendment shall not become effective except by the favorable vote of three-quarter ($\frac{3}{4}$ ^{ths}) of all the members of the City Board of Aldermen present and qualified to vote.

H. COMMISSION ACTION ON APPLICATION

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

I. SITE PLAN AND SUPPORTING DOCUMENTS REQUIRED; PETITION FOR ZONING DISTRICT CHANGE OR SPECIFIC USE PERMIT

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

The applicant is encouraged to meet with the City Administrator or his or her designated official in an informal work session to ascertain the extent of plans and documents required, if any, prior to the city initiating the advertisement for public hearing on the petition.

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

(1) SITE PLAN

Meeting all of the requirements of a "preliminary plat," as described in the city's subdivision regulations, except that topographic and drainage map information provisions may be waived by the reviewing body when the inclusion of such data would not materially contribute to the necessary

evaluation of the project's petition. Additional site plan drawing information which the reviewing body may require include:

- (a) Existing and proposed zoning district;
- (b) A tabular summary schedule indicating:
 - (1) The gross acreage and percent of type of zoning category proposed;
 - (2) The gross acreage and percent of each type of land use proposed, with streets and open space categories listed separately, and residential uses further stratified as to type, i.e., single family, two-family, multi-family, townhouse, etc., including the total gross project acreage;
 - (3) The gross residential density of each type of residential land use proposed, expressed in dwelling units per acre; and based on net residential land use plus one-half (1/2) of any abutting street only;
 - (4) The quantitative number of dwelling units proposed for each residential dwelling type, i.e., single family, two-family, etc.; and
 - (5) Proposed maximum lot coverage by building types, i.e., "R-1," "R-2," "R-3," "D," "MF," commercial, industrial, etc., expressed in terms of percent or floor area ratio of the lot or site;
- (c) General outline of extensive tree cover areas;
- (d) Drainage ways and 100 year flood plain limits, including reference elevations, if available;
- (e) Proposed treatment for screening the perimeter of the land embraced by the petition, including screening of internal separations of land use, where required;
- (f) Proposed internal nonvehicular circulation linkages, such as: pedestrian paths and hike trails; bike trails; and equestrian bridle paths, where applicable, including their interrelationships with vehicular circulation systems and proposed handling of points of conflict; and

(2) Architectural Drawings

Elevations, concept sketches, or renderings depicting building types and other significant proposed improvements, including the treatment and use of open

spaces, etc., where the submission of such drawings would more clearly portray the nature and character of the applicant's land use and development proposals; and

(3) Written Drawings

In narrative form on 8-1/2" x 11" sheets, including;

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

SECTION 28-ADMINISTRATIVE OFFICER AND ADMINISTRATION

The administrative officer shall administer and enforce the provisions of this ordinance. The administrative officer shall be any person designated as such by the City of Alton, Texas.

A. POWERS AND DUTIES

The powers and duties of the administrative officer shall be as follows:

- (1) Issue all certificates of compliance and make and maintain records thereof.
- (2) Conduct inspections of buildings, structures, and the use of land to determine compliance with the terms of this ordinance.
- (3) Require that all construction or work of any type be stopped when such work is not in compliance with this ordinance.
- (4) Revoke any certificate of compliance that was unlawfully issued or any certificate wherein defective work has been performed, and when such work has not been corrected within 90 days of notification.
- (5) Maintain permanent and correct records of this ordinance including, but not limited to, all maps, amendments, variances, appeals, and applications.
- (6) Provide and maintain public information bureau relative to all matters arising out of this ordinance.
- (7) Forward to the Planning and Zoning Commission all applications for amendments to this ordinance.
- (8) Forward to the City Board of Aldermen, applications for appeals, variances, or other matters on which the City of Alton is required to pass under this ordinance.
- (9) Initiate, direct and review, from time to time, a study of the provisions of said ordinance, and to make such reports available to the Planning and Zoning Commission not less than once a year.

B. CERTIFICATE OF COMPLIANCE REQUIREMENTS

- (1) No building or other structure shall be erected, moved, added to, or structurally altered without a certificate of compliance issued by the administrative official.
- (2) No certificate of compliance for alteration, repair or construction of any building shall be issued unless the plans and specifications show that the building or structure, and its proposed use, will be in compliance with provisions of the zoning ordinance.
- (3) No existing use of a building, structure, or land may be changed to any other use without first obtaining a certificate of compliance from the administrative official.
- (4) A temporary certificate of compliance may be issued by the administrative officer for a period not to exceed 6 months during alteration or construction for partial occupancy of a building pending its completion, provided that such temporary permits shall require such conditions and safeguards as will protect the safety of the occupants and the public.
- (5) The failure to obtain the necessary certificate of compliance shall be punishable under **Section 29** of this ordinance.
- (6) Certificates of compliance issued on the basis of plans and applications approved by the administrative officer authorize only the use, arrangement, and construction set forth in such approved plans and specifications. Any use, arrangement, or construction at variance with that authorized shall be deemed a violation of this ordinance and shall be punishable as provided under Section 29 of this ordinance.

A. CERTIFICATE OF COMPLIANCE

- (1) Applications for certificates of compliance shall be accompanied by a duplicate set of plans with the following information indicated in order to determine compliance with this ordinance.
- (2) The shape and dimensions of the lot on which the proposed building or use is to be erected or conducted;
- (3) The location of the said lot with respect to adjacent rights-of-way;

- (4) The shape, dimensions, and location of all buildings, existing and proposed, on the said lot;
- (5) The nature of the proposed use of the building or land including the extent and location of the use, on the said lot;
- (6) The location and dimensions of the off-street parking and loading space and means of ingress and egress to such space; and
- (7) Any other information, which the administrative officer may deem necessary for consideration in enforcing the provisions of this ordinance.
- (8) If the certificate of compliance is denied on the basis of this ordinance, the applicant may appeal the action of the administrative officer to the City Board of Aldermen of the City of Alton.
- (9) No building or structure shall be erected, moved, added to, or structurally altered unless in compliance with the appropriate city regulations pertaining to building permits not shall a building permit be issued unless such building or structure is in compliance with the zoning ordinance and a certificate of compliance has been issued.
- (10) The administrative officer shall act on all applications within eight (8) calendar days after applicant has fully complied with provisions of Section 28-B. The administrative official shall either issue a certificate of compliance or notify the applicant in writing the reasons for the refusal.

SECTION 29: PENALTY FOR VIOLATIONS

Any person, including property owners, tenants, engineers, architects, contractors, agent, or other person, who violates or fails to comply with any of the provisions of this zoning ordinance shall be fined, upon conviction, not more than two thousand dollars (\$2,000.00), and each day any violation or noncompliance continues shall constitute a separate and distinct offense.

The penalty provided herein shall be cumulative of other remedies provided by state law and the power of injunction as provided in V.T.C.A., Local Government Code, Section 211.012 and as may be amended, may be exercised in enforcing this ordinance whether or not there has been a criminal complaint filed.

In addition to the penalty provided, the right is hereby conferred and extended to any property owner owning property in any district where such property may be

affected by a violation of terms of this ordinance, to bring suit in such court or courts having jurisdiction thereof and obtain such remedies as may be available at or in equity for the protection of the rights of such property owners.

SECTION 30: INTERPRETATION AND CONFLICT

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

SECTION 31: PRESERVING RIGHTS IN PENDING LITIGATION AND VIOLATIONS UNDER EXSISTING 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 the intent and declared purpose of this ordinance that no offense committed, and no liability, penalty or forfeiture, either civil or criminal, incurred prior to the time existing zoning ordinance was hereby amended, shall be discharged or affected by such amendment; but the prosecutions and suits for such offenses, liabilities, penalties, or forfeitures may be instituted or causes presently pending proceeded with in all respects as if as if such prior ordinance has not been amended.

SECTION 32: CONFLICTING ORDINANCES REPEALED

All ordinances or parts of ordinances in conflict herewith are, to the extent of such conflict, hereby repealed.

SECTION 33: SEVERABILITY

It is hereby declared to be the intention of the City Board of Aldermen that the sections, paragraphs, sentences, clauses and phrases of this ordinance are severable

and, if any section, paragraphs, sentences, clauses or phrases of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court competent jurisdiction, such unconstitutionality shall not affect any of the remaining sections, paragraphs, sentences, clauses and phrases of this ordinance, since the same would have been enacted by the City Board of Aldermen without the incorporation in this ordinance of any such unconstitutional section, paragraph, sentence, clause or phrase.

SECTION 34: EFFECTIVE DATE

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

PASSED AND APPROVED ON THIS SEVENTH DAY OF AUGUST, 2001,
BY THE BOARD OF ALDERMEN OF THE CITY OF ALTON, TEXAS.

ATTEST



Salvador Vela, Mayor



City Secretary



CERTIFICATION

STATE OF TEXAS)(

COUNTY OF HIDALGO)(

CITY OF ALTON)(

BEFORE ME, the undersigned official, on this day appeared Salvador Vela, Mayor for the City of Alton, Texas, and personally known to me, and first being duly sworn according to law upon his oath deposes and says:

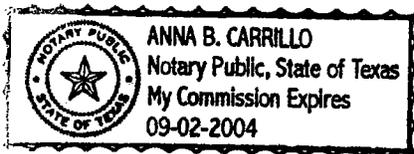
My name is Salvador Vela; I am fully competent to make this certification. I am the Mayor for the City of Alton and therefore have personal knowledge of the documents herein attached of the City of Alton Zoning Ordinance 2001-16 approved and passed by the Board of Aldermen on August 7, 2001. I hereby certify that the attached is a true and correct copy.

Further affiant sayeth not.

CITY OF ALTON, TEXAS

By: *Salvador Vela*
Salvador Vela, Mayor

SUBSCRIBED AND SWORN TO BEFORE ME by the said Salvador Vela, Mayor for the City of Alton, Texas, on this the 10th day of December 2001 to certify which witness my hand and official seal.



Anna B. Carrillo
Notary Public, State of Texas