

CITY OF STARBASE, TEXAS
COMPREHENSIVE ZONING ORDINANCE

CHAPTER 1: GENERAL PROVISIONS

1.1 TITLE

This ordinance shall be referred to as the “Zoning Ordinance of the City of Starbase, Texas” or “this Ordinance.”

1.2 AUTHORITY

This Ordinance is authorized by Chapter 211 of the Texas Local Government Code.

1.3 APPLICABILITY

This Ordinance applies to all land, Buildings, and Structures in the jurisdictional limits of the City.

1.4 COORDINATION WITH OTHER REGULATIONS

The use of land, Buildings, and Structures within the City is subject to all other regulations as well as this Ordinance.

1.5 DEVELOPMENT APPROVALS

No development shall occur on any land within the City until the approval required by this Ordinance has been granted by the City.

1.6 DEFINITIONS

Words used in this Ordinance have the specific defined meaning as follows:

Accessory Structure. A Building located on the same lot with, and of a size and nature customarily incidental and subordinate to, the Principal Structure.

Accessory Use. A use on the same lot with, and of a size and nature customarily incidental and subordinate to, the Principal Use.

Antenna. Any structure or device used for the purpose of collecting or transmitting electromagnetic waves, including, but not limited to, directional antennas, such as panels, microwave dishes and satellite dishes; and omni directional antennas, such as whip antennas.

Applicant. The owner of real property, or the owner’s authorized representative

Automated Driving System. Hardware and software that, when installed on a motor vehicle and engaged, are collectively capable of performing, without any intervention or supervision by a human operator: (A) all aspects of the entire dynamic driving task for the vehicle on a sustained basis; and (B) any fallback maneuvers necessary to respond to a failure of the system, as defined by Tex. Trans. Code § 545.451(1).

Automated Motor Vehicle. A motor vehicle on which an automated driving system is installed, as defined by Tex. Trans. Code § 545.451(2).

Automated Motor Vehicle Depot. The use of a site where Automated Motor Vehicles are parked for charging, cleaning and service.

Automotive Repair Shop, Major. The use of a site for the general repair, rebuilding, or reconditioning of engines, motor vehicles, or trailers, or providing collision services, including body, frame, or fender repair, and overall painting, where all work is conducted inside the building.

Automotive Repair Shop, Minor. The use of a site for routine automobile services or minor repairs, such as tire services, quick-lubes, batteries, with all work being conducted inside the building and within the same day.

Bank or Financial Institution. An establishment that provides retail banking, mortgage lending, and financial services to individuals and businesses.

Bar. The use of a site for the sale of alcoholic beverages for consumption on the premises, including cocktail lounges, taverns, and similar uses, other than a Restaurant use as that term is described in this section.

Board of Adjustment. Board of Adjustment of the City of Starbase Texas established pursuant to Chapter 211 of the Texas Local Government Code, as amended, and this Ordinance.

Brewpub. The use of a site for brewing, bottling, canning, packaging, and labeling malt beverages, which malt beverages may be sold or offered without charge on the premises to ultimate consumers for consumption on or off the premises, and food sales as an Incidental Use.

Building. Any structure built for support, shelter or enclosure of persons, animals, personal property, records or other movable property.

Building Code(s). All International and National building codes and local amendments adopted by the City.

Building Official. The employee(s) or contractor(s) authorized and designated by the City Commission to serve as the Building Official of the City of Starbase, Texas including the authorized designee of the Building Official.

Building Permit. A permit issued by the Building Official before a Building or Structure is started, improved, enlarged or altered as proof that such action is in compliance with the Building Code.

Canopy. Any structural protective cover that is not enclosed on any of its four sides and is designed to be the service area for dispensing gasoline and associated with a Gas Station.

Car Wash. The use of a site for washing and cleaning of passenger vehicles, recreational vehicles, or other light duty equipment.

Certificate of Occupancy. An official certificate issued by the Building Official that indicates conformance with City ordinances and authorizes legal use of the premises.

City. The City of Starbase, Texas.

City Clerk. The City Clerk or designee of the City.

City Commission. The City Commission of the City of Starbase, Texas.

City Engineer. The licensed professional engineer or firm of licensed professional consulting engineers that has been specifically designated as such by the City.

Community Center. A Building, facility, room, or portion thereof, which is rented, leased or otherwise made available to any person or group for an event or function, whether or not a fee is charged.

Convenience Store. Any retail establishment offering for sale a limited line of groceries and household items.

Corner Lot. A lot situated at the intersection of two or more streets.

Corporate Campus for Spacecraft Operations. A use of a site for launching, landing and/or manufacturing of Spacecraft, including buildings or facilities located in an area reasonably proximate to a launch vehicle, reentry vehicle, or Spacecraft launching or landing area, used for support of or in conjunction with those operations. The term includes manufacturing, development, launch, test operations, office space, and any Incidental Uses and includes any uses or activities allowed by a permit issued by the federal or state government.

Dance Hall. A building used for the purpose of providing a place for dancing, whether or not there is a charge for admission. Dance halls may provide live entertainment, may serve alcoholic beverages, and may serve food.

Day Care Facility. A facility or area licensed, certified, or registered by the State to provide daytime care, training, education, custody, treatment, or supervision to children, adults, or elderly in a family setting for less than 24 hours a day, whether for compensation or not.

Design Standards. The Design Standards and Specifications adopted by the City as part of its Subdivision Regulation Ordinance and Building Codes.

Development. Any manmade change to improved or unimproved real estate, including but not limited to, buildings and/or other structures, paving, drainage, utilities, and storage.

Distribution Center. The use of a site that includes a facility that serves as a way station in the supply chain for the storage and redistribution of products that have been shifted from one transport mode to the same or a different transport mode, and often to fulfillment centers and retail stores.

Distillery. a business that produces distilled spirits and which business holds a current, valid Texas Alcoholic Beverage Commission permit.

Duplex. A building containing two Dwelling Units, each of which is a separate household that has an individual exterior entrance.

Dwelling Unit. One or more rooms, which are arranged, designed, used, or intended to be used for occupancy by a Family.

Electrical Code. The electrical code adopted by the City.

Energy Storage or Generation Facility. The use of a site for energy storage equipment or technology that can absorb energy, store such energy for a period of time, and redeliver energy after it has been stored.

Facility. A Building or Structure or place which is built, installed, or established to serve a particular purpose.

Family. One or more people occupy a Dwelling Unit and living together as a separate housekeeping unit.

Farmers Market. The use of a site for an organized reoccurring operation at a designated location used by vendors primarily for the distribution and sale of locally produced agricultural products or locally produced non-agricultural products.

Federal Aviation Administration or FAA. The Federal Aviation Administration of the United States.

Federal Communications Commission or FCC. The Federal Communications Commission of the United States.

Fire Code. The fire code adopted by the City.

Fire Marshal. The employee or contractor(s) authorized and designated by the City Commission to serve as the Fire Marshal of the City of Starbase, Texas including the authorized designee of the Fire Marshal.

Fuel Pump. Any device that dispenses automotive fuel and is associated with a Gas Station.

Fulfillment Center. The use of a site for a facility where inbound product inventory is processed and orders are fulfilled, packaged, and shipped to customers. The facility also includes pallet racking, pick and pack sortation systems, multi-leveled mezzanines and robotic picking centers, daily truck traffic is higher than a warehouse.

Gas Station. The use of a site for a facility limited to retail sales to the public of gasoline, motor oil, lubricants, motor fuels, and/or minor automobile accessories.

Oil or Gas Well. Any well drilled for the production of oil and gas or classified as a oil or gas well under the Texas Natural Resources Code. Regulated under the City's Oil and Gas Well Ordinance.

Gas Well Permit. A permit issued by the City for a Gas Well.

Grocery Store. A Building used for a retail establishment primarily selling prepackaged and perishable food as well as other convenience and household goods.

Gym or Health/Fitness Center. A Building where members or nonmembers use equipment or space for the purpose of physical exercise or health improvement.

Home Occupation. An occupation commonly carried on within a dwelling unit by members of the family occupying the dwelling unit. The use of the dwelling unit as an occupation shall be incidental and subordinate to the use of the home as a dwelling unit.

Hotel. A Building in which lodging is provided and offered to the public for compensation, and which is open to transient guests.

HUD-Code Manufactured Home. A structure constructed on or after June 15, 1976 according to the rules of the United States Department of Housing and Urban Development, built on a permanent chassis, designed for uses a dwelling unit or without a permanent foundation when the structure is connected to the required utilities, transportable in one or more sections, and in the traveling mode, at least eight body feet in width or at least 40 body feet in length or, when erected on site, at least 320 square feet, as defined in Tex. Occ. Code § 1201.003(12), as amended.

Incidental Use. Any use different from the Principal Use but which complements and/or supplements the Principal Use.

Kennel/Veterinary Office. The use of a site for housing or accepting for boarding, trimming, grooming, bathing and/or treatment of three (3) or more dogs, cats, or other domestic animals at least four (4) months of age.

Landscaped Area. The portion of a Lot covered by grass, trees, plants, and shrubs and other architectural landscape features.

Liquor Store. The use of a building for the retail sale of alcoholic beverages for off-premises consumption.

Lot. A designated parcel, tract or area of land established by a Plat or otherwise permitted by law.

Lot Area. The computed area contained within the Lot Lines of a parcel.

Lot Coverage. The maximum area of a Lot, expressed as a percentage of a Lot's total area, that may be encumbered by roofed Structures, including Accessory Structures. Lot coverage limited to the lowest coverage for a use of the lot as provided in Table 3-2. MINIMUM LOT AND BUILDING STANDARDS.

Lot Depth. The mean horizontal distance between the Front and Rear Lot Lines.

Lot Frontage. The Lot Width measured at the Front Lot Line.

Lot Line. A boundary of a Lot. "Lot line" is synonymous with "property line."

Lot Line, Front. The Lot Line separating a Lot from a Public Right-of-Way. The Front Lot Line adjoins the Right-of-Way where the entrance/address is located.

Lot Line, Rear. The Lot Line which is parallel to and most distant from the Front Lot Line.

Lot Line, Side. Any Lot Line not a Front or Rear Lot Line.

Lot of Record. A platted Lot.

Lot Width. The horizontal distance between the side lines, measured at the front property line adjacent to the Public Right-of-Way.

Manufacturing or Industrial Operations. The use of a site for an establishment engaged in or designed for manufacturing, assembly, fabrication, packaging or other industrial processing of products primarily from extracted/raw materials or the bulk storage and handling of such

products and materials, or an industrial establishment having potential to produce noise, dust, glare, odors or vibration beyond its property line. Also includes the fabrication, assembly, manufacturing, and packaging of finished products or parts from previously prepared materials.

Marina. A dock where slips, dry moorage and other services are available for watercraft.

Medical Facility. A group of offices for one or more physicians, surgeons, chiropractors, dentists, or similar such health professionals are engaged in attending to patients and treating the sick or injured.

Mobile Food Unit Park. The lot or parcel where Mobile Food Units can be located for the business of selling food.

Mobile Food Unit or MFU. Pursuant to 25 T.A.C. § 228.2, as amended, a vehicle-mounted, self or otherwise propelled, self-contained food service operation designed to be readily movable (including catering trucks, trailers, push carts, and roadside vendors) and used to store, prepare, display, serve or sell food. An MFU must completely retain its mobility at all times. An MFU does not include a stand or a booth. A roadside food vendor is classified as an MFU.

Multi-Family Building. Any Building, or portion thereof, which is designed, built, rented, leased or let to be occupied as three (3) or more Dwelling Units or apartments. This use does not include townhouses.

Museum. The use of a site for exhibiting collections of artistic, historical, or scientific objects.

Office. The use of a Building that includes a room or group of rooms used for conducting the affairs of a business, profession, service industry, or government.

Open Space. The use of a site for active or passive recreation areas or for resource protection in an essentially undeveloped state.

Outdoor Storage. The keeping of personal or business property outside of a Building or Structure for a period exceeding 72 consecutive hours.

Parking Garage. The use of a site for parking spaces and adjacent access drives, aisles, and ramps that are located in a Structure with two (2) or more levels.

Parking Lot. An off-street open area for the temporary parking of motor vehicles.

Parking Space. Open space or garage space reserved exclusively for the parking of a motor vehicle.

Parks and Recreational Facilities. The use of a site for any public or private land available for recreational, educational, cultural, or aesthetic use.

Person. An individual, firm, association, organization, partnership, trust, foundation, company or corporation.

Personal Logistics Center. The use of a Building to provide services for the shipping and delivery of personal parcels, packages, and mail. Does not include facilities operated by the United States Postal Service.

Personal Services. The use of a building for an establishment that provides repair, care, maintenance or customizing of wearing apparel or other personal articles or human grooming services and includes such uses as beauty/barber shops, massage, dry cleaning, shoe repair, alterations, spas, tanning salons, photography studios, house cleaning services, weight reduction centers, florists, or pet grooming shops.

Plat. A plat required by the Subdivision Ordinance.

Principal Structure. A Building or Structure, the use of which is the primary or main use of the Zoning Lot upon which it is located.

Principal Use. The primary or predominant use of any Lot or Building.

Private Street. A street that is not publicly owned.

Public Building. Any Building held, used, or controlled exclusively for public purposes by any department or branch of government, state, county, or municipal, without reference to the ownership of the building or of the realty upon which it is situated.

Public Right-of-Way. Any designated public street, sidewalk, or alley.

Public Street. See Public Right-of-Way.

Pump Island. A concrete platform measuring a minimum of 6 inches in height from the paved surface on which fuel pumps are located and is associated with a Gas Station.

Recreation and Entertainment. This use includes indoor and outdoor recreation and entertainment activities. Accessory Uses may include limited retail, concessions, parking, swimming pool, and maintenance facilities.

Recreational Game Courts. A space designed for playing sports and other recreational facilities.

Recreational Vehicle or RV. A recreational trailer, designed to be self-propelled or towed that is maintained for use as a dwelling or sleeping place and which has no permanent foundation.

Recreational Vehicle Park. A parcel of land that is used solely for the development of rental lot spaces for Recreational Vehicles that are not HUD-Code Manufactured Homes.

Religious Assembly. A Building or Structure used by a religious organization or congregation for regular organized religious activities.

Residential Lots. Lots used for the following uses: Single Family Dwelling, Duplex, Townhouse or HUD-Code Manufactured Home. Does not include Multi-Family Building.

Residential Structure. A structure containing a Residential Use.

Residential Use. See Single Family Dwelling, Duplex, Townhouse or HUD-Code Manufactured Home. Does not include Multi-Family Building.

Restaurant. A structure in which the principal use is the preparation and sale of food and beverages.

Retail Stores and Shops. An establishment engaged in the selling of goods and merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods.

School. An institution or place for instruction or education, such as kindergarten, elementary, middle, junior high school, or high school.

Setback. The minimum distance by which any building or structure must be separated from a street right-of-way or lot line.

Sexually-Oriented Business. A sexually oriented business shall be as defined in the “Sexually Oriented Business Ordinance.”

Single Family Dwelling. A dwelling unit designed and constructed for occupancy by one family and located on a lot and having no physical connection to a building located on any other lot or tract.

Site Plan. A graphic representation, drawn to scale, indicating the outlines of the land included in the plan and all proposed use locations, accurately dimensioned, and indicating the relation of each use to that adjoining and to the boundary of the property.

Site Plan Permit. A permit issued pursuant to Chapter 2 of this Ordinance following review and approval or conditional approval by the Zoning Administrator and/or by the City Commission, as applicable.

Smoke. The visible discharge of particulate matter from a chimney, vent, exhaust or combustion process.

Smoke Shop. A retail establishment that is dedicated, in whole or in part, to the sale of tobacco, electric vaping devices, or similar substances.

Spacecraft. Any object or vehicle and its components designed to be launched for operations in a suborbital trajectory, in earth orbit, or in outer space.

Specific Use Permit. A use that is not automatically permitted by right, but that may be permitted within a zoning district subject to meeting conditions contained in this Ordinance.

State. The State of Texas.

Statement of Special Exception. A form required for projects subject to Chapter 17 of the International Building Code, as amended.

Story or Stories. A space in a Building between the surface of any floor and the surface of the next floor above, or if there is no floor above, then the space between such floor and the ceiling or roof above.

Structure. Anything constructed or erected, which requires location on the ground, or attached to something having a location on the ground, including, but not limited to freestanding signs, but exclusive of customary fences or boundary of retaining walls, sidewalks and curbs.

Subdivision Ordinance. The Subdivision Ordinance of the City, as subsequently amended.

Tower. Any ground-mounted pole, spire, structure, or combination thereof, including supporting lines, cables, wires, braces and masts, intended primarily for the purpose of mounting an antenna, meteorological device, or similar apparatus above grade.

Townhouse. A single-family Dwelling Unit constructed in a group of three or more attached units in which each unit extends from foundation to roof and with a yard or public or private way on not less than two sides.

Visitor Center. The use of a Building or site devoted to the distribution or sale of information for visitors and other travelers.

Warehouse. The use of a site for facilities characterized by warehousing, frequent heavy trucking activity, open storage of material, or nuisances such as dust, noise, and odors, but not involved in manufacturing or production, and including office space for employees.

Wastewater Treatment Plant. The use of a site for any facility designed for the treatment of industrial or domestic wastewater.

Watercraft. Any boat, motorboat, vessel, or personal watercraft, other than a seaplane on water, used or capable of being used for transportation on water.

Water Storage Facility. The use of a site for a facility for the storage of water, either elevated or ground level.

Water Treatment Facility. The use of a site for a facility or facilities within the water supply system that can alter the physical, chemical, or bacteriological quality of the water.

Wine and Beer Sales. The use of a building for the retail sale of wine and malt beverages for off-premises and on-premises consumption.

Wireless Telecommunications Facility. A Structure that is designed and constructed primarily for the purpose of supporting one or more Antennae that transmit information (audio, video, data) in the form of electromagnetic signals to one or more receivers without the use of a physical connection between the transmitting and receiving source.

Zoning Administrator. The employee or contractor(s) authorized and designated by the City Commission to administer the provisions of this Ordinance, including the authorized designee(s) of the Zoning Administrator.

Zoning District or District. An area designated within this Ordinance for which a specified land use is authorized and subject to the restrictions of this Ordinance.

Zoning Lot. A single tract of land that consists of one or more lots and which, at the time of filing for a building permit, is designated by its owner or developer as a tract to be used, developer or built upon as a separate unit under single ownership or control. A zoning lot may or may not coincide with a single lot of record, but in no case shall a zoning lot include only a portion of a lot of record.

Zoning Map. The official zoning map of the City, as amended.

CHAPTER 2: ADMINISTRATION, PROCEDURES AND ENFORCEMENT

ARTICLE I. ADMINISTRATION

2.1 ZONING ADMINISTRATOR

The Zoning Administrator shall conduct and supervise the enforcement of this Ordinance.

2.2 BOARD OF ADJUSTMENT

- a. The Board of Adjustment is hereby created in accordance with Section 211.008 of the Texas Local Government Code.
- b. The Board of Adjustment may:
 1. Hear and decide an appeal that alleges error in an order, requirement, decision, or determination made by an administrative official, including the Zoning Administrator or Building Official, in the enforcement of this Ordinance.
 2. Authorize in specific cases a variance from the terms of this Ordinance as authorized by State law and/or this Ordinance. The Board of Adjustment has no authority to grant a use variance.
- c. The Board of Adjustment shall be comprised of five (5) regular members and either one (1) or (2) alternate members appointed by the City Commission for terms of two years. Alternate members may serve in the absence of one or more regular members when requested to do so by the Mayor or City Administrator.
- d. Each case before the Board of Adjustment must be heard by at least 75 percent of the members and shall be subject to voting requirements set forth herein. The Board of Adjustment, by majority vote, shall adopt rules with approval of the City Council. Meetings are held at the call of the presiding officer and at other times as determined by the Board of Adjustment. The presiding officers may administer oaths and compel attendance of witnesses. All meetings of the Board of Adjustment shall be open to the public.

2.3 CITY COMMISSION

The City Commission shall render a final decision on amendments to this Ordinance and the Zoning Map and on matters where such authority is assigned pursuant to this Ordinance and applicable State law.

2.4-2.19 (Reserved)

ARTICLE II. PROCEDURES

2.20 BUILDING PERMIT

All applications for Building Permits shall be accompanied by a Site Plan or Plat, showing the location of the Building on the Lot, accurate dimensions of Building and lot and such other information as may be necessary to provide for the enforcement of this Ordinance and applicable ordinances of the City.

2.21 CERTIFICATE OF OCCUPANCY FOR NONRESIDENTIAL PURPOSE

No vacant land shall be occupied or used and no building hereafter erected, reconstructed, altered or enlarged for a nonresidential purpose until a certificate of occupancy shall have been issued by the Building Official in accordance with the Building Code, except no certificate of occupancy shall be required for a structure with a Statement of Special Inspection.

2.22 AMENDMENTS

a. Generally.

The City Commission may, from time to time, amend the regulations in this Ordinance or the Zoning Map. Pursuant to Section 211.007(e) of the Texas Local Government Code, as amended, the City Commission shall exercise the zoning authority provided hereunder without the need for appointment of a planning and zoning commission, and any reference in State law to a zoning commission or planning commission shall mean the City Commission.

b. Application.

1. Amendment Procedure. Proceedings to amend this Ordinance or the Zoning Map shall be in accordance with the procedure required by State law and this Ordinance, and may only be initiated by one or more of the following methods:

- a) By direction of the City Commission to the City Administrator; or
- b) By recommendation of the City Administrator or Zoning Administrator;
or
- c) By an owner of property filing an application with the Zoning Administrator on forms provided by the City.

2. Zoning Classification Amendment. An application requesting change in a district boundary on the Zoning Map shall be accompanied by the following: (a) full name of property owner or notarized documentation that the

person filing the application is the authorized representative of the property owner; (b) a metes and bounds or legal description of the property that is the subject of the request; (c) a summary of the requested change and the reason for the change; (d) a map or plat showing the property or properties proposed to be changed and all land located within 200 feet of the boundaries of the property proposed for such rezoning together with the names and addresses of the owners of lands in such area; and (e) the application fee.

3. Zoning Text Amendment. An application requesting a change in the text of this Ordinance shall be accompanied by the following: (a) description and reason for the requested change; and (b) application fee. If the request is for the addition of a new use within a Zoning District or for the establishment of a new Zoning District, the application must include the location of the property to which the text amendment would apply if approved and the subject property is rezoned. The City is exempt from the application fee.

c. Public Hearing. The City Commission shall hold a public hearing on the amendment to this Ordinance or the Zoning Map in accordance with State law and this Ordinance.

d. Notice of Public Hearing. On or before the 15th day before the date of the public hearing, notice of the time and place of the hearing must be published in the City's official newspaper. Before the 10th day before the public hearing, written notice of the public hearing on a proposed change in a zoning classification shall be sent to each owner, as indicated by the most recently approved municipal tax roll, of real property within 200 feet of the property on which the change in classification is proposed. The City Commission may not adopt the proposed change until after the 30th day after the date of the mailed notice.

2.23 SITE PLAN REVIEW

a. Purpose. It is the intent of the Site Plan review process to serve the public interest by promoting a high standard of development in the City and to allow the review of proposed commercial and multi-family development for compliance with the provisions of this Ordinance and the City's Subdivision Regulations. The Site Plan review is used to determine compliance with this Ordinance, other City ordinances, and other applicable Federal and State laws. Through a comprehensive review of both functional and aesthetic components of new or intensified commercial development, the City seeks to maintain and improve the City's tax base, mitigate to the extent feasible adverse impacts of one land use upon another, and ensure the sufficiency of public improvements.

b. Approval required. Site Plan review and approval shall be required for the following:

1. New Building for the Industrial, Public Services/Utilities, Institutional and Civic, Commercial, and Vehicle Services and Parking uses listed in Table 3-1. "Allowed Uses."

2. New Multi-Family Building.

3. Expanding, changing, or modifying the use of a Building listed in Section 2.23.b.1 and 2 which results increased square footage or additional dwelling units.

c. Exceptions. The following shall not require Site Plan approval:

1. Construction or alteration of a Single-Family Dwelling, Duplex, Triplex, Fourplex, or Accessory Building on a Residential Lot;

2. Enlargement of a Building for the Industrial, Public Services/Utilities, Institutional and Civic, Commercial, and Vehicle Services and Parking uses listed in Table 3-1. "Allowed Uses." by less than 10% of its existing gross floor area;

3. Construction or alteration of a Structure with a Statement of Special Inspection.

d. Applications. An Applicant may apply for a Site Plan approval for that property by filing an application with the Zoning Administrator on forms provided by the City. Incomplete or deficient applications shall not be accepted for review by the Zoning Administrator. The Zoning Administrator may refer the Site Plan application to any other department of the City to determine compliance with all City ordinances. To be deemed complete, the application shall include the following information:

1. Evidence of ownership or an interest in the property, or notarized documentation that the applicant is an authorized representative of and acting on behalf of the owner of the property;

2. The application fee;

3. Complete Site Plans, signed by a registered architect, civil engineer, landscape architect or other design professional, shall include the following, as determined applicable and necessary by the Zoning Administrator for review of the Site Plan application:

a) General:

1) Name of project.

2) Name, address and telephone number of applicant, engineer, and owner of record.

3) Legal description (certificate of survey will be required).

- 4) Date proposed, north arrow, engineering scale, number of sheets, name of drawer.
- 5) Vicinity map showing relationship of the proposed development to surrounding streets, rights-of-way, easements and natural features.
- 6) Description of intended use of the site, buildings and structures, including type of occupancy and estimated occupancy load.
- 7) Existing zoning and land use.
- 8) Tabulation box indicating: (i) Size of parcel in acres and square feet; (ii) Gross floor area of each building; (iii) Percent of site covered by building; (iv) Percent of lot coverage; (v) Number of parking spaces provided, including handicapped parking spaces; (vi) Height of all buildings and structures and number of stories; and (vii) Breakdown of the Building area allocated for specific uses, e.g., manufacturing, office, retail, showroom, warehouse, etc.

b) Site Plan:

- 1) Property lines and property dimensions, location of all existing and proposed Buildings and Structures with distance(s) from boundaries, distance(s) between Buildings, Building dimensions and floor elevations.
- 2) Grading and drainage plans showing existing natural features (topography, wetlands, vegetation, etc.), as well as proposed grade elevations and sedimentation and stormwater retention ponds. Plans shall include runoff and storage calculations for ten-year and 100-year events. If stormwater is proposed to be routed to existing stormwater ponds, documentation shall be provided to demonstrate that the downstream pond is sufficient to accommodate the additional stormwater.
- 3) All existing and proposed points of egress/ingress showing widths at property lines, turning radii abutting rights-of-way with indicated centerline, width, paving width, existing and proposed median cuts, and intersections of streets and driveways.

- 4) Vehicular circulation system showing location and dimension for all driveways, parking spaces, parking lot aisles, service roads, loading areas, fire lanes, emergency access (if necessary), public and private streets, alleys, sidewalks, direction of traffic flow and traffic-control devices.
 - 5) Location, access and screening detail of trash enclosures.
 - 6) Location and screening detail of rooftop equipment.
 - 7) Utility plan identifying connection to water and sewer.
 - 8) List of proposed hazardous materials, use and storage.
 - 9) Proposed fire protection system.
 - 10) Such other information required by the City to determine compliance with this Ordinance.
- c) The application shall include a traffic study, if requested by the City based the use and traffic generation.
- e. Standards. No Site Plan shall be approved by the Zoning Administrator unless it conforms to this Ordinance, other City ordinances, and the following standards:
1. Has designed grade changes to be in keeping with the general appearance of neighboring developed or developing areas;
 2. Creates or enhances a harmonious relationship with natural site features and with existing and future buildings;
 3. Creates a functional and harmonious design for Buildings and site features, with special attention to the following:
 - a) An internal sense of order for the Buildings and uses on the site and provision of a desirable environment for occupants, visitors and general community;
 - b) Materials, textures, colors and details of construction are compatible with the adjacent and neighboring structures and uses;
 - c) Vehicular and pedestrian circulation, including walkways, interior drives and parking in terms of location and number of access points to the public streets, width of interior drives and access points, general interior circulation, separation of pedestrian and vehicular traffic and arrangement and amount of parking; and

- d) Protection of adjacent and neighboring properties through reasonable provision of design and/or infrastructure for surface water drainage, sound and sight buffers, preservation of views, light and air and those aspects of design not adequately covered by other regulations which may have substantial effects on neighboring land uses.

4. Maintains a road system level of service in accordance with standards established by or determined acceptable by the City Commission.

f. Site Plan Permit. The Zoning Administrator's approval of the Site Plan provided under this Section 2.23 shall be evidenced by the issuance of a Site Plan Permit.

g. Approval with Conditions. The Zoning Administrator may approve the Site Plan Permit with conditions necessary to comply with the standards above, for the protection of adjacent properties, and for compliance with the requirements of this Ordinance and Subdivision Ordinance. Approval of a Site Plan Permit with conditions shall not prohibit the City from issuing a Building Permit so long as the requirements of all Building Codes required for the issuance of a Building Permit have been satisfied.

h. Permitted Site. A Site Plan Permit shall be valid only for the project and location for which approval has been granted pursuant to this section. Construction of all site elements shall be in compliance with the plans and specifications approved by the Zoning Administrator.

i. Building Permit Authorization. The Site Plan Permit shall be signed by the Zoning Administrator and include a copy of the approved Site Plan and all terms and conditions of the approval. The issuance of a Site Plan Permit authorizes the applicant to apply for a Building Permit. The Site Plan Permit shall expire two (2) years after the date of issuance if a Building Permit has not been issued by the City for the property and location within that time period. A Certificate of Occupancy shall not be issued until all conditions of approval for the Site Plan Permit have been met.

j. Maintenance of site. It shall be the obligation of the owner to maintain the site in a manner consistent with the approved Site Plan Permit.

k. Appeal. If the Zoning Administrator denies a Site Plan Permit or approves a Site Plan Permit with conditions, then an applicant may appeal the decision in writing to the City Commission within ten (10) calendar days of the date of the Zoning Administrator's decision. The appeal shall be filed with the City Clerk. The City Commission shall hear the appeal at the next regular meeting for which notice requirements may be lawfully met. After hearing the appeal, the City Commission may affirm or deny the decision of the Zoning Administrator. If the City Commission denies the decision, then it may approve or deny the

Site Plan Permit based on the standards in this Ordinance. The City Commission may also approve the Site Plan Permit with conditions to protect the public health, safety and welfare, to promote the intent of this section and/or to protect adjacent properties.

2.24 SPECIFIC USE PERMIT

a. Purpose. This Section provides a mechanism for the City to evaluate certain uses that, because of unique characteristics or potential impacts on adjacent land uses, are not permitted in Zoning Districts as a matter of right but which may, under appropriate standards and factors set forth in this Section 2.24 and this Ordinance be approved. These uses shall be approved by a Specific Use Permit (SUP) issued by the City Commission, after ensuring compatibility with surrounding land uses, adequate mitigation is provided for anticipated impacts, and that the public interest, health, safety, and general welfare will be promoted. The issuance of an SUP constitutes an amendment to zoning regulations authorizing a specific use of that Property.

b. Applicability. The SUP procedure shall apply only to the uses identified in Table 3-1. “Allowed Uses” in this Ordinance as requiring an SUP. No such use may be established, enlarged, or altered without approval of an SUP.

c. Application. An Applicant may apply for an SUP for that property by filing an application with the Zoning Administrator. Although specific submissions required to complete an application for an SUP may vary with the specific use and the Zoning District in which it is located, all applications for an SUP must include at minimum the information required for a Site Plan in accordance with Section 2.23 that clearly illustrates the following: Proposed Building and functions, circulation and parking areas, sign locations and type, the relationship of the proposed project to neighboring uses, environmental impacts, and demand for municipal services.

d. Procedure. The Zoning Administrator shall review the SUP application for completeness. An application that is not complete shall not be processed by the Zoning Administrator. A complete application shall be referred to the City Commission for a decision. The City Commission shall hold a public hearing on the application for an SUP. Notice for the public hearing shall comply with Section 2.22.d of this Ordinance. The City Commission by an affirmative vote may, after public hearing and notice, approve an SUP. As a zoning action, issuance of an SUP shall only apply to real property (i.e., shall not be attached to any person, business entity, etc.), shall not be transferred from one property to another (i.e., shall not move if a business operation relocates), and shall not expire or terminate without proper zoning action to rescind the SUP (i.e., change the zoning to remove the SUP, with appropriate public notification, public hearing, etc.).

d. General Approval Standards. An SUP is only permitted if the Applicant demonstrates that:

1. The specific use complies with this Ordinance;
2. The specific use proposed is compatible with the surrounding area and existing uses;
2. The specific use proposed has no negative impacts on existing or future development of the area; and
3. Any impacts associated with access, traffic, emergency services, utilities, parking, refuse areas, noise, glare, and odor have been adequately mitigated.

e. Conditions on Permits. In reviewing application for an SUP, the City Commission may attach reasonable conditions to mitigate anticipated adverse impacts associated with the specific use and to protect the value of adjacent or nearby property. The conditions of approval of the SUP shall be incorporated into the amending ordinance establishing the SUP. Such conditions may include, but are not limited, to the following:

1. Controlling the number, area, bulk, height and location of such specific use.
2. Regulating ingress and egress to the property and the proposed Buildings thereon with particular reference to vehicle and pedestrian safety and convenience, traffic flow and control and access in case of fire or other catastrophe.
3. Regulating off-street parking and loading areas, if appropriate.
4. Utilities, with reference to location availability and compatibility.
5. Berming, fencing, screening, landscaping or other facilities to protect nearby property.
6. Compatibility of appearance.
7. In determining conditions, special considerations shall be given to protecting immediately adjacent properties from objectionable views, noise, traffic and other negative characteristics associated with such specific use.

g. Revocation.

1. An SUP may be revoked after notice in accordance with Section 2.22.d and a hearing before the City Commission for any of the following reasons:
 - i. The SUP was obtained or extended by fraud or deception; or

- ii. One or more of the conditions of approval imposed on the SUP has not been met or has been violated.
2. If an SUP is revoked in accordance with this section, then the subject property shall not be eligible for resubmittal for 12 months unless the applicant can show a substantial change in circumstances to justify a resubmittal.

2.25 VARIANCES

a. Application required. Every application for a Variance shall be filed with the Board of Adjustment by the Applicant on forms provided by the City, and such application shall be processed and heard by the Board of Adjustment in accordance with the Board of Adjustment's established rules of procedure.

b. Action. Pursuant to Section 211.008 of the Texas Local Government Code, approval of a Variance shall require the affirmative vote of four (4) members of the Board of Adjustment. In taking action on an application for a Variance, the Board of Adjustment shall grant approval of the application only when it determines that:

1. The Variance is not contrary to the public interest;
2. Due to special conditions, a literal enforcement of the regulations in this Ordinance will create unnecessary hardship in the development of the affected property;
3. The situation causing the hardship is unique to the affected property;
4. The situation or hardship is not self-imposed by the Applicant;
5. The relief sought will not injure the existing or permitted use of adjacent conforming property; and
6. The granting of a Variance will be in harmony with the spirit and purposes of this Ordinance.

c. Appeal. Appeal of a decision of the Board of Adjustment shall be to a District Court.

2.26 FEES

Applications for amendments to the Zoning Map or this Ordinance, Site Plan Permits, Specific Use Permits, Variances, or any other administrative permits required under this Ordinance are subject to an application fee established by the City Commission and must be paid at the time of submittal of the application as a condition of application acceptance.

2.27-2.29 (Reserved)

ARTICLE III. ENFORCEMENT

2.30 ENFORCEMENT

a. Violations.

Any of the following shall be a violation of this Ordinance and shall be subject to the remedies and penalties provided for in State law and this Ordinance:

1. To establish or place any use, structure, or building upon land that is subject to this Ordinance without all of the approvals required by this Code.

2. To engage in any development, construction, remodeling, or other activity of any nature upon land that is subject to this Ordinance without all of the approvals required by this Ordinance.

3. To engage in any development, use, construction, remodeling, or other activity of any nature in any way inconsistent with the terms and conditions of any permit, approval, certificate, or other form of authorization required in order to engage in such activity.

4. To violate, by either act or omission, any term, condition, or qualification placed upon any authorization provided pursuant to this Ordinance, including a permit or other form of authorization provided by the Zoning Administrator or by a decision making body pursuant to this Ordinance.

5. To erect, construct, reconstruct, remodel, alter, maintain, move, or use any building or structure or to engage in development of any land in violation of any zoning or other regulation of this Ordinance.

6. To reduce or diminish any lot area requirement so that the lot size, setbacks, open spaces or other requirements are smaller than prescribed by this Ordinance, unless such reduction or diminution is approved by the Board of Adjustment or City Commission in accordance with procedural requirements and substantive standards of this Ordinance.

7. To increase the intensity or density of use of any land or structure, except in accordance with the procedural requirements and substantive standards of this Ordinance.

8. To remove, deface, obscure, or otherwise interfere with any notice required by this Ordinance.

b. Enforcement procedures. The City shall have the following remedies and enforcement powers under State law and this Ordinance.

1. The City may deny or withhold all permits, certificates, or other forms of authorization on any land or structure or improvements upon a determination that there is an uncorrected violation of a provision of this Ordinance or of a condition or qualification of

a permit, certificate, approval, or other authorization previously granted by the City. This enforcement provision shall apply regardless of whether the current owner or applicant is responsible for the violation in question.

2. The City may deny or withhold all permits, certificates, or other forms of authorization on any land, structure, or improvements owned or being developed by a person who owns, developed, or otherwise caused an uncorrected violation of a provision of this Ordinance or of a condition or qualification of a permit, certificate, approval, or other authorization previously granted by the City. This provision shall apply regardless of whether the property for which the permit or other approval is sought is the property in violation.

3. Instead of withholding or denying a permit or other authorization, the City may grant such authorization subject to the condition that the violation be corrected.

4. Any development permit or other form of authorization required under this Ordinance may be revoked in accordance with the procedure set forth in this Ordinance.

5. With or without revoking permits, the City may stop work on any building or structure on any land on which there is an uncorrected violation of a provision of this Ordinance or of a permit or other form of authorization issued hereunder, in accordance with its power to stop work under its Building Code.

6. The City may seek an injunction or other equitable relief in court to stop any violation of this Ordinance or of a permit, certificate, or other form of authorization granted hereunder.

7. The City may seek a court order in the nature of mandamus, abatement, injunction, or other action or proceeding to abate or remove a violation or otherwise to restore the premises in question to the condition in which they existed prior to the violation.

8. The City may enforce the provisions of this Ordinance through civil action through civil action, as provided by state law; and administrative adjudication under municipal court, and Texas Local Government Code, Chapter 54, Subchapter C, as amended.

9. The City shall have such other remedies as are and as may be from time-to-time provided by law for the violation of zoning, subdivision, sign, or related Ordinance provisions.

10. In addition to the enforcement powers specified in this article, the City may exercise any and all enforcement powers granted by law.

11. Nothing in this Ordinance shall prohibit the continuation of previous enforcement actions undertaken by the City pursuant to previous and valid ordinances and laws.

c. Remedies cumulative.

The remedies and enforcement powers established in this chapter shall be cumulative and the City may exercise them in any order or combination at any time.

d. Penalty for violation.

1. Any person who shall violate any of the provisions of this Ordinance or fail to comply with any of the requirements thereof, or who shall build or alter any building or use in violation of any detailed statement or plan submitted and approved hereunder shall be guilty of a misdemeanor punishable under this Section.

2. The owner or owners or tenant of any building or premises or part thereof, where anything in violation of this Ordinance shall be placed or shall exist, and any architect, builder, contractor, agent, person, or corporation employed in connection therewith and who may have assisted in the commission of any such violation shall be guilty of a separate offense punishable under this section.

3. A person who violates any provision of this Ordinance by performing an act prohibited or by failing to perform an act required is guilty of a misdemeanor. Each day on which a violation exists or continues to exist shall be a separate offense.

4. If the definition of an offense under this Chapter does not prescribe a culpable mental state, then a culpable mental state is not required. Such offense shall be punishable by a fine not to exceed \$500.00.

5. If the definition of an offense under this Ordinance prescribes a culpable mental state and the offense governs fire safety, zoning, or public health and sanitation, including dumping of refuse, then the offense shall be punishable by a fine not to exceed \$2,000.00.

CHAPTER 3: ZONING DISTRICTS

ARTICLE I: GENERALLY

3.1 PURPOSE

Design and Philosophy Statement. The zoning regulations of the City of Starbase are established to promote health, safety, and welfare of residents while embracing flexibility to accommodate the dynamic evolution of our community. As a city of trailblazers, Starbase recognizes that the future is being built here, and this zoning framework is designed to be adaptable and foster creativity of development.

Starbase embodies a unique juxtaposition of quaint village charm and modern industrial operations. The City prioritizes quality of life for its residents, emphasizing safety, walkability, thoughtful landscaping and greenspace, and preservation of neighborhood aesthetics. Our industrial operations are clean and modern. Starbase serves as symbol of human ambition and strives to be a city that will inspire future generations on this planet and others. These elements have shaped our community, and future development should strive to harmonize with this vision.

Pursuant to Chapter 211 of the Texas Local Government Code, the purpose of this Ordinance is to promote public health, safety, and general welfare and to preserve places and areas of historical, cultural, or architectural importance and significance. Further, this Ordinance is designed to:

- a. Lessen congestion in the streets;
- b. Secure safety from fire, panic, and other dangers;
- c. Promote health and the general welfare;
- d. Provide adequate light and air;
- e. Prevent the overcrowding of land;
- f. Avoid undue concentration of population; or
- g. Facilitate the adequate provision of transportation, water, sewers, schools, parks, and other public requirements.

3.2 GENERAL REQUIREMENTS

No land shall be used or occupied, and no Building or Structure shall be designed, erected, altered, used, or occupied except in conformity with all regulations in this Ordinance.

3.3 ESTABLISHMENT OF ZONING DISTRICTS

The City is divided into the following Zoning Districts:

- a. Heavy Industrial District (HI)
- b. Mixed Use District (MX)
- c. Open Space (OS)

3.4 ZONING MAP

The boundaries of the Zoning Districts established by this Ordinance are delineated on the official Zoning Map of the City, which is incorporated by reference and made part of this Ordinance. The Zoning Map shall be maintained permanently on file for public inspection in the office of the City Clerk.

3.5 ZONING DISTRICT BOUNDARIES

Except where referenced on the Zoning Map, a street or alley line or other designated line by dimensions shown on the map, the district boundary lines of all districts shall follow lot lines or the centerlines of streets or alleys.

3.6-3.19 (Reserved)

ARTICLE II: ZONING DISTRICTS

3.20 HEAVY INDUSTRIAL DISTRICT (HI)

- a. Intent: The intent of the “HI” District is to provide an area for industrial use, offices, flexible space, and limited retail and services uses that service the industrial uses.
- b. Allowed Uses. See Table 3-1. “Allowed Uses” for the permitted and specific uses allowed uses in the “HI” District.
- c. Dimensional standards. See Table 3-2. “Minimum Lot and Building Standards” for the dimensional standards for the “HI” District.

3.21 MIXED USE DISTRICT (MX)

- a. Intent: The intent of the “MX” District is to provide an area for a variety of light commercial, residential, office, and service uses. The “MX” district promotes flexibility in the construction of development projects or buildings by allowing a mix of uses.
- b. Allowed uses: See Table 3-1. “Allowed Uses” for the permitted and specific uses allowed uses in the “MX” District.
- c. Dimensional standards: See Table 3-2. “Minimum Lot and Building Standards” for the dimensional standards for the “MX” District.

3.22 OPEN SPACE DISTRICT (OS)

- a. Intent: The intent of the “OS” District is to provide an area for open space.
- b. Permitted uses: See Table 3-1. “Allowed Uses” for the permitted and specific uses allowed uses in the “OS” District.
- c. Dimensional standards: See Table 3-2. “Minimum Lot and Building Standards” for the dimensional standards for the “OS” District.

3.23-3.29 (Reserved)

ARTICLE III. ALLOWED USES

3.30 ALLOWED USES DESCRIPTIONS

a. Generally. Table 3-1. “Allowed Uses” identifies the permitted and specific uses allowed in each Zoning District. Based upon the interpretation of the Zoning Administrator, a use may be determined as allowed within a use category if not listed specifically in Table 3-1. “Allowed Uses” unless expressly prohibited or already included within another general use category.

1. Permitted uses. Uses specified with a "P" are permitted as of right in the district or districts where designated, provided that the use complies with all other applicable provisions of this Ordinance. A Site Plan Permit shall be required in accordance with Section 2.23.b of this Ordinance.

2. Specific uses. Uses specified with an "S" are a specific use in the district or districts where designated, provided that the use complies with all other applicable provisions of this Ordinance. A Specific Use Permit is required for all uses designated with a “S” in accordance with the procedure specified in Section 2.24 of this Ordinance.

3. Accessory uses. Uses specified with an "A" are permitted as an accessory use to another permitted use in the district or districts where designated, provided that the use complies with all other applicable provisions of this Ordinance.

4. Prohibited uses. Any use not listed as either "P" (permitted) or "S" (specific) in a particular district, or any use that the Zoning Administrator determines is not included within a use category allowed in a Zoning District and/or that is not substantially similar to a use listed as permitted by right or allowed with a Specific Use Permit, shall be prohibited in the district.

TABLE 3-1. ALLOWED USES

USE	Zoning Districts			
	HI	MX	OS	Use Standards
COMMERCIAL				
Bank or Financial Institution		P		
Bar		P		
Brewpub		P		
Car Wash		P		
Convenience Store		P		
Dance Hall		P		
Distillery		S		
Grocery Store		P		
Kennel/Veterinary Clinic		S		4.20
Hotel		S		
Liquor Store		S		
Mobile Food Unit Park		P		4.21
Office		P		
Personal Logistics Center		P		
Personal Services		P		
Recreation and Entertainment		P		
Recreational Vehicle Park		P		4.22
Restaurant		P		
Retail Stores and Shops		P		
Sexually Oriented Business		S		4.23
Smoke Shop		S		4.24
Wine and Beer Sales		P		
INDUSTRIAL				
Corporate Campus for Spacecraft Operations	P			
Distribution Center		S		4.30
Energy Storage or Generation Facility		S		4.31
Fulfillment Center		S		4.32
Gas & Oil Wells		P		4.33
Manufacturing or Industrial Operations	P			
Warehouse		S		4.34
PUBLIC SERVICES/UTILITIES				
Wastewater Treatment Facility	P	S		
Water Treatment Facility	P	S		

Wireless Telecommunications Facilities Tower Antenna (up to 15 feet) (more than 15 feet)	P S	P S		4.40
INSTITUTIONAL AND CIVIC				
Day Care Facility		P		
Community Center		P		
Farmers Market		P		
Gym or Health/Fitness Center		P		
Medical Facility		P		
Museum		P		
Open Space		P	P	
Park and Recreational Facilities		P	P	
Public Building		P		
Recreational Game Courts		P	P	
Religious Assembly		P		
School		P		
Visitor Center		P		
RESIDENTIAL				
Residential Use		P		
Multi-Family Building		S		4.53
VEHICLE SERVICES AND PARKING				
Automated Motor Vehicle Depot		S		4.60
Gas Station		S		4.61
Major Automotive Repair Shop		S		4.62
Marina		S		4.63
Minor Automotive Repair Shop		S		4.62
Parking Garage		P		4.64
Parking Lot		P		
ACCESSORY USES				
Home Occupation ¹		A		4.51

¹Accessory use with dwelling unit only.

3.31-3.39 (Reserved)

ARTICLE IV. LOT AND BUILDING STANDARDS

3.40 STANDARDS

a. Generally, Table 3-2. “Minimum Lot and Building Standards” identifies the lot requirements for development in the HI, MX, and OS Districts, subject to additional requirements, exceptions and modifications authorized in this Ordinance. “N/A” means not applicable. “None” means there is no requirement.

Table 3-2. MINIMUM LOT AND BUILDING STANDARDS

STANDARD	HI	MX	OS
Minimum Lot Area (Square Feet)			
Duplex	N/A	4,000	N/A
HUD-Code Manufactured Home	N/A	4,000	N/A
Multi-Family Building	N/A	8,000	N/A
Hotel	N/A	8,000	N/A
Single Family Dwelling	N/A	4,000	N/A
Townhouse	N/A	None	N/A
All other uses	None	None	None
Minimum Lot Frontage (Feet)			
Hotel	N/A	15	N/A
Multi-Family Building	N/A	15	N/A
Residential Uses	N/A	15	N/A
All other uses	None	None	None
Minimum Lot Depth (Feet)			
All uses	None	None	None
Minimum Landscaped Area (Percentage of Lot Area)			
Multi-Family Building	N/A	10	N/A
Hotel	N/A	15	N/A
Duplex	N/A	25	N/A
HUD-Code Manufactured Home	N/A	25	N/A
Single Family Dwelling	N/A	25	N/A
Townhouse	N/A	5	N/A
All other uses	None	None	None
Maximum Building Height (Stories)			
Residential Uses	N/A	3	N/A
All other uses	None	None	None

Maximum Lot Coverage (Percentage of Lot Area)			
Duplex	N/A	50	N/A
HUD-Code Manufactured Home	N/A	50	N/A
Multi-Family Building	N/A	90	N/A
Single-Family Dwelling (detached)	N/A	50	N/A
Recreational Vehicle Park	N/A	40	N/A
Townhouse	N/A	75	N/A
Day Care Facility	N/A	60	N/A
Community Center	N/A	60	N/A
Gym or Health/Fitness Center	N/A	60	N/A
Medical Clinic	N/A	60	N/A
Public Building	N/A	60	N/A
Religious Assembly	N/A	60	N/A
School	N/A	60	N/A
Bank or Financial Institution	N/A	60	N/A
Convenience Store	N/A	60	N/A
Grocery Store	N/A	60	N/A
Kennel/Veterinary Clinic	N/A	60	N/A
Hotel	N/A	60	N/A
Office, Professional	N/A	60	N/A
Personal Services, General	N/A	60	N/A
Recreation and Entertainment	N/A	60	N/A
Restaurant	N/A	60	N/A
Retail Stores and Shops	N/A	60	N/A
Sexually Oriented Business	N/A	60	N/A
Major Automotive Repair Shop	N/A	60	N/A
Minor Automotive Repair Shop	N/A	60	N/A
Gas Station	N/A	60	N/A
Parking Garage	N/A	60	N/A
Multi-tenant building with non-residential uses	N/A	60	N/A
All other uses	None	None	None

CHAPTER 4: SUPPLEMENTAL USE STANDARDS

ARTICLE I. GENERALLY

4.1 PURPOSE

The purpose of this chapter is to:

- a. Provide supplemental standards for individual uses to protect surrounding property values and uses; and
- b. Protect the public health, safety, and general welfare of the community.

4.2 APPLICABILITY

This Chapter provides supplemental regulations for certain Uses, Buildings, Structures, and Facilities. Use-specific standards in this Chapter shall apply in all Zoning Districts unless otherwise stated.

4.3 SMOKE

- a. Applicability. The performance standards in this Section 4.3 shall apply to all uses in all Zoning Districts, except uses allowed in the HI District which shall be exempt from the requirements of this Section 4.3, or as otherwise expressly stated.
- b. Smoke. All operations and uses shall comply with applicable federal, state, and county Smoke emissions standards.

4.4 OUTDOOR STORAGE

- a. As otherwise regulated, all Outdoor Storage is prohibited except:
 1. Construction and landscaping material currently being used on the premises.
 2. Outdoor play equipment and furniture.
 3. Wood for household use provided the wood stack remains free of rodents and insect infestations and the wood is not kept in a front yard.
 4. Storage of materials contained within a fully enclosed outdoor shed or structure.
- b. Outdoor Storage of tires is prohibited.
- c. Containers and roll-off garbage dumpsters may be located on property. All containers shall be located a minimum of six (6) feet away from a residential structure and a minimum of ten (10) feet away from the property line of an adjacent developed lot as

necessary for fire safety. Such containers may be kept on-site during the time in which a valid Building Permit issued by the City is in place for the property. When there is not an active Building Permit in place, a Container may be located upon a property for a maximum of sixty (60) days per calendar year. The Zoning Administrator may approve one (1) additional extension of thirty (30) days in a calendar year for a Container that is not associated with an active building permit provided Container complies with required setbacks.

4.5-4.19 (Reserved)

ARTICLE II. PERFORMANCE STANDARDS FOR COMMERCIAL USES

4.20 KENNEL/VETERINARY CLINIC

- a. Applicability. This section applies to a Kennel/Veterinary Clinic as defined by this Ordinance.
- b. Standards. The following standards shall apply to a Kennel/Veterinary Clinic:
 1. Kennels shall be indoors.
 2. The entire business must be conducted wholly within a completely enclosed sound-proofed and air-conditioned Building.
 3. Noise and odors created by activities within the building shall not be perceptible beyond the property line.
 4. Animals shall not be kept in shelters located outside the Building at any time, but animals may have access to outdoor runs associated with an indoor kennel space.

4.21 MOBILE FOOD UNIT PARK

- a. Applicability. This section applies to a Mobile Food Unit Park as defined by this Ordinance. A Mobile Food Unit Park may be the Principal Use of the property or an Accessory Use to a Principal Use.
- b. Standards. The following standards shall apply to a Mobile Food Unit Park:
 1. Operation.
 - a) All activities and operations of a Mobile Food Unit (MFU) associated with a Mobile Food Unit Park must comply with City ordinances and applicable health regulations.
 - b) All proposed activities shall be conducted on private property owned or otherwise controlled by the MFU operator. If the MFU operator is not the owner of the property, then the operator shall obtain written authorization from the owner to

operate a Mobile Food Unit Park and provide documentation of such entitlement upon demand from the City.

c) The Mobile Food Unit Park shall not impede pedestrian or vehicular traffic on a private road or in the Public Right-of-Way.

2. Design.

a) Hard surface, including asphalt or cement, shall be required to accommodate fire and emergency vehicle access. Alternatives to asphalt and cement that meet the requirements necessary to accommodate fire and emergency service vehicle access may be approved as part of the Site Plan process.

b) The Mobile Food Unit Park shall not allow an MFU to use parking spaces dedicated to the Principal Use of the property to accommodate an MFU, the operations of an MFU, or storage of materials related to an MFU.

4.22 RECREATIONAL VEHICLE PARK

a. Applicability. This section applies to a Recreational Vehicle Park as defined by this Ordinance.

b. Standards. The following standards apply to a Recreational Vehicle Park:

1. At least one point of ingress and egress from a Public Right-of-Way shall be provided to allow emergency vehicle access. At least two points of egress to a Public Right-of-Way shall be provided to allow pedestrian ingress and egress.

2. Entrances and exits from Public Rights-of-Way shall be sufficiently sized and spaced to allow orderly ingress and egress of the number of vehicles generated by the intended number of rental lot spaces for the development.

3. Individual rental space lots shall be separated by at least ten (10) feet.

4. Access drives shall be constructed and shall be maintained by the owner of the Recreational Vehicle Park.

5. Provision shall be made for adequate water supply, wastewater disposal, and electricity. The size of the water main and provision for fire hydrants and fire extinguishment equipment shall be of sufficient size for adequate fire flow.

6. Ground surface and drainage.

a) Exposed ground surfaces in all open spaces, common areas, and yards within a Recreational Vehicle Park shall be paved, covered with stone

screening or other solid material or protected with a vegetative growth that is capable of preventing soil erosion and the reduction of dust.

b) The ground surface in all parts of a Recreational Vehicle Park shall be graded and equipped to drain all surface water in a safe and efficient manner.

7. Screening or fencing at least six (6) feet in height shall be installed along the boundary of the Recreational Vehicle Park, except in instances where a boundary of the Recreational Vehicle Park abuts a body of water.

4.23 SEXUALLY ORIENTED BUSINESS

a. Applicability. This section applies to the operation of a Sexually Oriented Business.

b. Standards. The specific standards of the Sexually-Oriented Business Ordinance shall apply.

4.24 SMOKE SHOP

a. Applicability. This section applies to a Smoke Shop as defined in this Ordinance.

b. Standards. The following standards apply to a Smoke Shop:

1. A Smoke Shop shall not be located within one-half (1/2) mile of another Smoke Shop.

2. A Smoke Shop shall not be located within 300 feet of a School, Day Care Facility, playground, or Community Center.

4.25-4.29 (Reserved)

ARTICLE III. PERFORMANCE STANDARDS FOR COMMERCIAL USES

4.30 DISTRIBUTION CENTER

a. Applicability. This section applies to a Distribution Center as defined by this Ordinance.

b. Standards. The following standards shall apply to a Distribution Center:

1. All loading areas shall be identified on the Site Plan and Building Permit applications.

2. No Distribution Center vehicle shall idle on Public Rights-of-Way, in fire lanes, or any other means of access that would impede or obstruct traffic flow or the ability for vehicles to maneuver on public rights-of-way or in fire lanes.

c. SUP Application. A traffic impact analysis (TIA) shall be submitted with an application for an SUP that identifies the AM/PM and daily peak hour trip generations, analysis of queuing at all site driveways, and traffic operation impacts with mitigation measures as a result of development-related impacts based on criteria identified in the Institute of Transportation Engineers (ITE) Trip Generation Manual.

4.31 ENERGY STORAGE OR GENERATION FACILITY

a. Applicability. This section applies to an Energy Storage or Generation Facility as defined by this Ordinance.

b. Standards. The following standards shall apply to an Energy Storage or Generation Facility:

1. A fence no less than eight (8) feet in height with a locking gate shall be installed to prevent unauthorized access and to mitigate the impacts of the sound from the Energy Storage or Generation Facility.

2. The installation Energy Storage or Generation Facility shall conform to applicable industry standards, such as those of the American National Standards (ANSI), Underwriters Laboratories (UL), the American Society for Testing and Materials (ASTM), and the Institute of Electrical and Electronics Engineers (IEEE), the Electrical Testing Laboratory (ETL), the National Fire Protection Association (NFPA 70E), the National Electric Code, or other similar certifying organizations, and with all other applicable fire and life safety requirements.

3. The owner/operator of the Energy Storage or Generation Facility shall maintain a current general liability policy covers bodily injury and property damage with limits in an amount commensurate with the scope and scale of the facility as determined by the City Commission. The Applicant shall make certificates of insurance available to the City.

4. Abandonment will be grounds for immediate revocation of an SUP. Any Energy Storage or Generation Facility that is unused or out of service for more than a period of 18 continuous months shall be considered abandoned and shall be decommissioned as soon as practicable. The City shall have the right to perform decommissioning work and the owner/operator of the Energy Storage or Generation Facility shall reimburse the City for any such efforts.

c. SUP Application. the manufacturer specifications for the key components shall be submitted as part of the SUP application, to include stamped engineering plans to include, but not be limited to electrical, structural and fire protection.

4.32 FULFILLMENT CENTER

a. Applicability. This section applies to a Fulfillment Center as defined by this Ordinance.

b. Standards. The following standards shall apply to a Fulfillment Center:

1. All loading areas shall be identified on the Site Plan and Building Permit applications.

2. No Fulfillment Center vehicle shall idle on public rights-of-way, in fire lanes, or any other means of access that would impede or obstruct traffic flow or the ability for vehicles to maneuver on Public Rights-of-Way or in fire lanes.

c. SUP Application. A traffic impact analysis (TIA) shall be submitted with an application for an SUP that identifies the AM/PM and daily peak hour trip generations, analysis of queuing at all site driveways, and traffic operation impacts with mitigation measures as a result of development-related impacts based on criteria identified in the Institute of Transportation Engineers (ITE) Trip Generation Manual.

4.33 GAS WELLS Addressed in city Oil and Gas Wells Ordinance

4.34 WAREHOUSE

a. Applicability. This section applies to a Warehouse as defined by this Ordinance.

b. Standards. The following standards shall apply to a Warehouse:

1. All loading areas shall be identified on the Site Plan and Building Permit applications.

2. No Warehouse vehicle shall idle on public rights-of-way, in fire lanes, or any other means of access that would impede or obstruct traffic flow or the ability for vehicles to maneuver on Public Rights-of-Way or in fire lanes.

4.35-4.39 (Reserved)

ARTICLE IV. PERFORMANCE STANDARDS FOR PUBLIC SERVICES/UTILITIES

4.40 WIRELESS TELECOMMUNICATIONS FACILITY

a. Applicability. This Section applies to the construction, installation, replacement, or modification of Wireless Telecommunications Facility, which includes Towers and Antennas.

b. Purpose. The purpose of this Section is to:

1. Establish regulations for the siting of Towers and Antennas;

2. Encourage co-location on both new and existing antenna facilities;
3. Enhance the ability of Towers and Antennas to provide services to the community effectively and efficiently; and
4. Promote the aesthetic quality of the city as a significant aspect of the health, safety, and general welfare of the community.

c. Building Permit.

1. A Building Permit shall be required for any person, firm, or corporation to construct, install, replace or repair or modify a Wireless Telecommunications Facility.

2. An application for a Building Permit shall provide sufficient information to indicate that construction, installation, maintenance, or modification of the Wireless Telecommunications Facility will be in compliance with applicable Building Code requirements.

3. Building Permits are not required for:

a) Adjustment or replacement of an Antenna; or

b) Towers erected temporarily for test purposes, for emergency communication, or for broadcast remote pickup operations, provided that the Antennas or Towers are not located on Public Rights-of-Way, and Wireless Telecommunications Facility are protected against unauthorized climbing. Temporary Antennas used for test purposes or broadcast remote pickup operations shall be removed within 72 hours following installation.

4. Application information for tower. An application for a Building Permit for a Tower shall include the following supplemental information and shall comply with all other requirements of the Building Code and this Ordinance:

a) A Specific Use Permit issued by City Commission;

b) A report from a qualified and licensed professional engineer that provides the following:

1) Describes the Tower height and design, including a cross-section and elevation;

2) Documents the height above grade for all potential mounting positions for co-located Antennas and the minimum separation distances between Antennas;

3) Describes the Tower's capacity, including the number and type of Antennas that it can accommodate; and

4) Demonstrates the Tower's compliance with all applicable structural and electrical standards and includes an engineer's stamp and registration number.

c) In support of the goal of collocation, an applicant for Building Permit shall provide a letter of commitment from the Tower owner and successors to allow the shared use of the Tower by additional user so long as there is no negative structural impact upon the Tower, there is no disruption to the service provided, and the parties are able to reach agreement on terms for collocation.

d. Standards.

1. Tower height.

a) The maximum height of a Tower, including all Antennas and other attachments, shall be 120 feet. The City Commission may grant a waiver of this subsection to allow a Tower up to 200 feet in height if the applicant can demonstrate that based on the topography of the site and surrounding areas, Antenna design, surrounding topography and structure, and off-site views of the Tower will be minimized.

b) The height of Tower shall be determined by measuring the vertical distance from the Tower's point of contact with the ground to the highest point of the Tower, including all Antennas or other attachments.

c) Towers designed to accommodate more than one user may exceed the maximum height established in subsection (a) by up to 25 feet.

2. Setbacks.

a) Towers shall maintain a minimum setback of ten (10) feet from all property lines.

b) For development sites adjacent to lots or parcels developed or zoned for residential use, setbacks shall be equal to the height of the Tower. For example, if the tower is 100 feet in height, then the setback is 100 feet from the property line abutting the residential use.

c) Towers shall not be located between a Principal Structure and a Public Right-of-Way.

3. Multiple uses. For purposes of this section, one Tower and multiple Antennas shall be permitted on the same lot or parcel as another Principal Structure subject to the requirements of this section.

e. Construction requirements. A Wireless Telecommunication Facility proposed to be erected, constructed, or located within the City shall comply with the following requirements:

1. All applicable provisions of this Ordinance.

2. Towers and Antennas shall be certified by a qualified and licensed professional engineer to conform to the latest structural standards and wind loading requirements of the Building Code and the electronics industry association and all other applicable reviewing agencies.

3. No part of any Towers or Antenna, or any lines, cable, equipment or wires or braces in connection with either, shall at any time extend across or over any part of the public street, highway, sidewalk or property line.

4. Towers and Antennas shall be designed to conform with accepted electrical engineering methods and practices and to comply with the provisions of the Electrical Code.

5. Towers shall be protected against unauthorized climbing.

6. Towers that are metal shall be constructed of, or treated with, corrosive-resistant material.

7. The applicant is responsible for receiving approvals from the FAA, FCC, and any appropriate State review authority, stating that the proposed Tower complies with regulations administered by that agency or that the Tower is exempt from those regulations.

f. Tower design.

1. Towers and Antennas, including supporting cables and structures shall be designed to blend into the surrounding environment through the use of color, camouflaging and architectural treatments. Facilities not requiring FAA or FCC painting/markings shall have either a galvanized finish or be painted a non contrasting color consistent with the surrounding area, such as blue, gray, brown or black finish.

2. Towers shall be a monopole design unless a design waiver is granted by the City Commission. When considering a waiver, in its sole discretion, the City Commission may approve the waiver if it determines that an alternative design would better blend into the surrounding environment.

g. Co-location requirements. Towers shall be designed and built to accommodate a minimum of two service providers if over 75 feet in height. The owner of the Tower must certify to the city that the Tower is available for use by other telecommunications service providers on a reasonable and nondiscriminatory basis.

h. Lights. No outdoor lighting shall be allowed on antennas except lights or lighting that is by required by the FAA or the FCC.

i. Equipment and storage building. An equipment storage building associated with a Tower, or an Antenna is permitted as an Accessory Structure, shall be screened, and shall be architecturally designed to blend in with the surrounding environment and meet the minimum setback requirements of the underlying Zoning District.

j. Security fencing. Security fencing shall be installed by a wrought iron or steel chain link fence with evergreen hedge, or a masonry wall, each not less than six feet in height. The exterior of equipment buildings and/or metal equipment cabinets visible from residential areas or Public Rights-of-Way must have a neutral finish or be painted to reflect the color and character of adjoining structures or blend with adjacent landscaping and other surroundings.

k. Driveway surfaces. All driveways accessing any Wireless Telecommunications Facility site or equipment storage site shall be constructed of concrete or other materials sufficient to accommodate fire and emergency vehicles.

l. Signage. No signage, lettering, symbols, images, or trademarks in excess of 200 square inches shall be placed on or affixed to any part of an Antenna, equipment building, or security fencing other than as required by FCC regulations or other applicable law.

m. Specific Use Permits for a Tower.

1. Application. Each applicant requesting a Specific Use Permit for a Tower shall submit:

a) A scaled site plan and a scaled elevation view and other supporting drawings, calculations, and other documentation, signed and sealed by appropriate licensed professionals, showing the location and dimensions of all improvements, including information concerning topography, radio frequency coverage, Tower height requirements, setbacks, drives, parking, fencing, landscaping, and adjacent users;

b) An inventory of the applicant's existing Towers that are either within the City or within one-quarter mile of the boundary of the City, including specific information about the location, height and design of each Tower;

c) Any information of an engineering nature that the applicant submits, whether civil, mechanical or electrical, shall be certified by a licensed professional engineer; and

d) Other information determined by the City to be necessary to assess compliance with this Ordinance.

2. The City shall consider the following factors in determining whether to issue a Specific Use Permit:

a) Height of the proposed Tower;

b) Capability of the Tower to structurally accommodate the number of shared users proposed by the applicant as certified by a licensed professional engineer;

c) Proximity of the Tower to residential lot boundaries.

d) Nature of uses on adjacent and nearby properties;

e) Surrounding topography;

f) Design of the Tower, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness;

g) Proposed ingress and egress. In this regard, fire and emergency access shall be provided to connect the Antenna and/or Tower location to the nearest public street. Said access must be approved by the City prior to construction;

h) Availability of suitable existing Towers; and

i) Compliance with this Ordinance.

n. Antennas and existing facilities. The placement of Antennas on roofs and walls may be administratively approved by the Zoning Administrator, provided that the Antenna meets the requirements of this Ordinance and the following:

1. The maximum height of an Antenna shall not exceed fifteen (15) feet above the roof and shall be set back at least ten (10) feet from the roof edge. A Specific Use Permit is required for antennas exceeding fifteen (15) feet above the roof.

2. Wall-mounted or facade-mounted Antennas may not extend five (5) feet above the cornice line and shall be designed to blend into the surrounding environment through the use of color, camouflaging and architectural treatments.

o. Abandoned or unused Tower(s). Abandoned or unused Tower(s) or portions of Wireless Telecommunication Facility(ies) and accompanying Accessory Structures shall be removed as follows:

1. All abandoned or unused Tower(s) and associate facilities and Accessory Structures shall be removed within twelve (12) months of the cessation of operations at the site unless a time extension is approved by the City Commission. In the event that a Tower is not removed within the twelve (12) period required by this section, the Tower, associated facilities and Accessory Structure(s) may be removed by the City and the costs of removal assessed against the property as a lien.

2. After the facilities are removed, the site shall be restored to its original condition.

4.41-4.49 (Reserved)

ARTICLE V: SUPPLEMENTAL STANDARDS FOR RESIDENTIAL USES

4.50 ACCESSORY USES AND STRUCTURES

a. Applicability.

1. This Section applies to any incidental use of a Building or Structure or use of land that is:

- a) conducted on the same lot or parcel as the principal use to which it is related; and
- b) clearly incidental to, and customarily found in connection with the principal use or structure;

2. Where a Principal Structure is permitted, such use shall include Accessory Uses and Accessory Structures subject to this Section.

b. Establishment.

Accessory Structures or Accessory Uses shall only be constructed or established on a lot or parcel when construction of the Principal Structure is completed or the Principal Use is already established on the lot. In no instance shall an Accessory Building or Accessory Use be established on a vacant lot. Notwithstanding the foregoing, an Accessory Structure may be constructed concurrently with the Principal Use pursuant to approved Building Permits.

c. Standards.

1. The following standards shall apply to an Accessory Use and Accessory Structure:

a) **Accessory Uses.** Accessory uses as regulated by this Section are uses which are allowed within the Zoning District but which are clearly incidental to the use of the principal residential building/primary residential structure or the primary residential use. Accessory uses include permanently installed detached accessory structures such as porches supported by columns, greenhouses, permanent carports or garages (greater than a six foot door), play structures, swimming pools, pool houses, gazebos/cabanas/pergolas, outdoor kitchen facilities, riding arena for the personal use of the resident owner, gardens, fences, storage buildings or similar uses the zoning administrator determines is customarily incidental to the permitted principal use or building. Accessory uses not permitted on residential lots include carports not permanently installed. Flagpoles are not considered an accessory use but must meet the height requirement of the zoning district.

b) **Accessory Structures.** Accessory structures shall not be located between the residential use and the front lot line. Accessory Structures shall be located between the residential use and the rear lot line. No Accessory Structures shall be erected on property within the minimum front yard, if applicable.

c) **Utility meters.** Accessory Structures that connect to utilities such as water, electric and gas must receive service from meters serving the Principal Structure.

d) **Size.** Accessory Structures shall not be a greater square footage than the Principal Structure.

4.51 HOME OCCUPATION

a. **Applicability.** This Section applies to any occupation, profession, or business activity customarily conducted entirely within a Dwelling Unit and carried on by a person residing in the Dwelling Unit. A Home Occupation is an Accessory Use to a Dwelling Unit. No Home Occupation may be initiated, established or maintained in the Dwelling Unit except in conformance with this section. A Home Occupation is permitted in the MX District.

b. **Standards.** The following standards shall apply to a Home Occupation:

1. **Accessory.** A Home Occupation shall be permitted only when it is an Accessory Use to a Dwelling Unit.

2. **No external alteration.** A Home Occupation shall not involve any external structural alteration of the Dwelling Unit.

3. **Employees.** The Home Occupation shall be operated by the person(s) residing in the Dwelling Unit.

4. Patrons. No more than four patrons shall be allowed on the premises at one time.

5. Hours of Operation. A Home Occupation shall not be open for visitation by patrons between the hours of 10:00 p.m. and 8:00 a.m.

6. No External Display. There shall be no external display of products, advertisements, signage, or any other externally visible evidence of a Home Occupation.

7. Outdoor Storage and Activities.

a) No outdoor storage of materials, goods, supplies, or equipment associated with a Home Occupation shall be allowed.

b) All activities related to the Home Occupation shall be operated entirely within the Dwelling Unit. Outdoor activities are strictly prohibited.

8. Product Sales. A Home Occupation may include the sale of products on the premises, provided compliance is maintained with all other standards in this section.

9. Prohibited Equipment and Materials. There shall be no chemical, mechanical, or electrical equipment on the premises, other than that normally found within a Dwelling Unit.

10. Parking and Business-Related Vehicles (Vehicles Marked or Equipped Commercially). No on-street parking of business-related vehicles shall be allowed at any time. No business vehicles larger than a van, panel truck, or pickup truck shall be permitted to park overnight on the premises. The number of business-related vehicles shall be limited to one.

4.52 HUD-CODE MANUFACTURED HOME

a. Applicability. This section applies to a HUD-Code Manufactured Home as defined by this Ordinance.

b. Standards. The following standards shall apply to a HUD Manufactured Home:

1. Homes on individual lots or parcels shall comply with the same standards as Single-Family Dwellings.

2. Each home shall be attached to a permanent foundation.

4.53 MULTI-FAMILY BUILDING

a. Applicability. This section applies to a Multi-Family Building defined in this Ordinance.

b. Standards. The following standards shall apply to a Multi-Family Building:

1. Each Dwelling Unit shall have appurtenant private or shared open space, such as a porch, deck, balcony, patio, an atrium or other outdoor private or communal/shared area.

2. Outdoor area lighting shall be provided for security. Light fixtures shall be shielded to direct light downward and not into Dwelling Units or adjacent property.

4.54 TOWNHOUSE

a. Applicability. This section applies to a Townhouse as defined in this Ordinance.

b. Standards. The following standards shall apply to a Townhouse development:

1. No contiguous group of Townhouses shall exceed 220 feet.

2. Non-contiguous groups of Townhouse shall have at least ten (10) feet of separation.

3. Where a lot or parcel containing a Townhouse abuts a lot containing a Single Family Dwelling, the abutting Side Yard of the Townhouse shall be a minimum of ten (10) feet.

4. Off-street parking may be grouped in bays either adjacent to streets or in the interior of the lot.

4.55-4.59 (Reserved)

ARTICLE VI. PERFORMANCE STANDARDS FOR VEHICLE SERVICES AND PARKING

4.60 AUTOMATED MOTOR VEHICLE DEPOT

a. Applicability. This section applies to an Automated Motor Vehicle Depot as defined in this Ordinance.

b. Standard. The following standard shall apply to a Motor Vehicle Depot:

1. No Automated Motor Vehicle shall idle on public rights-of-way, in fire lanes, or any other means of access that would impede or obstruct traffic flow or the ability for vehicles to maneuver on Public Rights-of-Way or in fire lanes.

4.61 GAS STATION

- a. Applicability. This section applies to a Gas Station as defined in this Ordinance.
- b. Standards. The following standards apply to a Gas Station:
 1. All Fuel Pumps and Pump Islands shall be set back a minimum of fifteen (15) feet from any right-of-way line or property line.
 2. Canopies shall not exceed the height of the Principal Structure and shall be architecturally integrated with the Principal Structure through the use of the same or compatible materials, colors, and roof pitch. Any lighting fixtures or sources of light that are a part of the underside of the Canopy shall be recessed into the underside of the Canopy.
 3. Stacking spaces shall be provided to ensure efficient on-site circulation, reduce congestion, and minimize traffic impacts on adjacent streets. A minimum of two (2) stacking spaces per fueling position is required. Stacking spaces shall not obstruct access to designated parking spaces or entrances/exits to the development site or internal circulation for the development site. At minimum, a stacking space must be 8 feet wide and 18 feet long. An area reserved for stacking spaces may not double as a circulation driveway or maneuvering area.
 4. No unlicensed or inoperable vehicles shall be stored on-premises. No repair, assembly or disassembly of vehicles shall take place on the premises.
 5. Fuel pumps shall not be located within 100 feet of any residential structure.

4.62 MAJOR OR MINOR AUTOMOTIVE REPAIR SHOP

- a. Applicability. This section applies to Major or Minor Automotive Repair Shop as defined in this Ordinance.
- b. Standards. The following standards shall apply to a Major or Minor Automotive Repair Shop:
 1. All auto repairs and maintenance services shall be conducted within an entirely enclosed structure.
 2. Outdoor storage and display of auto-related equipment, parts (including tires), discarded parts and wrecked or inoperable motor vehicles is prohibited.
 3. Outdoor display of retail supplies, including auto-related consumable products applied and/or installed by a customer off premise, is permitted.
 4. Noise levels shall comply with City ordinance standards.

4.63 MARINA

- a. Applicability. This section applies to a Marina as defined by this Ordinance.
- b. Standards. The following standards shall apply to a Marina:
 - 1. A Marina shall not unreasonably interfere with access to existing points of public access.
 - 2. A Marina shall only be located in areas that offer safe and convenient access to waters of navigable depth.

4.64 PARKING GARAGE

- a. Applicability. This section applies to a Parking Garage as defined by this Ordinance.
- b. Standards. The following standards shall apply to a Parking Garage:
 - 1. A Parking Garage is allowed as a Principal and Accessory Use to a Principal Use in all Zoning Districts.
 - 2. The facade shall be designed to mimic the style and appearance of adjacent buildings in order to create a cohesive feeling and a structure that is aesthetically compatible with surrounding structures.

CHAPTER 5: DEVELOPMENT STANDARDS

ARTICLE I: GENERALLY

5.1 APPLICABILITY

This chapter applies to all applications for development approval, except as otherwise expressly provided.

5.2 STANDARD SPECIFICATIONS

All construction and development within the City shall conform to the Design Standards as approved, and as amended, by the City Commission.

5.3-5.19 (Reserved.)

ARTICLE II: BUILDINGS AND LOTS

5.20 BUILDINGS ON A LOT

More than one Principal Structure shall be allowed on a Zoning Lot within the MX District and the HI District.

5.21 HEIGHT REGULATIONS

Building height shall comply with the requirements in the applicable Zoning District. The height limitations in the Zoning Districts do apply to the following:

1. church spires, belfries, cupolas and domes, parapets, monuments, water towers, fire and hose towers, observation towers, chimneys, smoke stacks, flag poles, masts and aeriels and towers, or where otherwise expressly provided in this Ordinance.

5.22 ZONING LOTS

- a. Upon request by the property owner, the designation of a Lot or Lots as a Zoning Lot shall be approved by the Zoning Administrator if the following standards are met: (1) the Zoning Lot complies with the lot requirements of the Zoning District in which it is located; and (2) the property or properties being designated as a Zoning Lot are contiguous.

- b. Interior lot lines within a Zoning Lot shall have no effect on the application of this Ordinance.

- c. A Zoning Lot may not be subdivided except in accordance with the procedures set forth in the City's Subdivision Regulations.

5.23-5.29 (Reserved.)

ARTICLE III: STANDARDS

5.30 SCREENING

- a. Applicability. This section applies to commercial uses and Multi-Family Buildings. The requirements of this section shall not apply to a property for which a Statement of Special Exception has been provided.
- b. Standards. The following standards apply to the screening of loading facilities, truck berths, refuse handling facilities (including refuse disposal and recycling), and ground level mechanical equipment visible from public right-of-way.
 - 1. Loading docks and truck berths.
 - a) Opaque walls, wooden screening fences, landscaped berms or landscape areas all of which must be a minimum of eight (8) feet in height and must screen loading dock areas from view from the Public Right-of-Way and abutting Residential Lots. Screening shall be of sufficient length to screen the maximum size trailer which can be accommodated on-site and shall be parallel to trailer berths.
 - b) Example: Docks and berths designed to accommodate a 50-foot trailer shall be screened with a 50-foot wall parallel to the berth.
 - 2. Refuse handling facilities. Opaque walls or wooden screening fences of not less than the height of the facilities to be screened are required to screen the view from any Public Right-of-Way. Permanent walls are required on three sides with an opaque gate allowed on the fourth side for refuse handling facilities.
 - 3. Mechanical equipment, electrical meter and service components, and similar utility devices, whether ground level, wall mounted, or roof mounted and shall be screened from view of the Public right-of-Way. Screening shall either be landscaping, fencing or materials that are the same as the predominate exterior materials of the Principal Structure.

5.31 FENCES AND WALLS

- a. Applicability. This section shall apply to fences and walls constructed within all Zoning Districts except the HI District.
- b. Location. All fences and walls shall be located entirely on the property of the fence or wall owner, unless the owner of the adjacent property agrees in writing to the construction of the fence or wall on the common property line between the two properties, or the fence or wall is associated with a homeowners association or property owners association or otherwise permitted by the City. The agreement shall be submitted to the City with the fence permit application. Fences or walls are prohibited in the Public Rights-of-Way, and the City

shall not be responsible for repair or maintenance of fencing or walls located upon private property or within an easement pursuant to this section.

c. Height measurement. Height of a fence or wall shall be measured from grade to the top of the fence or wall.

d. Standards. The following standards shall apply to the construction of fences and walls based on the use of the lot:

1. Residential lot fences.

a) Fences located along the sides and rear of a lot may not exceed eight (8) feet in height. Fences in front of a Single-Family Dwelling, Duplex, or Townhouse shall not exceed three (3) feet in height, except that a fence to a property located within a gated community or on a Lot that is gated for security purposes may be allowed at a maximum height of eight (8) feet pursuant to a building permit.

b) No residential fence shall be located on a Corner Lot within or along a triangle formed by measuring twenty (20) feet in each direction from the point of corner of the property line at the street intersection or at any location that obstructs visibility to roadway intersections.

2. Commercial lot fences or walls. Fences or walls on commercial lots may not exceed eight (8) feet in height. The Zoning Administrator may approve a waiver to increase the fence height if the owner demonstrates a taller fence is required for security purposes and the increased height will not adversely affect the site distance at street or alley intersections.

3. Industrial lot fences or walls. Fence or wall height restrictions do not apply in the HI Zoning District where the Lot does not abut a Residential Lot and the fence does not adversely affect the site distance at street or alley intersections.

e. Materials. Permitted materials for fences include wood, masonry, wrought iron, tubular steel, aluminum, composite, vinyl, chain link, or other material approved as part of a Site Plan Permit or Building Permit. The finished sides of all opaque fences constructed adjacent to a street shall face the Public Right-of-Way. Permitted material for walls includes masonry, metal or wood.

f. Maintenance. Maintenance requirements for the owner of fences and walls are set forth below:

1. Fences, retaining walls, decorative walls and barriers shall be maintained in good condition, and shall not be out of vertical alignment by more than 18 degrees, unless designed as such.
2. Rotted, fire damaged or broken wooden slats and support posts shall be repaired or replaced.
3. Broken or severely bent metal posts or torn, cut or ripped metal fencing materials shall be repaired or replaced.
4. Loose brick, stone, rock, mortar or similar materials on masonry walls and barriers shall be rebonded or similarly repaired.
- 5.

5.32 STORAGE OF GARBAGE AND TRASH

- a. Applicability. This section applies to the outdoor storage of garbage and trash.
- b. Standards: The following standards apply:
 1. No exterior storage of trash or garbage is permissible except in an Accessory Structure enclosed by walls and roof or contained within an enclosure screened on all sides.
 2. Subsection (a) does not apply to covered garbage cans on Residential Lots or trash receptacles on an active construction site.

5.33 DRIVEWAYS

- a. Applicability. This section applies to the construction of driveways for Residential Lots.
- a. Standards. Driveways for Single-Family Dwellings, Duplexes, and Townhouses shall be of a size sufficient to allow vehicular travel and shall be constructed in accordance with the City's Design Standards.