

Zoning Code

CHAPTER 94: ZONING CODE

“*Side Yard*” means an open, unoccupied space on the same lot with a building between the building and the side line of the lot and extending from the street line to the rear yard. Any lot line not a rear line or a front line shall be deemed a side line.

“*Signs*” means any device or surface on which letters, illustrations, designs, figures or symbols are painted, printed, stamped, raised, projected or in any manner outlined or attached and used for advertising purposes.

“*Single Family Dwelling*” means a detached building having accommodations for, and occupied by only one family.

“*Site Plan/Final Site Plan*” means a development plan of one or more lots on which is shown the following:

(1) The existing and proposed conditions of the lot, including but not necessarily limited to topography, vegetation, drainage, flood plains, and waterways. In addition, the City may require a storm water detention and drainage plan;

(2) The location of all existing and proposed buildings, drives, parking spaces, walkways, means of ingress and egress, drainage facilities, utility services, landscaping, tree survey, structures and signs, lighting and screening devices, storage structure for solid waste container, and architectural design; and

(3) The site plan shall illustrate the location of all trash receptacles, air conditioning and heating equipment, loading areas, parking areas, lighting and the methods to be used to screen all such areas from public view.

(4) The site plan shall illustrate the height calculations by showing the cross sections (a minimum of four are required) to demonstrate that each building complies with height limitations.

(5) Any other information that may be reasonably required in order to determine whether the proposed development complies with the criteria and standards in this Chapter and with the requirements of other city ordinances.

(6) Any site plan which is approved by a governing body of the City becomes a part of the permit application and the applicant is bound by said plan unless a modification is approved by the appropriate governing body of the City.

“*Special use*” means a use that may be authorized by the City Council if the applicant can show, to the satisfaction of the City Council, that the use requested meets all applicable conditions and standards contained in this Chapter. See § 94.053.

“*Stable*” means any premises on which horses are boarded or kept for training, renting, or for giving riding instructions.

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“*Storage Facility*” means a building or property designed and used for the purpose of renting or leasing individual storage space to occupants who are to have access to such facility for the purpose of storing and removing personal property.

“*Street*” means a public thoroughfare more than twenty (20) feet wide.

“*Structure*” means anything constructed, assembled, or erected, the use of which requires location on the ground or attachment to something having location on or in the ground.

“*Structural Alteration*” means any change in the supporting members of a building, such as bearing walls, columns, girders, or beams.

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“*Trailer*” means every vehicle designed for carrying persons or property and for being drawn by a motor vehicle on the highway.

“*Travel Trailer*” (included in recreational vehicle definition) means a vehicle, other than a motor vehicle, that is designed for human habitation for recreational purposes and that may be moved upon a public highway without a special permit or chauffeur’s license, or both, without violating any provision of the vehicle code.

“*Vehicle*” means every device by which any person or property may be propelled, moved or drawn upon a street, road, or highway.

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“*Warehouse*” means a building, or contracted space or room, where raw materials and/or manufactured goods are stored before their export or distribution for sale.

“*Width of Side Yard*” means the mean horizontal distance between a side wall of a building and the side line of the lot.

(Ord. 010614, passed 01-06-14)

§ 94.006 Filing of Plats Prerequisite to Issuance of Building Permits

All applications for building permits from the City shall be accompanied by a plat, in duplicate drawn to scale, showing the actual dimensions of the lot to be built upon, the location and size of the proposed building, the location of proposed accessory buildings, all in relation to lot line, and such other information as may be necessary to provide for the enforcement of this Chapter. A complete and accurate record of such application and plats shall be kept in the City Hall.

(Ord. 010614, passed 01-06-14)

§ 94.007 Variances

(a) Variance Allowed. The City Council may grant a variance it finds that:

(1) The applicant has established that:

(A) Special circumstances or conditions apply to the land for which the variance is sought, also buildings, which circumstances or conditions are peculiar to such land or building and do not apply generally to lands or buildings in the same zone or neighborhood, and that those circumstances or conditions are such that the strict applications of the provisions of this Chapter would deprive the applicant of the reasonable use of such land or buildings, and

(B) The granting of the requested variance will not be detrimental to the public welfare or injurious to the property or improvements in the zone or neighborhood in which the property is located, and

(C) The granting of the variance is necessary for the reasonable use of the land or building and that the variance as granted by the City Council is the minimum variance that will accomplish this purpose, and

(D) The literal enforcement and strict application of the provisions of this Chapter will result in an unnecessary hardship inconsistent with the general provisions and intent of this Chapter and that in granting the requested variance the spirit of the Chapter will be preserved and substantial justice done, and

(E) Conditions or circumstances relied on for a variance were not self-created by the person having an interest in the property in disregard of City regulations, and

(F) The applicant does not have a reasonable alternative to the requested variance that will alleviate the difficulty or hardship.

(2) The City Council certifies that:

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(a) Review by City Council.

(1) *Hearing.* The City Council shall hold a public hearing on all proposed zoning classification changes and general amendments to this Chapter before acting on any such item.

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(2) *Notice.*

(A) *By Publication.* Notice of a public hearing before the City Council to consider a proposed zoning classification change or a proposed general amendment to this Chapter shall be published in the City's official newspaper or in a newspaper of general circulation in City of **Hays and local boards maintained by the City and on the official website maintained by the City** at least fifteen

(15) days prior to the date set for such hearing. The notice shall state the time and place of the hearing and contain a description of the matter to be considered.

(B) *Written Notice to Property Owners.*

(I) When the public hearing is to consider a proposed zoning classification change, written notice of such hearing shall be given to the owners of all real property located within two hundred (200) feet of the property on which the change in classification is proposed. Notice shall be given not less than thirty (30) days before the date set for the hearing before the City Council either by personal service or by depositing a copy of the notice in the mail addressed to each owner at the address shown on the last approved city tax roll. Such written notice shall be in addition to notice by publication and shall contain the substantially same information.

(II) If the request for a change in zoning classification is initiated by the owner of the affected property, such owner shall be responsible for drafting the notice and serving it, after the notice has been approved by the City Secretary for form and content. The owner shall file an affidavit of proof of service with the City Secretary at or prior to the hearing.

(3) *Council Action.*

(A) The City Council may enact a proposed general amendment or change of zoning classification by ordinance if it finds that such amendment or change is in the public interest and conforms to the comprehensive plan of the City.

(B) A change of zoning classification proposed by the owner of the parcel affected may be enacted, even though such proposed change does not conform to the land use map in the comprehensive plan of the City, provided the City Council finds that significant and unanticipated changes have occurred in the area of the affected parcel since the classification on the land use map was adopted that make it unlikely that such parcel can be developed or used for any use permitted under the zoning classification indicated for such parcel in the said plan and, provided further, that the City Council finds that the requested zoning classification is the most appropriate classification for the area affected.

(C) If a written protest is submitted against a proposed change of zoning classification signed by all the owners of twenty (20) percent or more either of the area of the lots or land included in such proposed change, or of the lots of land immediately adjoining the same and/or extending two hundred (200) feet therefrom, such proposed change of zoning classification shall not become effective except by the favorable vote of three-fourths of all the members of the City Council, including the Mayor.

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SUBCHAPTER B. ZONING DISTRICTS; ZONING MAPS

§ 94.020 Establishment and Classification of Districts

To regulate and restrict the location of trades and industries and the location of buildings erected or altered for specific uses, the City is hereby divided into the following “use districts” listed in descending order from the most restrictive to the least restrictive:

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Abbreviated Designation	Zoning District
“A”	Single-Family Residential District
“R”	Retail District
“GUP”	Government, Utility, and Institutional
“GN”	Good Neighbor District

(Ord. 010614, passed 01-06-14)

§ 94.021 Continuation of Prior Zoning Classification of Particular Parcels of Land

Those portions of Ordinance 110A of the City, and the amendments to that ordinance, that specify the zoning district classification for particular parcels or areas of land in the City are continued in full force and effect.

(Ord. 010614, passed 01-06-14)

§ 94.022 Official Zoning Map

The Zoned Districts shall be those districts on the City’s Zoning Map and shall be within the present boundary limits of the City as the City Council has approved and established and will approve and establish from time-to-time. The city map as of the effective date of this ordinance shall also be known as the “Zoning Map,” which is adopted with and declared a part of this Chapter. Recording of this official map in the Official Public Records of Hays County, Texas, is not a prerequisite to the effectiveness of the establishment of or an amendment to any zoning district.

(1) *Identification.* The Official Zoning Map shall be identified by the signature of the Mayor attested by the City Secretary under the following words: “This is to certify that this is the Official Zoning Map of the City of City of Hays, Texas.”

(2) *Changes.* Changes in the zoning classification of particular parcels or areas of land, approved by the City Council in accordance with the provisions of this Chapter, shall be noted promptly on the Official Zoning Map with the following entry: “On (date), by official action of the City Council, the following changes were made in the Official Zoning Map: (brief description of the nature of the changes),” which entry shall be signed by the Mayor and attested by the City Secretary.

(3) *Conformance.* No changes of any nature shall be made in the Official Zoning Map except in conformity with the procedures in this Chapter.

(4) *Duplicate Map.* If the Official Zoning Map becomes damaged, destroyed, lost, or difficult to interpret the City Council may by resolution adopt a new Official Zoning Map which shall exactly duplicate the original except for corrections of errors or omissions.

(Ord. 010614, passed 01-06-14)

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§ 94.023 Rules for Interpreting District Boundaries

When uncertainty exists as to the boundaries of districts as shown on the Official Zoning Map, the following rules shall apply:

- (1) *Geographical Features.* Boundaries that appear to follow streets, roads, or streams shall be construed to follow the centers of those geographical features;
- (2) *Lot Lines.* Boundaries that appear to follow the lines of lots or other parcels of record shall be construed as following such lines;
- (3) *City Limits.* Boundaries that appear to follow city limit lines shall be construed as following such lines; and
- (4) *Council Determination.* In case of uncertainty as to the true location of a district boundary line not covered by the above rules, the City Council shall make a determination of the true location of such line.

(Ord. 010614, passed 01-06-14)

§ 94.024 Zoning of Newly Annexed Areas

(a) Automatic Zoning Classification. Any land annexed into the City after the effective date of this section shall immediately and automatically upon such annexation be classified to be in the “A” Single-Family Residential District, unless otherwise set forth in the subject annexation ordinance.

(b) Permanent Zoning Classification.

(1) *Process.* Within a reasonable amount of time after annexing the property, but not later than three months after the date the owner of newly annexed property files a written request with the City for a particular zoning classification, the City Council shall institute proceedings to give the newly annexed territory a permanent zoning classification.

(2) *Public Hearing.* The City Council must hold a public hearing on the proposed permanent zoning classification.

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(3) *Notice of Hearing.* At least sixteen (16) days before the date set for the hearing, the City Council shall publish notice in the City’s local newspaper and the local information boards maintained by the City and on the official website maintained by the City.

(Ord. 010614, passed 01-06-14)

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(1) Warehouse space

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§ 94.033 “GUI” Governmental, Utility, and Institutional District

(a) Purpose. This district is intended to provide appropriate areas for uses that provide important community services often requiring large amounts of land. Uses permitted in the GUI District may generate a large amount of traffic. Therefore, only land abutting a major street that can be used for access should be considered appropriate for GUI classification. An appropriate site should also contain adequate space for required off-street parking and buffering.

(b) Permitted Uses.

- (1) Those uses permitted in “A” Districts;
- (2) Church;
- (3) Facility owned and operated by the federal government, the State, or political subdivisions of the State;
- (4) Fire station;
- (5) School, either public or private non-profit;
- (6) Uses required by public utilities; and
- (7) Accessory uses customarily incidental to any of the foregoing permitted uses.

(c) Special Uses Permitted Upon Authorization of City Council.

- (1) Proprietary or for-profit school; and
- (2) Child day-care facility.

(Ord. 010614, passed 01-06-14)

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§ 94.034 “GN” Good Neighbor District

(a) Purpose. This district is intended to provide opportunities for quiet, low-density, neighborhood-friendly business activity along FM 1626 while maintaining a semi-rural character of the area and protecting residential properties from nuisance factors.

(b) Calculating Dimensional Regulations. Dimensional regulations define “Front” in the “GN” Good Neighbor district as the lot line of the property along FM 1626.

(c) Adjacent Lots. The joining of two (2) lots is permitted in this district only when an existing single lot does not meet minimum dimensional regulations. The joining of more than two (2) lots is not permitted.

(d) Permitted Uses. In a “GN” Good Neighbor District, a building or land shall not be used, and a building shall not be erected or structurally altered, unless otherwise provided in this Chapter, except for one or more of the uses enumerated in this section. Permitted uses are enumerated as follows:

- (1) Professional offices
- (2) Personal Service shops
- (3) Retail establishments where the primary business is the selling of non-food goods to a final customer
- (4) Repair shops, excluding any engine repair
- (5) Nurseries and greenhouses
- (6) Art gallery, studio or museum
- (7) Bed and Breakfast
- (8) Public space or Community Center
- (9) Any use permitted in an “A” district

(e) Special Uses Permitted Upon Authorization of City Council. Uses not outlined or defined in this section may only be granted upon authorization of City Council.

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(a) Lot Coverage. The amount of ground covered by the principal and accessory structures and parking areas shall not exceed the maximum percentage of the total lot area shown on the schedule of regulations.

(b) Height of Structures.

(1) *Maximum Height*. A structure shall not have a height greater than that shown on the schedule of regulations as being permitted in the district in which the structure is located.

(2) *Measurement*. Height shall be measured vertically from the undisturbed natural grade to the highest point of the building or structure, excluding spires, antennas, ventilators, chimneys, or other similar appurtenances. Undisturbed natural grade elevations shall be certified by a registered architect, surveyor or engineer.

(i) Minimum Floor Area for Dwellings.

(1) *Minimums*. A dwelling unit shall not have an enclosed living area smaller than that shown on the schedule of regulations.

(2) *Computation*. The minimum floor area shall be computed exclusive of breezeways, garages, open porches, carports, or accessory buildings not designed and used directly and specifically for dwelling purposes.

(j) Schedule of Regulations.

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(1) *Dimensional Regulations*.

<i>Dimensional Regulations</i>	<i>Districts</i>			
	<i>A</i>	<i>R</i>	<i>GUI</i>	<i>GN</i>
Lot area (minimum acre)	1	20	2	4
Lot width (minimum feet)	150	150	150	350
Lot depth (minimum feet)	150	200	200	200
Building setback lines for lots of one acre or more				
Front (minimum feet)	30	30	30	30
Side (minimum feet)	25	(I)	(I)	80
Rear (minimum feet)	30	40	40	80
Building setback lines for lots of less than one acre				
Front (minimum feet)	20	N/A	30	N/A

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Dimensional Regulations	Districts			
	A	R	GUI	GN
Side (minimum feet) (each) (II)	7½	N/A	(II)	N/A
Rear (minimum feet)	20	N/A	30	N/A
Minimum setback lines for accessory structures for lots of one acre or more				
Front (minimum feet)	30	30	30	30
Side (minimum feet) (each)	5	(I)	(I)	75
Rear (minimum feet)	7½	40	40	75
Minimum setback lines for accessory structures for lots of less than one acre				
Front (minimum feet)	20	N/A	30	N/A
Side (minimum feet) (each)	5	N/A	(II)	N/A
Rear (minimum feet)	7½	N/A	30	N/A
Lot coverage-impervious cover (maximum percentage)	40%	(III)	(III)	40%
Height of buildings (maximum feet)	28	30	30	30
Minimum floor area of each dwelling unit in building (square feet)	975	1000	1000	1000
Minimum off-street parking of each dwelling unit (square feet) Excluding the garage and with no clearance to property line	360	N/A	N/A	N/A

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Districts			
Dimensional Regulations	A	R	GUI
(I)	The sum of 50 feet with neither side less than 20 feet, except a minimum of 40 feet for any side(s) that adjoins an “A” district.		
(II)	The sum of 40 feet with neither side less than 10 feet except a minimum of 25 for any side(s) that adjoins an “A” district.		
(III)	Where the slope gradient is zero to fifteen percent the maximum impervious cover is forty (40%) percent.		

(2) *Additional Dimensional Regulations for Non-Residential District (“GUI” - Government, Utility, and Institutional).*

DIMENSIONAL REGULATIONS			
	R	GUI	GN
Maximum floor area (square feet) per building	20,000	20,000	(IV)
Minimum separation between buildings (linear feet)	30	30	30
(IV) A total of 15,000 square feet which may be divided between a maximum of 2 buildings on the same lot.			

(Ord. 010614, passed 01-06-14)

§ 94.061 Environmental Regulations for All Districts

(a) Landscape.

(1) *Natural State.* Landscape shall be preserved in its natural state to the greatest extent feasible. Structures, driveways, and parking areas shall be designed and located to fit harmoniously with the natural terrain and to minimize the necessity for removing trees, native vegetation, and soil, or the addition of fill. Site clearing, beyond what is necessary to provide locations for structures, driveways, parking, or small yard areas shall not be permitted.

(2) *Minimize Disturbance.* The project developer shall leave undisturbed native vegetation to the maximum extent feasible. In addition, with the exception of ash/Mountain Juniper (cedar), each tree removed with a trunk greater than six (6) inches measured at a point four and one-half feet above ground must be replaced with comparable mature species in an appropriate location to compensate for the loss of such trees.

(3) *Physical Barriers.* To preserve the required mandatory areas of natural vegetation landscape from inadvertent damage during construction, a physical barrier shall be erected around the perimeter of these inviolate areas. The barriers will be in place and approved by the Code Enforcement Officer before any site clearance can commence. The barrier may consist of a temporary chain link fence, wooden stake (snow) fence, one-half inch white rope with orange streamers every five feet or other devices as approved

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by the Code Enforcement Officer. Minimum height for all types of barriers is four feet. Barriers shall

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remain in place until the final building and landscape site inspections are satisfactorily completed for the issuance of the Certificate of Occupancy. Only after this time can the barriers be removed.

(4) *Tree Survey*. When tree surveys are submitted they will show all trees over six inches in diameter. Tree size is measured at a point four and one-half feet above the ground level.

(b) Relationship of Proposed Structure to Environment. Proposed structures and landscaping shall relate harmoniously to the terrain, to the natural landscape, and to existing buildings and roads in the vicinity that have a visual relationship to the proposed structure.

(c) Ecological Considerations. Development shall insofar as practicable:

(1) Result in minimal impairment of the regenerative capacity of aquifers and other groundwater and surface water supplies;

(2) Result in minimal degradation of unique or irreplaceable land types and in minimal adverse impact upon critical areas, such as streams, highly erodible soils, and mature stands of native vegetation; and

(3) Conform with existing geologic and topographic features, to the end that the most appropriate use of land is encouraged.

(Ord. 010614, passed 01-06-14)

§ 94.062 General Regulations

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(a) Uses Prohibited In City. All uses not expressly permitted or authorized by this Chapter are prohibited in the City, including the following:

(1) Commercial kennels, except by Special Use Permit;

(2) Open-air commercial amusements;

(3) Junk yards, salvage yards, and all open-air storage of junk, waste products and salvage materials;

(4) All open-air storage of building materials, equipment, and merchandise (except live vegetation) except that necessary to a construction project, provided that the materials and equipment are located on the site of the construction and are removed immediately upon completion or discontinuance of work;

(5) Placing, locating, or erecting a mobile home;

(6) Mobile home or recreational vehicle parks;

(7) All signs except as expressly permitted in this Code;

(8) Quarrying;

(9) Heavy industrial, mining, or extractive uses of all descriptions;

(10) Adult entertainment activity;

(11) The sale of fireworks;

(12) Uses attended by substantial nuisance factors as defined in this Code.

(13) New Nondpository Financial Institutions

(14) New Storage Facilities

(b) Elimination of Nuisance Factors. Nuisance factors attending any use lawfully existing on the effective date of this Chapter shall be eliminated or mitigated to the maximum extent feasible within ninety (90) days of the effective date of this Chapter.

(c) Structures to Have Access.

(1) *Access to Public Street*. Every building hereafter erected or moved shall be on a lot adjacent to a public street, or with access to an approved private street.

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(2) *Driveways.* Driveway entrances with gates shall be designed so that any vehicle entering the gates will be completely off the right-of-way when stopped to open gates (the gate shall be set back a minimum twenty (20) feet from the right-of-way).

(d) *Accessory Use.* The uses of land, buildings, and other structures permitted in each of the districts established in this Chapter are designated by listing the principal uses. In addition to such principal uses, accessory uses are also permitted in each district. Each accessory use shall:

- (1) Be customarily incidental to the principal use established on the same lot;
- (2) Be subordinate to and serve such principal use;
- (3) Be intended for the comfort, convenience, or necessity of users of such principal use;
- (4) Not be designed nor used for human habitation except for guest house and domestic employee quarters as provided in this Chapter; and
- (5) Not be attended by nuisance factors.

(e) *Visibility Along Streets and at Street Corners.* A structure shall not be erected, and vegetation shall not be maintained in the area of a corner lot between the sidelines of the intersecting streets and a straight line joining points on such sidelines ten (10) feet distant from their point of intersection, which materially obstructs safe visibility for vehicular traffic. A structure shall not be erected, and vegetation shall not be maintained along sinuous streets that materially obstructs safe visibility for vehicular traffic.

(f) *Screening of Nonresidential Uses From Residential District or Use.*

(1) *Required Landscaped Buffer Strips.* All lots, or parts of lots, which are improved with a predominantly nonresidential use and whose side or rear lines are adjacent to a residential district or use, shall be screened from such residential district or use by landscaped buffer strips or other such screening in such lots and along such side or rear lines of the lots as the City Council shall approve.

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(2) *Screen Planting Generally.* Within required buffer areas, a solid and continuous landscape screen shall be planted and maintained. Such landscaping shall consist of massed evergreen and deciduous trees and shrubs of such species and size as will produce a screen at least eight (8) feet in height within two growing seasons, so as continually to restrict a clear view beyond such buffer strip.

(3) *Height of Planting.* The required height of the screen shall be measured from the elevation of the edge of the adjacent area to be screened. In cases where the elevation of the planting location is less than the elevation of the edge of adjacent area, the required height of the screen shall be increased in an amount equal to such difference in elevation. In cases where the elevation of the planting location is greater than that at the edge of the adjacent area, the required height of the screen may be reduced in an amount equal to such difference in elevation: provided, that in no case shall the required height be reduced more than two (2) feet.

(4) *Width; Maintenance.* The buffer strip shall be at least seventy five (75) in width at all points and shall be graded and furnished with appropriate ground cover and such other shrubbery or trees as may be desired by the owner. It shall be maintained and kept clean of all debris and rubbish.

(5) *Replacement of Dead Plantings.* Required buffer plantings shall be replaced from time to time as they die and within one year after they die.

(6) *Installation of Plantings or Performance Guarantee Prerequisite for Certificate of Occupancy.*

(A) No Certificate of Occupancy. For premises upon which such screening is required shall be issued until such time as the landscaping requirements as set forth in this subsection are installed,

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- (A) The occupation use shall be carried on by a member of the family residing on the premises and not more than one nonresident assistant; and
- (B) Adequate off-street parking is available on the property where the use is located.

(2) *Employee Dining Facilities.*

- (A) The employee dining facility must be operated within the office buildings and only in projects that total over fifty thousand (50,000) total surface feet of building floor area within one lot.
- (B) The employee dining facility shall be limited in size so as to serve the employee population of the office complex. Advertising of said facility shall not be permitted outside the complex.
- (C) The permit shall be reviewed annually.

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(3) *Minor Emergency Clinic.* For Districts R and GN, an applicant must comply with the following specific criteria and conditions, as well as the foregoing general criteria:

- (A) The parcel must have direct access to a public street.
- (B) The clinic shall be operated by a physician licensed to practice medicine in the State and currently in good standing with the Texas Medical Board; and
- (C) The on-site sewage facility for the clinic shall be specifically designed by a licensed engineer for water consumption or capacity typically associated with minor emergency medical clinics.

(b) General Requirements for all Special Uses.

(1) *Adherence to Approved Plans, Regulations.* A special use shall be established, operated and maintained in accordance with the plans, terms, conditions, and limitations contained in the permit approved by the City Council.

(2) *Duration.* Special Use Permits may be granted for a definite or an indefinite period of time.

(3) *Revocation.* The City Council, after notice and public hearing, may revoke any Special Use Permit for one or more of the following reasons:

- (A) A substantial violation of any of the plans, terms, conditions, and limitations applicable to the special use;
- (B) A substantial violation of any applicable ordinance or regulation;
- (C) Operation or maintenance of the special use in a manner that is detrimental to the public's health or safety, or so as to constitute a nuisance; and/or
- (D) Discontinuance of the use.

(4) *Lapse of Permit.* A Special Use Permit shall lapse if the use has not been commenced, or, in the case of construction, if construction has not been commenced, within one year of the date the permit was issued.

(5) *Transfer.* A Special Use Permit is not transferable and shall cease upon transfer of the land for which the City issued the permit.

(6) *Professional and Consulting Fees and Filing Fees.* Each applicant for a Special Use Permit must pay all Professional and Consulting Fees of the City, if any, and Filing Fees, if any.

(Ord. 010614, passed 01-06-14)

Cross-Reference – See Part 94.00 (*Fee Schedule for Variances, Special Use Permits, and Zonings*)

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(a) Perimeter Lighting in R Districts. Lighting sources are permitted on lot lines adjacent to a public street under the following conditions:

- (1) The lighting source fixture shall not exceed sixty (60) watts;
- (2) More than two lighting source fixtures on either side of two driveways are not permitted per lot;
- (3) All other perimeter lighting sources are permitted;
- (4) All lighting sources shall be shielded by a translucent material;
- (5) All lighting sources shall be focused so as to shine the light toward the ground.

(b) Private Walk Way Lighting in R Districts. Private walk way lighting source fixtures shall be focused so as to shine the light toward the ground. A private walk way lighting source fixture shall not exceed sixty (60) watts.

(c) Flood Lights in R Districts. Flood lighting source fixtures on residential structures shall be shielded so that the lighting source shall not be visible from adjacent property. A flood lighting source fixture shall exceed one hundred and fifty (150) watts, except two hundred and fifty (250) watt Mercury Vapor lights.

(d) Yard Lighting in Districts. The lighting source fixtures for illuminating the canopies of trees or conversely the base of trees shall not be visible from adjacent properties. Such lighting source fixture shall not exceed one hundred and fifty (150) watts.

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(e) Artificial Lighting For Parking Lots in R, GN, and GUI Districts. Lighting source fixtures for parking lots in O, R, and GUI districts are permitted under the following conditions:

- (1) Such lighting source fixture shall not exceed a height of twenty (20) feet above the ground;
- (2) Only one fixture shall be permitted per pole;
- (3) Such lighting source fixture shall not exceed two hundred and fifty (250) watts;
- (4) Lighting source fixtures shall be either mercury vapor or high pressure sodium lamps;
- (5) The lighting source fixture housed in a box-type enclosure masking the lighting source so as not be visible from public streets or adjacent private property;
- (6) All lighting plans for parking lots shall be approved in advance by the City Council. (Ord. 010614, passed 01-06-14)

§ 94.069 Signs and Billboards

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It shall be unlawful for any person to place, erect, construct or use any sign, except as in a "R" retail or "GN" good neighbor or less restricted district, only one sign of any character, not exceeding six square feet in area visible from the outside of the building, shall be displayed indicating the sale or dispensing of wine or beer, and such sign shall not be placed on the sidewalk or other public property. In any use district, signs shall conform to the height limitations for buildings and shall be set back from the front and side street lines the same distance buildings and walls are required to set back by the height and area requirements for the district in which the sign is located, except as follows:

- (1) Signs required under Section 94.070 and Section 94.071;
 - (2) Signs pertaining to the occupancy of "A" residence shall be no window displays, no name plate exceeding two (2) square feet in area, no temporary bulletin board or sign board exceeding twelve (12) square feet, appertaining to the lease, hire, or sale or construction of a building or premises, no advertising sign of any other character shall be permitted.
- (Ord. 010614, passed 01-06-14)