

## **CHAPTER 154: ZONING REGULATIONS**

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**GENERAL PROVISIONS**

**§ 154.001 GENERAL PROVISIONS.**

(A) *Title.* This subchapter shall be known, cited and referred to as the "Zoning Ordinance of the City of Ferris."

(B) *Interpretation of chapter.* When interpreting and applying the provisions of this chapter, such provisions shall be held to be the minimum requirements for the promotion of the public health, safety, convenience, comfort, prosperity and general welfare.

(1) *Conflict with other laws.* Nothing in this chapter shall be construed as repealing any existing ordinance regulating nuisances or as permitting or requiring uses that are now prohibited by law.

(2) *District boundaries.* When definite distances in feet are not shown on the Zoning District Map, the district boundaries on the Map are intended to be along existing streets, alleys or property lines or extensions of or from the same. When the location of a district boundary line is not otherwise specified, it shall be determined by scaling on the Official Zoning Map and measuring from a given line.

(3) *Discrepancies in map.* Where the street layout on the ground varies from the street layout as shown on the Zoning District Map, the Board of Adjustments may apply the designations shown on the mapped streets in such a way as to carry out the intent and purpose of the plan for the particular area in question.

(4) *Pre-existing legal status.* No building, structure or use which was not lawfully existing at the time of adoption of this chapter shall be, become or be made legal solely by the adoption of this chapter.

(C) *Severability.* It is hereby declared to be the intention of the City Council of the city that the provisions of this chapter are severable. If any court of competent jurisdiction shall judge any provision of this chapter to be invalid, such judgment shall not affect any other provision of this chapter not specifically included in said judgment. If any court of competent jurisdiction shall judge invalid the application of any provision of this chapter to a particular property, building or other structure, such judgment shall not affect the application of said provision to any other property, building or structure not specifically included in said judgment.

(D) *Rules for words and phrases.* The zoning regulations and districts provided herein have been established in accordance with a comprehensive plan, for the purpose of promoting the health, safety, morals, and general welfare of the citizens of the city. They have been designed to lessen congestion in the streets; to secure safety from fire, panic and other dangers; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewage, schools, parks and other public requirements. They have been made with reasonable consideration, among other things, for the character of the district and for its peculiar suitability for particular uses, and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the city consistent with a comprehensive plan.

(1) *General interpretation.* For the purpose of this chapter, certain terms and words are defined and shall have the meanings ascribed in this chapter unless it is apparent from the context that different meanings are intended.

(2) *Tense and number.* Words used in the present tense include the future tense; words in the singular number include the plural number, and words in the plural number include the singular number.

(3) *Interpretation of certain words.* The word "shall" is mandatory not directory; the word "may" is permissive; the word "person" includes a firm, association, organization, partnership, trust, foundation, company, or corporation as well as an individual; the word "used" means designed and intended or arranged to be used; the word "building" includes the word "structure;" the word "lot" includes "building lot" or "parcel." The term "occupied" means "occupied or intended to be occupied, or arranged or designed for occupancy." The word "including" means "including but not limited to." Wherever this chapter imposes a greater restriction than imposed by other ordinances, laws, or regulations, the provisions of this chapter shall govern.

(E) *Districts established.* The city is hereby divided into 16 classes of use districts, such districts being of the shapes and areas deemed best suited to carry out the purpose and intent of this chapter, and are named as follows:

(1) *Undeveloped land district.*

- (a) "AG" Agricultural;
- (b) "POS" Parks & Open Spaces.

(2) *Residential districts.*

- (a) "R-1" Single-Family Residential District - 9,000 square foot lot size;
- (b) "R-2" Single-Family Residential District - 7,150 square foot lot size;
- (c) "R-3" Single-Family Residential District - 5,500 square foot lot size;
- (d) "R-T" Single-Family Residential District - Cluster;
- (e) "R-D" Residential District - Duplex;

(f) "MF-18" Multi-Family Residential District - 18 DU/Ac.;

(g) "MH" Mobile Home Park District;

(h) "RV" Recreational Vehicle District.

(3) *Commercial districts.*

(a) "C-O" Office Commercial District;

(b) "C-N" Neighborhood Commercial District;

(c) "C-C" Commercial Corridor District.

(4) *Industrial districts.*

(a) "I-L" Light Industrial and Warehousing District;

(b) "I-H" Medium and Heavy Industrial District;

(5) *Planned multi-use development districts.*

(a) "PD" Planned Development District;

(F) *Zoning District Map.*

(1) *Official Zoning Map.* The boundaries of the districts are as shown on the Official Zoning District Map, which has been previously adopted and is made a part of this chapter. Any future updates to the Official Zoning Map shall become part of this chapter at the time that the Map is adopted by the City Council. It shall be the duty of the City Manager or his or her authorized representative to keep the Map current by marking or otherwise indicating on it the changes of the district boundaries and of uses as a result of amendments to this chapter.

(2) *Questions regarding boundaries.* Where uncertainty arises with regard to the boundaries of districts as shown on the Map, the following rules shall apply:

(a) Boundaries indicated as approximately following the center lines of streets, highways, alleys, railroads, streams, or property lines shall be construed as following such center lines;

(b) Boundaries indicated as approximately following city limit lines shall be construed as following such lines;

(c) Boundaries indicated as parallel to or extensions of features indicated in division (F)(2)(a) and (b) above shall be so construed. Distances not specifically indicated on the Map shall be determined by the scaling on the Map.

(d) Where physical or cultural features existing on the ground are at variance with those shown on the Map or in other circumstances not covered by these rules, the City Council shall interpret the district boundaries.

(G) *General provisions: Residential districts.*

(1) *Non-applicability of area regulations to certain lots.* The required minimum lot width and the required minimum lot area for any Single-Family Residential District shall not apply to any individual lots of record that was platted prior to the adoption of this chapter.

(2) *Construction regulations.*

(a) Every residential structure hereafter constructed or placed in the city shall have at least 75% of its exterior wall surface constructed of masonry and/or glass pane.

(b) Every residential structure hereafter constructed or placed in the city shall have 100% of all wall surfaces facing a public street (front or side) constructed of masonry and/or glass pane.

(c) Stucco shall not be allowed on any residential structure with less than 4,000 square feet of living area.

(d) Single-family homes constructed/re-constructed in established neighborhoods may be constructed/re-constructed to match the type of construction most prevalent in the surrounding area. Should a question arise as to the allowed type of construction the Board of Adjustments shall make the final determination.

(e) Single-family homes hereafter constructed or placed in the city shall have a minimum of a 2-car garage, with a minimum 400 square feet.

(f) These construction regulations shall apply to all of the following:

1. Newly constructed houses.
2. Houses moved into or within the city from a previous location.

3. Houses determined by the Building Official or Board of Adjustment and Appeals to be damaged or deteriorated over 50% of the appraised value.

(H) *General provisions: Industrial districts.* When a building is erected or structurally altered for any of the uses provided in § 154.060 in any district in § 154.070, the same shall comply with the minimum yard and off-street parking requirements which would be applicable if the same were situated in a "C-C" District.

(Ord. O-12-743, passed 12-3-2012; Am. Ord. O-15-800, passed 8-17-2015)

## **§ 154.002 DEFINITIONS.**

(A) *General definitions.* For the purposes of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**ADMINISTRATIVE OFFICIAL.** The City Manager or other designated authority charged with the administration and enforcement of this chapter, or his or her duly authorized representative.

**ALLEY.** A public minor way that is used primarily for secondary vehicular service access to the back or side of properties otherwise abutting on a street or highway.

**APPRAISED VALUE.** The current appraised building value as established by either the Dallas or Ellis County Appraisal District (D.C.A.D. or E.C.A.D.) or an appraisal completed by a licensed real estate appraiser in the State of Texas (This will be done solely at the property owner's own expense).

**BASEMENT.** A building story which is partly underground but may have at least 1/2 of its height above the average level of the adjoining ground.

**BLOCK.** Property abutting on 1 side of a street and lying between the nearest intersecting or intercepting streets or nearest intersecting or intercepting street and railroad right-of-way, waterway, or other barrier to or gap in the continuity of development along such street.

**BOARD.** Board of Adjustments.

**BUILDING.** Any structure built for the support, shelter, or enclosure of persons, chattels, or movable property of any kind.

**BUILDING ENDS.** Those sides of a building having the least dimension as compared to the front or rear of a building. As used herein for the building spacing regulations for multiple-family dwellings, a **BUILDING END** shall be interpreted as being the most narrow side of a building regardless of whether it fronts upon a street, faces the rear of the lot or is adjacent to the side lot line or another building.

**BUILDING LINE.** A line parallel, approximately parallel, or radial to the property line at a specific distance there from marking the minimum distance from the street line that a building may be erected.

**BUILDING OFFICIAL.** (See **ADMINISTRATIVE OFFICIAL**.)

**CARPORT.** A structure built and used for the shelter and protection of motor vehicles against the elements and consisting of a roof and supports, open on 3 sides from roof to adjacent ground level in residential districts.

**CERTIFICATE OF OCCUPANCY AND COMPLIANCE.** An official certificate issued by the city through the enforcing official that indicates conformance with or approved conditional waiver from the zoning regulations and building codes and authorizes legal use of the premises for which it is issued.

**COMMISSION.** The Planning and Zoning Commission of the city.

**COUNCIL.** The governing body of the city.

**COURT.** An open, unoccupied space, bounded on more than 2 sides by the walls of a building.

(a) An **INNER COURT** is a court entirely surrounded by the exterior walls of a building.

(b) An outer court is a court having 1 side open to a street, alley, yard or other permanent space.

**COVERAGE.** The percent of a lot or tract covered by the roof or first floor of a building. Roof eaves to the extent of 2 feet from the walls of a building shall be excluded from coverage computations.

**CUSTOMARILY INCIDENTAL USE.** A use of a building or premises, not involving the conduct of a business, which use is only secondary to the principal use and is necessary to the enjoyment of the premises for any of the principal uses permitted within a zoning district. A **CUSTOMARILY INCIDENTAL USE** may include a customary home occupation.

**DEVELOPMENT SITE.** The tract of land on which a developer constructs physical improvements, as for example, a residential subdivision, a townhouse community, or a shopping village. In most cases, this involves subdividing 1 larger tract into a number of smaller parcels and constructing at least the infrastructure associated with the entire project.

**DISTRICT.** A zoning district; a section of the city for which the regulations governing the area, height, and use of buildings and land are uniform.

**DU.** Abbreviation for dwelling unit.

**DU/A.** Abbreviation for dwelling unit per acre.

**DWELLING UNIT.** A room or a group of rooms including cooking accommodations, occupied by 1 family, and in which not more than 2 persons, other than members of the family, are lodged or boarded for compensation at any 1 time.

**ESSENTIAL SERVICES.** The erection, construction, alteration, or maintenance by public utilities or by governmental departments or commissions of such underground or overhead gas, electrical, steam, or water transmission or distribution systems and structures, collection, communication, supply or disposal systems and structures, including towers, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, street lights, traffic signals, hydrants and other similar equipment, and accessories in connection therewith, but not including buildings or microwave radio relay structures, as are reasonably necessary for the furnishing of adequate service by such public utilities or governmental departments or commissions or as are required for protection of the public health, safety, or general welfare. For the purpose of this definition, the word "building" does not include "structures" for essential services.

**FAMILY.** Any number of persons living together as a single, nonprofit housekeeping unit in which not more than 4 individuals are unrelated by blood, marriage or adoption, but not including a group occupying a hotel, boarding house, club, dormitory, fraternity or sorority house.

**FENCE.** A structure that functions as a barrier or boundary, usually constructed of posts, boards, wires, rails, or masonry.

**FLOOD.** A temporary rise in stream flow or stage that results in water overtopping its bank and inundating areas adjacent to the channel.

**FLOODPLAIN.** The area outside the floodway that is still subject to inundation by the regulatory flood.

**FLOODWAY.** The channel of a stream and adjacent land areas which are required to carry and discharge the flood water of flood flows of any stream associated with the regulatory flood with an allowable maximum increase in water surface elevation above the regulatory flood of 1 foot.

**FLOOR AREA.** The total square feet of floor space within the outside dimensions of a building including each floor level, but excluding cellars, carports and garages; also called **LIVING AREA**.

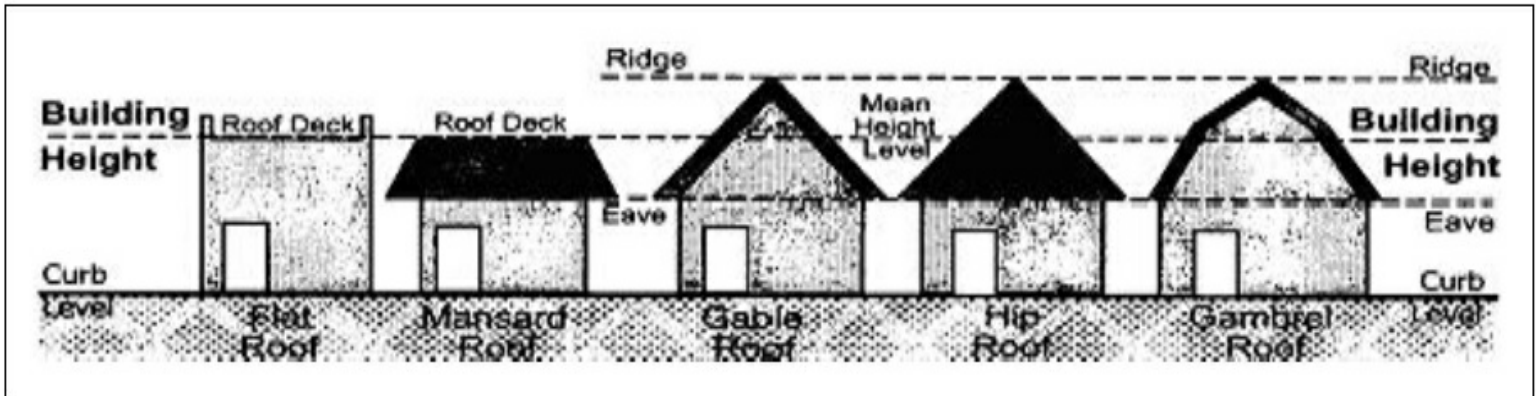
**FLOOR AREA RATIO (FAR).** The ratio between the total square feet of floor area in a structure and the total square feet of land within the lot or tract on which the structure is located.

**GRADE.** When used as a reference point in measuring height of building, the **GRADE** shall be the average elevation of the finished ground at the exterior walls of the main building.

**GROUND FLOOR AREA.** The living area of a building including the walls thereof, but excluding all porches, open breezeways, and garages.

**HARD, ALL-WEATHER SURFACE.** Concrete, asphalt, brick and other commonly accepted pavement which may be approved by the Building Official.

**HEIGHT OF BUILDING.** The vertical distance from the grade to the highest point of the coping of a flat roof or to the deck line of a mansard roof, or to a point midway between elevation of the eaves and elevation of the ridges, for gable, hip, and gambrel roofs. See image below example.



**IMPERVIOUS COVERAGE.** Any material that substantially reduces or prevents the infiltration of storm water into previously undeveloped land.

**IMPROVED SURFACE.** Surfaces constructed of concrete or asphalt in accordance with the city's standards as set forth in the Code of Ordinances.

**INFRASTRUCTURE.** Structures built below, on, or approximately on the surface of the ground which provide the foundations for superstructures, on which provide services for building structures or for other utility purposes, for example, streets, water and sewer lines and their appurtenances, and storm drain systems.

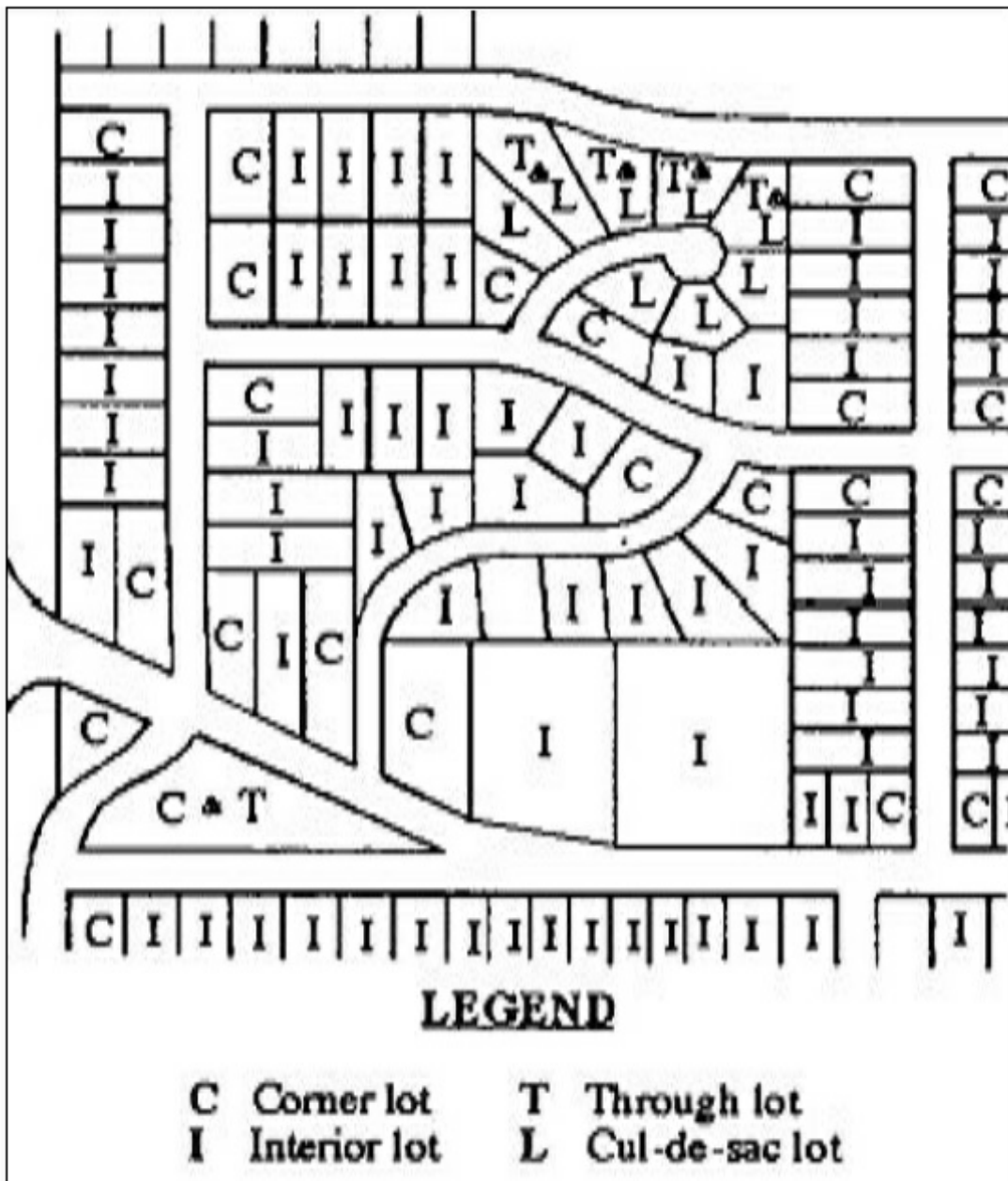
**INSTITUTION.** A building occupied by a non-profit corporation, a nonprofit establishment for public use.

**LIVING AREA.** The floor area of the enclosed parts of a dwelling unit, exclusive of garages, measured by the exterior dimensions.

**LOCAL UTILITY LINE.** The facilities provided by a municipality or a franchised utility company for the distribution or collection of gas, water, surface drainage water, electric power, telephone or television service.

**LOT AREA.** The entire parcel of land occupied or to be occupied by a main building and its accessory buildings, or by a group such as a dwelling group or automobile court and their accessory buildings, including the yards and open spaces required therefor by this chapter and other applicable law.

**LOT, CORNER.** A lot abutting on 2 intercepting or intersecting streets where the interior angle of intersection or interception does not exceed 135 degrees. See image below example.



**LOT COVERAGE.** The percentage of the total area of a lot occupied by the base (first story or floor) of buildings located on the lot.

**LOT DEPTH.** The average depth from the front line of the lot to the rear line of the lot.

**LOT, DOUBLE FRONTAGE.** A lot, other than a corner lot, which is contiguous to 2 streets, and which, therefore, has 2 front yards (same as a through lot). See image above for example.

**LOT, INTERIOR.** A lot other than a corner lot. See image above for example.

**LOT LINE.** A boundary of a building lot.

**LOT LINE, FRONT.** The boundary between a lot and the street on which it fronts.

**LOT OF RECORD.** A lot which has been recorded in the office of the County Clerk.

**LOT, REVERSE CORNER.** A corner lot, the rear lot line of which abuts the side lot line of the lot adjacent to it.

**LOT, THROUGH.** A lot having its front and rear lines on different streets (same as a double frontage lot). See image above for example.



**LOT WIDTH.** The horizontal distance between the side lot lines of a lot, measured at right angles to the depth at the front building line.

**MAIN BUILDING.** A building in which the principal use of the lot on which the building is located is conducted.

**MASONRY AND GLASS PANE.** Shall include (residential) brick, stone, lath and stucco, (non-residential) concrete block, concrete tilt wall or other such masonry products approved for exterior use and installed under the specifications contained under the City of Ferris Building Code. In order to qualify as a masonry product in meeting any exterior wall surface construction requirement, the finished wall shall have a minimum thickness of 7/8" of masonry (This does not include "Hardiplank," "Hardipanel" or other similar sheet masonry like products). EFIS shall be approved for non-residential construction. **GLASS PANE** shall include any glass product that is approved for exterior use and installed under the City of Ferris Building Code.

**MOBILE HOME LOT.** That part of a parcel of land (mobile home site) in a mobile home park which has been reserved for the placement of 1 unit of manufactured housing to be used as a single dwelling unit, whether the housing arrived in 1 or more sections.

**MOVED BUILDING.** A previously constructed building that has been fitted for transportation or relocation. This shall include all finished buildings or sections thereof to be transported either to a storage site or a temporary location.

**NONCONFORMING USE.** A building, structure or use of land lawfully occupied at the time of the effective date of this chapter or amendments thereto, and which does not conform to the use regulations of the district in which it is situated.

**OPEN SPACE, COMMON OPEN SPACE, PERMANENT OPEN SPACE.**

(a) **OPEN SPACE** is that land area that is relatively free of man-made structures, where water bodies, land forms, and vegetation predominate;

(b) **COMMON OPEN SPACE** is that open space which is owned, used, or operated and maintained for the common benefit of the inhabitants of a development;

(c) **PERMANENT OPEN SPACE** is that open space land which is legally restricted to park, floodplain, or other open space usage; or which is publicly owned and utilized as open space.

**PARKING LOT SPACE.** A hard, all weather surfaced area, enclosed or unenclosed, sufficient in size to store 1 automobile together with the surfaced driveway connecting the parking space with the street or alley and permitting ingress or egress of an automobile. A **PARKING LOT SPACE** shall not occupy any public land or right-of-way.

**PARKWAY AREA.** That portion of the public right-of-way lying primarily between the edge of the pavement or curb and the private property line, often corresponding with an easement.

**PARTICULAR MATTER.** Any material, except uncombined water, which exists in a finely divided form as a liquid or solid at standard conditions when released into the atmosphere.

**RECREATIONAL AREA.** An area devoted to facilities and equipment for recreational purposes, swimming pools, tennis courts, playgrounds, community clubhouses, and other similar uses.

**RECREATIONAL VEHICLE.** A vehicle which is:

(a) Built on a single chassis,

(b) Four hundred square feet or less when measured at the largest horizontal projections,

(c) Self-propelled or permanently towable by a light duty truck, and

(d) Designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreations, camping, travel, or seasonal use.

**REPACKAGING.** A commercial establishment engaged in the receipt, short-term storage, repackaging and distribution of goods, products, cargo, produce or materials.

**SCREENING DEVICE.** A structure such as a fence or wall not less than 6 feet high nor greater than 8 feet high which serves as a visual screen. A structure in excess of 8 feet in height shall be deemed a wall and shall be subject to the provisions of the Building Code of the city.

***SPECIAL USE.*** The use of any building, structure, or land not specifically allowed by district regulations, but permitted as special use in accordance with §§ 154.100 through 154.102.

***STORY.*** That portion of a building included between the surface of a floor and the surface of a floor next above it, or if there is no floor above it, then the portion of the building between the surface of a floor and the ceiling or roof above it. A basement shall be counted as a story for the purposes of height regulations, if the vertical distance from grade to the ceiling is more than 7 feet.

***STORY, HALF.*** The topmost story under a gable, hip, or gambrel roof, the wall plates of which on at least 2 opposite exterior walls are not more than 2 feet above the floor of such story.

***STREET.*** A public or private thoroughfare that affords the principal means of access to abutting property.

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

***STRUCTURE.*** Anything constructed or erected having location on or under the ground or attached to something having location on or under the ground.

***USE.*** The purpose for which land or a building or structure thereon is designed, arranged, intended or maintained, or for which it is or may be used or occupied.

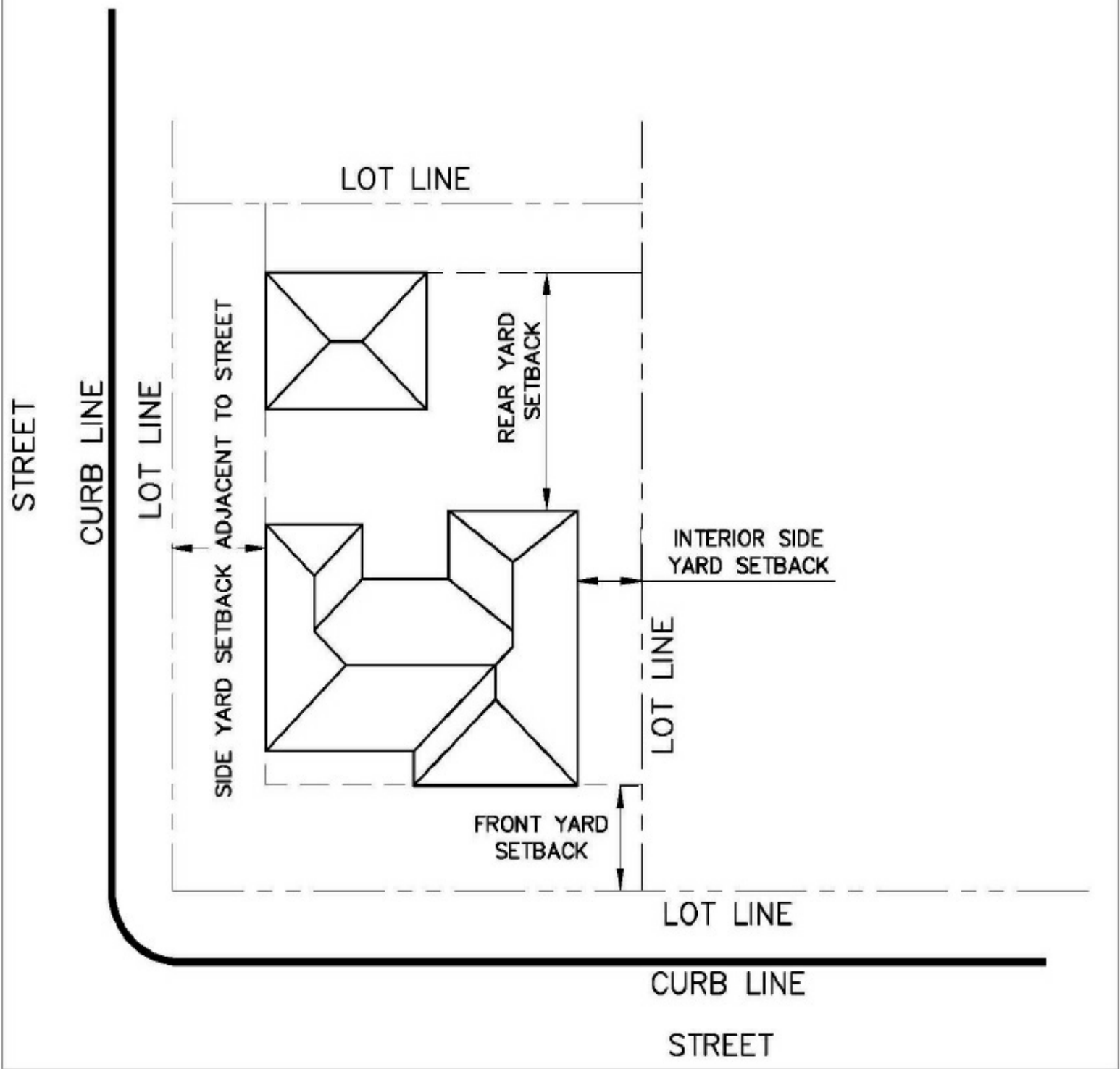
***USE, ACCESSORY.*** A subordinate use on the same lot with the principal use, and incidental and accessory thereto.

***VARIANCE.*** An adjustment in the application of the specific regulations of this chapter to a particular piece of property which, because of special conditions or circumstances peculiar to the particular parcel, is necessary to prevent the property owners from being deprived of rights and privileges enjoyed by other property owners in the same vicinity and zoning district.

***YARD.*** The portion of a building lot that lies essentially between the exterior wall surfaces of the principal building and the lot boundary lines.

***YARD, FRONT.*** A yard extending across the full width of a lot and having a depth equal to the shortest distance between the front line of the lot and the nearest portion of the main building, including an enclosed or covered porch, provided that the front yard depth shall be measured from the future street line for a street on which a lot fronts, when such line is shown on the Official Map or is otherwise established. See image below for example.

***YARD, REAR.*** A yard extending across the full width of a lot and having a depth equal to the shortest distance between the rear line of the lot and the main building. See image below for example.



**YARD, SIDE.** A yard between the side line of the lot and the main building extending from the front yard to the rear yard and having a width equal to the shortest distance between the side line and the main building. See image above for example.

**ZONING ADMINISTRATOR.** The person duly designated to administer the provisions of this chapter.

**ZONING DISTRICT MAP.** The official certified map upon which the boundaries of the various zoning districts are drawn and which is an integral part of this chapter.

(B) *Definitions for uses.*

**ACCESSORY BUILDING.** A subordinate building attached or detached and used for a purpose customarily incidental to the

main structure, located on the same lot, such as a private garage for automobile storage, tool house, greenhouse, hobby shop (no business), home workshop, children's playhouse, storage house, garden shelter, but not involving the conduct of a business or used as living quarters.

**AIRCRAFT, AIRCRAFT HARDWARE OR PARTS MANUFACTURE.** A facility used for manufacturing or assembling of aircraft hardware or parts including the storage and assembling of integral components or the completed final product.

**AMBULANCE STATIONS.** An office housing emergency and administration personnel involved in the dispatching and operations of an ambulance service. Such facilities can include sleeping, bathing, and food preparation areas for on-call personnel.

**AMUSEMENT CENTER.** A public place of business making use of 3 or more coin-operated amusement machines, devices, or apparatus, operated by insertion of a coin or similar object, for the purpose of entertainment or skill.

**AMUSEMENT CENTER, TEEN CLUB.** A "nightclub" which caters primarily to patrons who are minors and in which no alcoholic beverages are sold or permitted and all activities occur indoors.

**AMUSEMENT, COMMERCIAL (INDOORS).** An amusement enterprise wholly enclosed in a building which is treated acoustically so that noise generated by the enterprise is not perceptible at the bounding line of the property and including, but not limited to, a bowling alley or billiard parlor.

**AMUSEMENT, COMMERCIAL (OUTDOORS).** Any amusement enterprise offering entertainment or games of skill to the general public for a fee or charge wherein any portion of the activity takes place in the open including, but not limited to, a golf driving range, archery range and miniature golf course.

**AMUSEMENT PARK.** An amusement enterprise offering rides such as roller coasters and games to the general public for a fee or charge wherein the majority of the activity takes place in the open.

**ANIMAL GROOMING.** An establishment that offers to the general public the service of animal grooming for domestic pets. No boarding or medical care is provided.

**ANTIQUE SHOP.** An establishment offering for sale, within a building, articles such as glass, china, furniture or similar furnishings and decorations which have value and significance as a result of age, design and treatment.

**APARTMENT HOTEL.** Any building larger than a boarding house designed or built to be occupied as a series of separate apartments or rooms by persons living independently of each other. It is distinguished from an apartment house by the relative short-term obligation for occupancy by a tenant, usually week-to-week or month-to-month, as opposed to longer-term leases.

**APARTMENT HOUSE.** Any building, or portion thereof, which is designed, built, rented, leased, let, or hired out to be occupied as 3 or more apartments or dwelling units or which is occupied as the home or residence of 3 or more families living independently of each other and maintaining separate cooking facilities.

**APARTMENT, GARAGE.** An apartment as herein defined, which is located above a residential garage.

**APARTMENT (MULTI-FAMILY).** A room or suite of rooms arranged, designed or occupied as a dwelling unit residence by a single-family, individual, or group of individuals living together as a single housekeeping unit.

**APPLIANCE SALES AND REPAIR, HOUSEHOLD.** A shop specializing in the retail sales and repair of household appliances.

**ART GALLERY OR MUSEUM.** - An establishment offering for viewing and/or sale of works of art to the general public.

**ART SUPPLY STORE.** An establishment offering for sale those materials used by conventional artists for the preparation of their art form.

**ASSEMBLY HALL, GYMNASIUM, AUDITORIUM.** A large building and associated facilities for gathering an audience for speeches and performances.

**ASSEMBLY PLANT.** A facility for the assembly of equipment including automobiles, trucks, farm machinery, railroad cars, engines, and appliances from components fabricated for the most part in other locations.

**ASSISTED LIVING FACILITY.** A facility intended to provide dwelling units for occupancy by persons requiring the level of care and support defined by the State of Texas as "supervised living."

**ATHLETIC FIELD, PLAY FIELD.** An athletic field or stadium for general use including a baseball field, golf course or football

field which may be lighted for night-time play.

**AUCTION HOUSE.** A place where objects of art, furniture, and other goods are offered for sale to persons who bid on the object in competition with each other.

**AUTO, AUCTION.** An enclosure or area, including outside storage, designed for the sale of automobiles at auction or using other sales techniques.

**AUTO, CAR WASH.** An area of land and/or structure with machine or hand operated facilities used principally for the cleaning, washing, polishing, or waxing of motor vehicles.

**AUTO, IMPOUND LOT/WRECKER BUSINESS.** An establishment offering the service of towing, impounding, and temporary storage of vehicles either which have been in an accident or are illegally parked.

**AUTO, PAINT AND BODY SHOP.** An automotive shop with a primary purpose of repairing and painting the outside surfaces of automobiles, trucks, and vans.

**AUTO, PARTS AND ACCESSORY SALES.** A fully enclosed automotive shop with a primary purpose of selling new parts and accessories for automobiles, trucks, and vans.

**AUTO PARTS SALES WITH OUTDOOR STORAGE.** An automotive shop with the primary purpose of selling parts and accessories for automobiles, trucks and vans.

**AUTO, RENTAL (CAR AND TRUCK).** An establishment primarily engaged in the short-term rental or extended term leasing of automobiles and trucks, not including truck tractors or semi-trailers. No rental trucks shall be located in any multi-use shopping center.

**AUTO, REPAIR GARAGE.** Repair or replacement of major engine, drive train, and other components requiring the use of hoists, jacks or jack stands. Tire repairs, changes, and minor wheel repairs utilizing jacks or jack stands.

**AUTO SALES, NEW AND USED.** An open area or lot used for the storage and display for sale of operable automobiles, trucks, and vans, where no repair work is done except minor reconditioning of the cars to be displayed and sold on the premises, and no dismantling of cars for sale or keeping of used car parts or junk on the premises. May include a building or showroom and parking for customer vehicles.

**AUTO, SERVICE STATION/LIGHT MAINTENANCE.** An establishment for the retail sale of petroleum products, automobile accessories, auto tune-up, muffler installation incidental to the primary use, tire installation or repair, oil change or other lubricate services in which all services provided and all storage, supplies, parts, equipment and accessories are indoors, with the exception of fuel-dispensing operations.

**AUTO, SERVICE STATION/RESTAURANT OR CONVENIENCE STORE.** Any premises where gasoline and other petroleum products are sold as a principal use, and in connection with the primary use a secondary use of a restaurant or convenience store is provided.

**BAKERY AND CONFECTIONERY, PREPARATION SALES.** A shop offering for sale on-premises those baked goods or candies made on-premise or off-premise. No production for off-premise sales is allowed.

**BAKERY AND CONFECTIONERY, WHOLESALE.** A manufacturing facility for either baked goods or candy with the purpose of selling the products at off-site retail locations.

**BANK, SAVINGS AND LOAN ASSOCIATION, FINANCIAL INSTITUTION.** A building or premise offering banking, savings and loan, and other financial services, not including pawn shops as herein defined.

**BAR OR TAVERN.** An establishment licensed by the State of Texas for the sale of alcoholic beverages that derives 75% of the daily gross sales from the sale of alcoholic beverages and is excluded from any other category or definition of this section. For purposes of this definition, "daily gross sales" shall be calculated using the normal selling price of all items of food and alcoholic beverages served in the establishment and shall reflect the price normally charged for such items in the particular establishment for which the daily gross sales figure is calculated whether such item is actually sold at normal selling price, below normal selling price, or in exchange for a cover charge, entrance fee or other consideration paid. Reduced prices charged during promotion, happy hours, and other occasions when drinks are sold at reduced prices or served at no charge, shall not be considered "normal selling price" for calculation of daily gross sales.

**BEAUTY/BARBER OR OTHER PERSONAL SERVICE SHOP.** An establishment which provides personal services including

hair cuts, perms, color treatments, manicures, pedicures, tanning salons, and other personal beauty services.

**BED AND BREAKFAST.** A tourist lodging service within the rooms of a single-family residence occupied by the owner or resident manager and located on a property served by a single utility meter and single water and wastewater service within a residential district of the city.

**BOAT AND ACCESSORY SALES, RENTAL AND SERVICE.** Rental, sales and service for boats and other marine supplies.

**BOTTLING WORKS.** A facility for the bottling of products for off-site retail sales.

**BOWLING ALLEY.** An establishment offering facilities for bowling to the public.

**BRICK KILN OR TILE PLANT.** A manufacturing facility for making brick or tile products, with product and raw material storage.

**BUILDING MATERIALS SALES.** A distribution and sales center with outdoor sales and storage areas for retail and wholesale hardware, plumbing, lumber, and other materials used in the building trade.

**BUS, TRAIN AND TAXI STATION OR TERMINAL.** A facility that provides for regularly scheduled transit services, passenger lounges, ticketing, and customer parking.

**CABINET AND UPHOLSTERY SHOP.** A shop for the assembly of cabinetry for domestic use and furniture repairing and upholstery.

**CARPET AND RUG CLEANING.** A commercial cleaning plant primarily for carpets and rugs doing cleaning for off-premise service outlets and retail establishments.

**CATERING ESTABLISHMENT.** A facility where food is prepared in large quantities to be transported to, served, and consumed at an off-site location.

**CEMETERY OR MAUSOLEUM OR CREMATORIUM.** An area or structure designed to contain the remains of humans or animals for permanent interment.

**CERAMIC PRODUCTS.** A shop offering for retail sale to the public ceramic products and accessories.

**CERAMIC PRODUCTS WITH KILN.** A shop offering for retail sale to the public ceramic products, accessories, and individual or small batch kiln services.

**CLINIC, MEDICAL.** A building in which a group of physicians, dentists, and allied professional assistants are associated for the purpose of treating and diagnosing ill or injured out-patients. A **CLINIC** may include a dental or medical laboratory or a dispensing apothecary.

**CLOTHING STORE.** A store offering for retail sale new retail clothing, footwear, hats, belts, fashion accessories and related items and services to the public.

**COLLECTIBLES SHOP.** A retail establishment offering such collectible items as sports trading cards, comic books, and stuffed animals for sale to the general public.

**COMMUNITY CENTER.** A place or facility dedicated to social or recreational activities, serving the city or a neighborhood thereof and owned and operated by the city, or by a non-profit organization dedicated to promoting the health, safety, morals, or general welfare of the city.

**CONTRACTOR, BUSINESS (NO OUTSIDE STORAGE).** A business such as an electrician, mechanic, or plumber whose primary use provides a service by installing electrical, mechanical, or plumbing systems; which may also have limited sales of electrical, mechanical, or plumbing supplies or equipment as a secondary use incidental to its primary use. No outside storage permitted.

**CONTRACTOR, BUSINESS (WITH OUTSIDE STORAGE).** A business such as an electrician, mechanic, or plumber whose primary use provides a service by installing electrical, mechanical, or plumbing systems; which may also have limited sales of electrical, mechanical, or plumbing supplies or equipment as a secondary use incidental to its primary use. Outside storage permitted.

**CONTRACTORS STORAGE OR EQUIPMENT YARD.** An area, located on the same lot or separate lot as a principal use, used for outside storage of construction equipment, including vehicles and construction material.

**CONVENIENCE STORE.** A small retail establishment, usually located within or associated with another use, that offers for sale convenience goods, such as prepackaged food items, tobacco, periodicals, and other household goods.

**CONVENT OR MONASTERY.** The building, buildings, or premises occupied by a religious community or association as a residence and a place of work and worship.

**COPY SHOP.** A business engaging in the reproduction or photographic impressions through mimeograph, electrostatic, or thermal copy process, whether wet or dry.

**CORRECTIONAL FACILITY (INCLUDING PRE-PAROLE CENTERS).** A facility housing those who have been involved in the criminal justice system or related program and serving an adjudicated sentence, but not housing individuals convicted of violent or sexual crimes.

**CREAMERY, MILK AND ICE CREAM PROCESSING.** A commercial plant for the storage and processing of milk and milk products.

**CUSTOMARY HOME OCCUPATION.** Any occupation or activity which is clearly incidental and secondary to the use of premises for dwelling purposes, is carried on within the dwelling, and is not detrimental or injurious to the economic or aesthetic value of adjoining property. **CUSTOMARY HOME OCCUPATIONS** shall not include barber shops, beauty shops, carpenters, electricians, or plumbers shops, radio shops, tin-painting, furniture repairing, sign painting, or any form of merchandising activity.

**DAY CARE CENTER, ADULT.** An agency at which 6 or more disabled or elderly adults not related to the proprietor are left for care for a part of the 24 hours of the day.

**DAY CARE CENTER, CHILD.** An agency at which 6 or more children, under the age of 16 and not related to the proprietor, are left for care for a part of the 24 hours of the day.

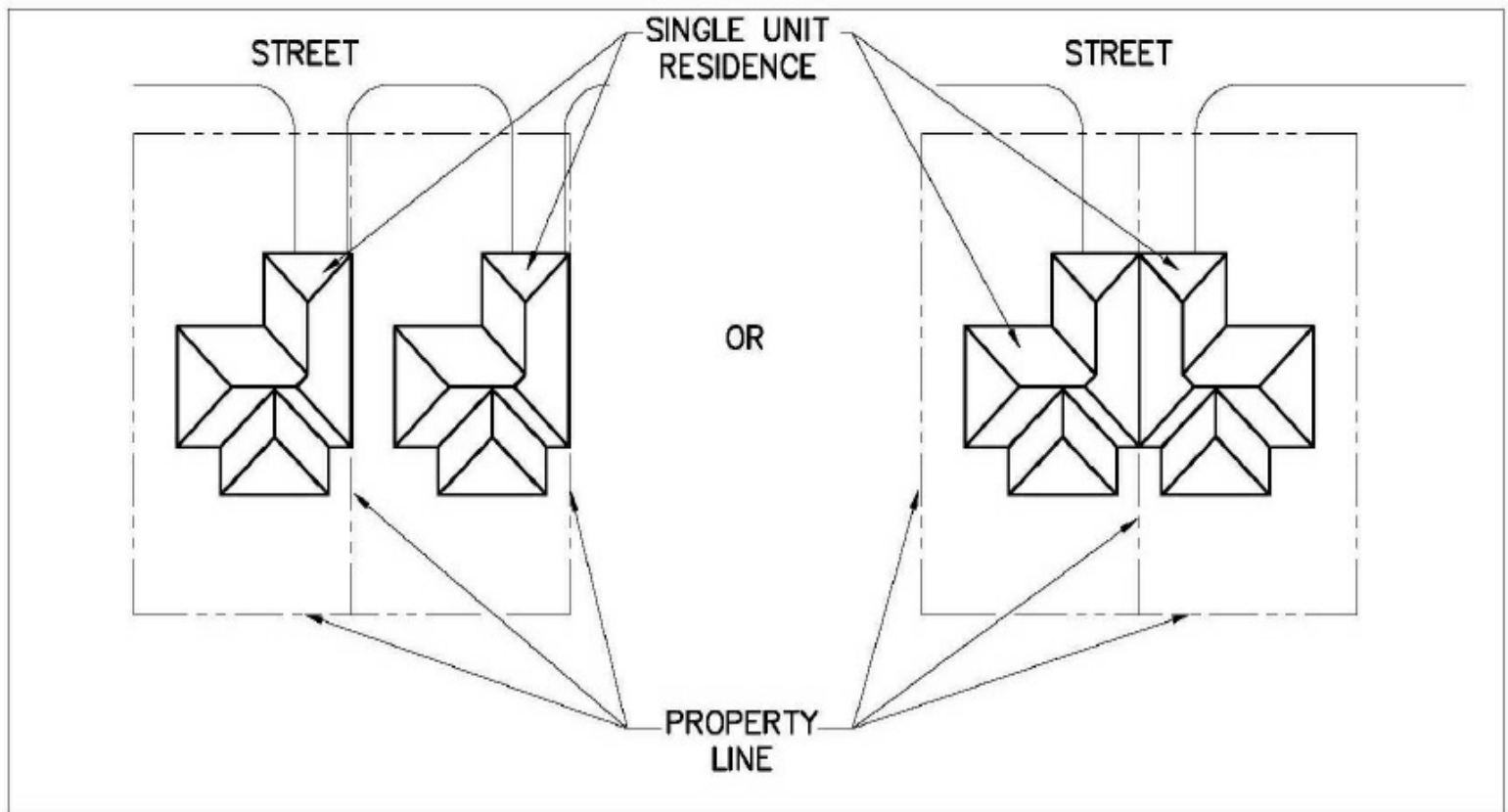
**DAY CARE IN THE HOME.** A private residence where care, protection, and supervision are provided on a regular schedule, at least twice a week to no more than 5 children, including children of the adult provider.

**DEPARTMENT STORE.** A store offering a variety of comparison and consumptive goods at a retail price to the general public.

**DOMESTIC GOODS, RENTAL YARD.** An establishment that provides domestic equipment and goods for rent to the general public to be used off site. The storage of rental equipment or goods may occur either within the limits of the primary structure or be displayed and stored on an improved surface outside the primary structure, not to include backhoes, front-end loaders, and tractors.

**DWELLING, ACCESSORY.** A residence located on a premise with a main, non-residential or residential use and occupied, rent free, only by a relative or an employee of the principal use. Such accessory dwelling shall be serviced through the same utility meters or connections as the principal use to which it is an accessory. Manufactured homes are not permitted for this use.

**DWELLING, SINGLE-FAMILY, ZERO LOT LINE.** A development approach in which at least 1 edge of the main structure on the lot is located on at least 1 lot line and having no yard requirement on that lot line. See image below for example.



**DWELLING, CLUSTER.** A group or row of dwellings, each containing 1 or more dwelling units and all occupying 1 lot or site, as defined herein, and having common open space.

**DWELLING, DUPLEX (2-FAMILY).** A building containing 2 dwelling units.

**DWELLING, INDUSTRIALIZED HOUSING.** A detached residential building that is designed for the use and occupancy of 1 family, that is constructed in 1 or more modules or constructed using 1 or more modular components built at a location other than the permanent residential site, and that is designed to be used as a permanent residential structure when the modules or modular components are transported to the permanent residential site and are erected or installed on a permanent foundation system. The term does not include any residential structure that is in excess of 3 stories or 49 feet in height as measured from the finished grade elevation at the building entrance to the peak of the roof. The term shall not mean nor apply to:

- (a) Housing constructed of sectional or panelized systems not utilizing modular components; or
- (b) Any ready made home which is constructed so that the entire living area is contained in a single unit or section at a temporary location for the purpose of selling it and moving it to another location.

**DWELLING, MANUFACTURED HOUSING OR MOBILE HOME.** Defined and differentiated by the following:

(a) **MOBILE HOME** is a structure that was constructed before June 15, 1976, transportable in 1 or more sections, which, in the traveling mode, is 8 body feet or more in width or 40 body feet or more in length; or when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems.

(b) **HUD-CODE MANUFACTURED HOUSING** is a structure, constructed on or after June 15, 1976, according to the rules of the United States Department of Housing and Urban Development, transportable in 1 or more sections, which, in the traveling mode, is 8 body feet or more in width or 40 body feet or more in length; or, when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems.

**DWELLING, SINGLE-FAMILY ATTACHED.** An attached residential building, not including a mobile home or a HUD-Code manufactured home, which contains not more than 1 dwelling unit per lot of record.

**DWELLING, SINGLE-FAMILY DETACHED.** A detached residential structure, not including a mobile home or a HUD-Code



manufactured home, which contains not more than 1 dwelling unit per lot of record.

***ELECTRICAL EQUIPMENT ASSEMBLY.*** A facility for the assembly of electrical equipment and motors from parts manufactured on-premises.

***ELECTRICAL GENERATING STATION.*** A facility designed to convert electrical current from other energy sources for consumption by dwellings and other structures.

***ELECTRICAL SUBSTATION.*** A facility designed to convert electrical current to a different phase or voltage prior to consumption by dwellings and other structures.

***ELECTRICAL TRANSMISSION LINE.*** A high voltage line used to transmit electrical current to or between electrical substations or long distances and customarily associated with towers.

***EQUIPMENT RENTAL YARD, COMMERCIAL AND HEAVY.*** An establishment that provides heavy equipment for rent to contractors or the general public to be used off site. The storage of rental equipment or goods may occur either within the limits of the primary structure or may be displayed and stored outside of the primary structure on an improved surface. Areas reserved for repairs and maintenance of all equipment or goods must be within the primary structure.

***EXTERMINATION SERVICES.*** A business providing extermination services for household pests, including insects and rodents.

***FACTORY OUTLET OR WHOLESALE STORE.*** An establishment that offers goods and products to the public that are obtained direct from the manufacturer at prices that reflect savings due to the reduced cost of the direct distribution.

***FARMERS MARKET, OUTDOOR.*** The offering for sale of fresh agricultural products directly to the consumer at an open air market.

***FLOOR COVERING SHOP.*** A shop offering carpet, rugs, tile, vinyl, and associated products for sale.

***FLORIST SHOP/GIFT SHOP.*** A shop offering flowers, flower arrangement services, and associated products for sale.

***FOUNDRY OR METAL FABRICATION.*** A facility used for the manufacture or fabrication of metal using raw material to forge, cast, mix, or otherwise create material used to build or assemble final products; may include the assembly and storage of integral components or the completed final product.

***FRATERNAL, PHILANTHROPIC, CLUB, LODGE AND CHARITABLE USES.*** An association of persons for the promotion of a nonprofit common objective such as literature, science, politics, good fellowship and similar objectives, which meets periodically and which is limited to members.

***FUNERAL HOME/MORTUARY OR CREMATORIUM.***

(a) A building or part thereof used for human funeral services or cremation of human remains. Such building may contain space and facilities for:

1. Embalming services used in preparation of the dead for burial;
2. The performance of autopsies and other surgical procedures;
3. The storage of caskets, funeral urns, and other related funeral supplies;
4. The storage of funeral vehicles; or
5. Properly installed, certified apparatus intended for the incineration of human remains.

(b) Where a ***FUNERAL HOME*** is permitted, a funeral chapel shall also be permitted.

***FURNITURE OR APPLIANCE STORE.*** A retail establishment offering home furnishings and appliances for sale to the general public.

***FURNITURE REFINISHING.*** A building used to repair, strip, stain, paint, sand, or upholster furniture.

***FURRIER SHOP.*** A retail establishment that offers fur products that are produced off-site.

***GAS REGULATOR STATION.*** A station used to regulate the flow or pressure of gas in a pipeline.

**GOLF COURSE, DRIVING RANGE.** An establishment offering areas for driving of golf balls including "pitch and putt" facilities.

**GOLF COURSE, MINIATURE.** An establishment offering facilities for miniature golf.

**GOLF CLUB (PRIVATE).** An area of 20 acres or more containing a golf course and a clubhouse and available only to private specific membership. Such a club may contain adjunct facilities such as a private club (only in conformance with these regulations and applicable State of Texas statutes), dining room, swimming pool, tennis courts, and similar recreational or service facilities.

**GOLF COURSE, PUBLIC.** Grounds and facilities used in the playing of the game golf, for a fee and operated as a commercial venture.

**GREENHOUSE OR PLANT NURSERY.** An establishment operated for commercial purposes, offering plants grown on-premises and off-premises and associated products for sale for use in connection with home gardening activities.

**GROCERY STORE.** Retail stores, commonly known as supermarkets, food stores, and grocery stores, primarily engaged in the retail sale of all sorts of canned foods, dry goods, fresh fruits and vegetables, and fresh and prepared meats, fish, and poultry.

**GROUP HOME FOR THE DISABLED OR DISADVANTAGED.** (See also **FAMILY**.)

(a) A dwelling shared by 4 or more disabled persons, including resident staff, who live together as a single housekeeping unit and in a long-term, family-like environment in which staff persons provide care, education, and participation in community activities for the residents with the primary goal of enabling the resident to live as independently as possible in order to reach their maximum potential.

1. As used herein, the term **DISABLED** shall mean having:

A. A physical or mental impairment that substantially limits 1 or more of such person's major life activities so that such person is incapable of living independently;

B. A record of having such an impairment; or

C. Being regarded as having such an impairment.

2. However, **DISABLED** shall not include current illegal use of or addiction to controlled substance, nor shall it include any person whose residency in the home would constitute a direct threat to the health and safety of other individuals.

(b) The term **GROUP HOME FOR THE DISABLED** shall not include alcoholism or drug treatment center, work release facilities for convicts or ex-convicts, or other housing facilities serving as an alternative to incarceration.

**HARDWARE STORE.** An establishment offering hand tools, small building materials, and associated convenience items for sale to the general public.

**HEALTH CLUB/RECREATION FACILITY.** A facility including uses such as game courts, exercise equipment, locker rooms, Jacuzzi, and/or sauna and pro shop, gymnasiums, private clubs (athletic, health, or recreational), reducing salons, and weight control establishments. May include outdoor game courts as an accessory use.

**HEALTH SERVICE FACILITY (OUT PATIENT).** Clinics, offices, dentist, doctors and/or other practitioners of the healing arts licensed or similarly recognized under the laws of the State of Texas. Also including offices for specialists in supportive health services such as physical, audio, and speech therapy, podiatry, and psychological testing and counseling, dental, medical, and optical labs and blood banks.

**HELIPORT.** A landing facility for rotary wing aircraft subject to regularly scheduled use and may include fueling or servicing facilities for such craft.

**HELISTOP.** A landing pad for occasional and infrequent use by rotary wing aircraft with no fueling facilities.

**HOSPITAL.**

(a) May be a public or private, profit or nonprofit institution for the reception and treatment of the physically or mentally handicapped, sick or injured, and shall be distinguished by its in-patient facilities. It may also be an institutional sanctuary for the reception of the aged, or for the physically or mentally ill, retarded, infirm, or deficient.

(b) 1. Permitted accessory uses shall include medical and psychiatric clinics, doctors offices, sale of medical and surgical

specialties and supplies, crutches, artificial members and appliances, training in the use of artificial members and appliances, patient and out-patient services, pharmacies and similar uses; provided, however, that any such accessory use is so use-wide related to the principal use as to be in fact an integral part of the total purpose and is incorporated within the same building or building complex; and provided further, that the floor area occupied by all accessory uses does not exceed 1/3 of the total floor area.

2. Whether or not a questionable use is "similar" or an "integral" part of the total purpose shall be subject to determination by the Board of Adjustment and Appeals.

3. Hospital related x-ray and laboratory facilities shall not be considered accessory uses in computation of area occupancy.

**HOTEL.** A building or portion thereof in which 10 or more guestrooms are provided for occupancy for compensation by transient guests.

**INTERIOR DECORATING SHOP.** An establishment that provides services that assist in the aesthetic placement, arrangement, and design of the interiors of residences and workplaces. Products and goods to accomplish the designs may be sold on site. Work efforts may include upholstering and making of draperies, slipcovers and other similar articles when conducted as part of the retail operation and secondary to the principal use.

**KENNEL.** Any lot or premises on which 5 or more dogs, cats or other domestic animals at least 4 months of age are housed or accepted for boarding, trimming, grooming and/or bathing for which remuneration is received.

**LABORATORY, MEDICAL AND/OR DENTAL.** A facility with materials and scientific and technological equipment designed for scientific experimentation, examination, evaluation, and documentation for medical and other technologies.

**LAUNDRY CLEANING PLANT, COMMERCIAL.** A commercial laundry or cleaning plant doing cleaning or laundry for off-premise service outlets and retail establishments.

**LAUNDRY, DRY CLEANING AND DYEING PLANT.** A facility for the off-site laundering, bleaching, and dying, of bulk commercial clothing.

**LAUNDRY, DRY CLEANING FULL SERVICE.** A retail establishment providing full service laundry and dry cleaning services to the general public.

**LAUNDRY, DRY CLEANING PICKUP AND RECEIVING STATION.** A retail establishment providing a drop-off and pick-up point for customers to leave wearing apparel or other material in need of laundry and dry cleaning and pick up of items when laundered and/or dry cleaned.

**LAUNDRY, DRY CLEANING SELF SERVICE.** A retail establishment providing facilities for customers to launder or dry clean wearing apparel or other materials.

**LEATHER AND LUGGAGE STORE.** A retail store that provides leather goods and luggage for sale to the public.

**LIBRARY.** Buildings and structures open for the general public, for which a fee may or may not be charged for the use of book collections.

**LOCKSMITH SHOP.** A shop that specializes in making, selling, and repairing keys, locks, and associated material.

**MACHINE SHOP.** Shops that manufacture metal products through the use of presses, stamps and dies.

**MACHINERY REPAIR, SALES, STORAGE AND SERVICE.** An enclosed area designed for sales and repair of machinery.

**MANUFACTURED HOME OR PRE-FAB HOME MANUFACTURING.** A factory that manufactures housing (to the HUD-Code standards) that is to be transported to another site for installation.

**MANUFACTURED HOUSING PARK OR SUBDIVISION.** A parcel of land not less than 5 acres in size developed for rental or sale of lots for the installation for residential uses of HUD-Code manufactured housing.

**MANUFACTURED, INDUSTRIALIZED OR PRE-FAB HOME SALES OR RENTAL.** An area devoted to outside sales or rental of HUD-Code manufactured homes or industrialized housing. For off-premises residential use only.

**MANUFACTURING OR ASSEMBLY FACILITY (LIGHT).** The manufacture, primarily from previously manufactured materials, of finished products or parts, including processing, fabrication, assembly, treatment and packaging of such products, and incidental storage, sales, and distribution of such products.

**MANUFACTURING OR ASSEMBLY FACILITY (HEAVY).** A facility used for manufacturing or assembly using raw material to forge, cast, mix, or otherwise create material used to build or assemble final products; may include the assembly and storage of integral components or the completed final product.

**MARKET, MEAT.** A retail facility that offers meat products for sale to the public and shall include the sale of meat and meat products to restaurants, hotels, clubs, and other similar establishments when such sale is conducted as part of the retail business on the premises.

**MEAT PRODUCT PROCESSING.** A facility for processing cuts of meat from off-site into finished products.

**MEDICAL CARE FACILITY, NURSING AND CARE HOME.** Any structure used for or occupied by persons recovering from illness or suffering from the infirmities of old age, including developments containing convalescent or nursing facilities.

**MEDICAL EQUIPMENT SALES, RENTAL, AND LEASING SERVICE.** An establishment including offices, stores, and display rooms for the display, sale, rental, and leasing of medical equipment.

**MEDICAL, DENTAL, AND OPTICAL SALES.** An establishment offering prescription and over the counter products for sale.

**MINI-WAREHOUSE FACILITY.** A building or group of buildings in a controlled access and fenced compound consisting of varying sizes of individual, compartmentalized, and controlled access, self-contained units that are leased or owned for the storage of business and household goods or contractor supplies.

**MOTEL.**

(a) A building or group of buildings designed, arranged or used for temporary occupancy having accommodations for housing, parking of automobiles in close proximity to the quarters occupied by the owner of such automobile and providing for 5 or more such quarters.

(b) The term **MOTEL** shall include all establishments coming under the general classification of "Drive-In Hotel," "Tourist Court," and any other such establishment that houses visiting transient clientele.

**MOTOR FREIGHT TERMINAL.** A facility with the capability of handling a large variety of goods involving various forms of transportation and providing multi-modal shipping capabilities, such as rail to truck and truck to air.

**MUSEUM, FINE ARTS CENTER, OR ART GALLERY.** An institution for the collection, display, and distribution of objects of art or science and which is sponsored by or owned and operated by the city, a public or quasi-public agency, and which facility is open to the general public.

**MUSIC STORE.** An establishment offering music, musical instruments, and other related items for sale to the general public.

**NIGHTCLUB OR DANCE HALL.** An establishment that is open to the public, primarily at night, which serves food and beverages, provides entertainment, and may provide a dance floor. (Does not include sexually oriented business).

**OFFICE MACHINE SALES AND SERVICE.** A shop specializing in the sale and repair of office machinery.

**OFFICE, PROFESSIONAL.** A building or portion of a building wherein services are performed involving predominantly administrative, professional, or clerical operations. Including but not limited to insurance broker, public stenographers, real estate broker, stock broker, and other persons who operate or conduct offices which do not require the stocking of goods for wholesale or retail sales.

**OFFICE, REAL ESTATE DEVELOPMENT TRACT OR FIELD OFFICE.** A temporary office for the purpose of selling real estate to the general public located on or adjacent to the real estate being offered for sale.

**OFFICE SUPPLY STORE.** A store that specializes in office supplies.

**OPTICAL SALES AND SERVICE.** A shop that manufactures optical devices, especially eyeglasses.

**PACKAGE LIQUOR STORE.** A building or premise where the primary use is the retail sale of vinous (wine) or spirituous alcoholic beverages for off-premise consumption. Malt beverage sales are exempt from this definition.

**PAINT AND WALLPAPER STORE.** A shop for the storage, mixing, and sale of a full line of retail paint and wallpaper supplies.

**PARISH HOUSE OR PARSONAGE.** A single-family dwelling that is occupied by a member of the clergy and his or her family

as a place of residence.

**PARK.** Any public or private land available for recreational, educational, cultural, or aesthetic use.

**PARKING GARAGE.** A building or portion thereof, other than a private garage, used exclusively for parking or storage of self-propelled vehicles.

**PARKING LOT.** An off-street, open surfaced area used exclusively for the temporary parking of motor vehicles, whether for compensation, free, or as an accommodation to clients or customers.

**PARKING LOT, (TRUCK).** A facility for temporary parking of currently commercial licensed trucks in excess of 1 ton.

**PAWN SHOP.** A shop specializing in making small loans against personal property or buying used personal goods from individuals.

**PERSONAL SERVICE SHOPS.** An establishment, other than that which is specifically listed in the use table, that provides a selective service relative to the personal care its customers, such as barber

shop, shoe shine shop, therapeutic massage, hearing aid shop, and the like.

**PET SHOP.** A shop offering small animals for sale, with associated goods and services.

**PHARMACEUTICAL PLANT.** A facility for the production of drugs for medicine.

**PHARMACY OR DRUGSTORE.** An establishment offering prescription and over the counter pharmaceuticals and other associated products for sale to the public.

**PHOTOGRAPHIC EQUIPMENT SALES AND SERVICE.** A shop that specializes in the sale and repair of photographic equipment.

**PICTURE FRAMING SHOP.** A shop that specializes in the sale and production of picture frames.

**POOL OR BILLIARD HALL.** A business establishment containing 2 or more pool tables for use of patrons.

**PRINT SHOP, COPY SHOP, LITHOGRAPHY.** A small, commercial printing shop which sells on-site most of the items printed along with associated items.

**PRIVATE CLUB.** An establishment providing social and dining facilities as well as alcoholic beverage service to an association of persons and otherwise falling within the definition of and permitted under the provisions of that portion of Title 3, Chapter 32, VTCA, Alcoholic Beverage Code, as hereafter amended and as it pertains to the operation of private clubs.

**PROCESSING OF CHEMICALS.** A facility that subjects chemicals to some special process or treatment to change the physical state or chemical composition of matter (including petroleum refining, or smelting and creation of plastics).

**PUBLIC ADMINISTRATIVE BUILDINGS.** A building primarily engaged in overall management and general supervisory functions of a government agency.

**PUBLIC SAFETY FACILITY, FIRE AND POLICE.** A facility designed to provide public protection from dangers of fire and crime, including civil defense, operational centers, police and fire stations, and training facilities.

**PUBLIC UTILITY FACILITIES.** A closely regulated enterprise with a franchise for providing to the public a utility service deemed necessary for the public health, safety, and welfare which may include metering stations, transfer stations, water and sewage pump stations and water wells.

**RADIO, TELEVISION STUDIO.** A facility designed to create and broadcast original source programming, or relay commercial programming from another source, including taped or prerecorded materials for any part of the radio spectrum for commercial consumption.

**RECREATIONAL VEHICLE PARK.** Any premises on which 2 or more pickup coaches or recreational vehicles are parked or situated and used for the purpose of supplying to the public a parking space for 2 or more such coaches or recreational vehicles that are owner occupied.

**RECYCLING COLLECTION CENTER.** A building in which used materials such as newspapers, glassware, and metal cans are separated and processed prior to shipment to others who will use those materials to manufacture new products.

**RECYCLING CONTAINER.** An outdoor container permitted under special use permit, open to the public for the collection of domestic recyclable material, but not to include toxic or hazardous materials. Such containers can be either manned, automated, or simply serve as a collector with or without compensation to the donor.

**RECYCLING PLANT.** A facility that is not a junkyard and in which recoverable resources, such as newspapers, magazines, books, and other paper products; glass; metal cans; and other products, are recycled, re-processed, and treated to return such products to a condition in which they may again be used for production.

**REHABILITATION CARE FACILITY (CRIMINAL-PSYCHIATRIC, MENTAL DISORDERS, SUBSTANCE ABUSE).** A facility whose primary purpose is to provide residence and/or out-patient care, with supervisory personnel, to persons regardless of legal relationship, who have been involved in the criminal justice system or related program including parole or probation as authorized by the criminal justice system, and have demonstrated a tendency toward alcoholism, drug abuse, mental illness, or antisocial or criminal conduct.

**RELIGIOUS INSTITUTION.** Facilities in which persons regularly assemble for religious worship and activities intended primarily for purposes connected with such worship or propagating a particular form of religious belief.

**RENTAL STORE.** An establishment that provides equipment and goods for rent by the general public to be used off site. All storage of rental equipment and goods shall be contained within the limits of the primary structure.

**RENTAL YARD, COMMERCIAL AND HEAVY EQUIPMENT.** An establishment that provides heavy equipment for rent to contractors or the general public to be used off site. The storage of rental equipment or goods may occur either within the limits of the primary structure or may be displayed and stored outside of the primary structure on an improved surface. Areas reserved for repairs and maintenance of all equipment or goods must be within the primary structure.

**RESALE SHOP, CONSIGNMENT OR BAZAAR.** A facility completely contained within a building for the purchase and retail sale or exchange of used goods where more than 25% of the facility's total inventory is obtained from a source other than an authorized vendor or manufacturer. This definition shall not include antique shops, collectibles shops, and used furniture or appliance stores.

**RESTAURANT.** A business establishment whose principal business is the selling of non-packaged food to the customer in a ready-to-consume state, in individual servings, or in non-disposable containers, and where the customer consumes these foods while seated at tables or counters located within the building. Such use includes cafes, lunchrooms, and tearooms.

**RESTAURANT, DRIVE-IN/DRIVE-THROUGH.** Any place or premises used for sale, dispensing, or serving of food, refreshments, or beverages in automobiles, including those establishments where customers may serve themselves and may eat or drink the food, refreshments, or beverages on the premises.

**RESTAURANT, REFRESHMENT STAND (TEMPORARY OR SEASONAL).** Any place or premises used for sale, dispensing, or serving of food, refreshments, or beverages from a temporary or permanent building on a temporary or seasonal basis.

**RESTAURANT WITH ALCOHOL.** A business establishment whose principal business is the selling of non-packaged food and alcoholic beverages for on-premises consumption, to the customer in a ready-to-consume state, in individual servings, or in non-disposable containers, and where the customer consumes these foods while seated at tables or counters located within the building.

**RETAIL KIOSK.** A self-contained retail facility that is either manned or automatic, is less than 225 square feet in size, does not exceed one story, and is located on the same property as and subsequent to a valid retail use.

**RODEO GROUNDS/FAIR GROUNDS.** An outdoor entertainment area providing an arena for rodeo activities, including grandstands and bleachers for the viewing public, storage pens, and facilities for the caring and presentation of livestock, and open area for exhibits and carnival activities.

**SALVAGE YARD.** An area for salvage of metals, and/or other fabricated products, which may include a yard or building where automobiles or parts of automobiles or machinery are stored, dismantled and/or offered for sale in the open as whole units, as salvaged parts or as processed metal.

**SANITARIUM.** A hospital used for treating chronic and usually long-term illnesses.

**SCHOOL, BUSINESS COLLEGE.** A facility that provides a curriculum limited to the teaching of office and business practices and skills.

**SCHOOL, COLLEGE OR UNIVERSITY.** An academic institution of higher learning, accredited or recognized by the State of

Texas, and offering a program or series of programs of academic study leading to a recognized degree or advanced degree. Including junior and senior colleges, universities, conservatories and seminaries.

***SCHOOL, COMMERCIAL INSTRUCTION.*** A facility that instructs and trains students in the arts, such as of music, dance, gymnastics, or martial arts, and is primarily operated on a commercial basis.

***SCHOOL, COMMERCIAL TRADE.*** A business organized to operate for a profit and offering instruction and training in a trade such as welding, brick laying, machinery operation, and similar manual trades.

***SCHOOL, HOME.*** Educational activities consisting of a defined curriculum with the purpose of satisfying the State of Texas educational requirements and said educational activities being conducted in the home of a student living in the home. The educational activities shall be considered to be a part of the housekeeping activities of a family.

***SCHOOL, HOME DAY.*** Educational activities consisting of a defined curriculum with the purpose of satisfying the State of Texas educational requirements and the educational activities being conducted in a home but not necessarily the home of the student living therein. There shall be no more than 6 unrelated students not living in the home in which the educational activities are being conducted.

***SCHOOL, INSTITUTION, REHABILITATION, AND TRAINING CENTER (PRIVATE).*** A facility that provides rehabilitation and training operated or sponsored by chartered educational, religious, or philanthropic organizations, but excluding uses such as trade schools, which are operated primarily on a commercial basis.

***SCHOOL, NURSERY.*** An establishment providing for the care, supervision, and protection of children.

***SCHOOL, PRIMARY OR ELEMENTARY.*** A facility that provides a curriculum of elementary and secondary academic instruction, including kindergartens, elementary schools, junior high schools, and high schools.

***SCHOOL, VOCATIONAL.*** A secondary or higher education facility primarily teaching usable skills that prepare students for jobs in a trade and meeting the State of Texas requirements of a vocational facility.

***SEXUALLY ORIENTED BUSINESS.*** An adult arcade, adult bookstore or adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater or nude model studio.

***SHOE REPAIR.*** An establishment offering shoe repair service to the general public.

***SHOOTING RANGE, SKEET, OR TARGET RANGE, OUTDOOR.*** The use of land for archery and/or the discharging of firearms for the purpose of target practice, skeet and trap shooting.

***SKATING RINK.*** An organized commercial enterprise featuring either roller or ice skating with locations either indoors or outdoors.

***SPRAY PAINTING AND PAINT MIXING.*** Commercial spray painting of automobiles or other manufactured products for final coating of the products and/or the mixing of paints and other chemicals for this type of manufacturing painting process.

***STABLE, COMMERCIAL.*** A building designed for the keeping of horses or mules used for pleasure riding or driving, for boarding, or for hire, including a riding track.

***STABLE, PRIVATE.*** A building designed for the keeping of horses or mules owned by the occupants of the premises and not kept for remuneration, hire, or sale.

***STADIUM, ARENA AMPHITHEATER.*** A large open or closed space used for games or major events, and partly or completely surrounded by tiers of seats for spectators.

***STOCKYARD.*** An area designed to receive and transfer large quantities of livestock, containing a number of holding pens, loading and unloading areas, ramps, and other facilities required for the handling of large quantities of livestock.

***STONE MONUMENTS RETAIL SALES.*** A retail establishment offering the sale of stone monuments produced off-premises.

***STONE MONUMENT WORKS.*** The manufacture of stone monuments for sale off-site.

***STORAGE YARD.*** Facilities to store any equipment, machinery, building materials, or commodities, including raw, semi-finished, and finished materials outside at ground level.

**STUDIO.** A facility for professional work or teaching of any form of commercial or fine arts, photography, music, drama, dance, but not including commercial gymnasium, or dance hall.

**SWIMMING POOL, COMMERCIAL.** A swimming pool and accessory facilities, not part of the municipal or public recreational system, and not a private swim club, but where the facilities are available to the general public for a fee.

**TAILOR/SEAMSTRESS OR ALTERATION SHOP.** An establishment offering individual alteration, repair, or creation of clothing apparel to the public.

**TATTOO ESTABLISHMENT, COSMETIC.** An establishment where trained personnel apply micro-injections of pigment to the dermal layer of skin such that facial cosmetics are applied on a permanent basis. This does not include a tattoo parlor.

**TATTOO PARLOR.** An establishment where trained personnel apply micro-injections of pigment to the dermal layer of skin, not including establishments that provide permanent cosmetic make-up application.

**TAXIDERMIST SHOP.** A retail establishment offering for sale to the public the products produced by a taxidermist at a separate location.

**TELEPHONE EXCHANGE.** A facility for the exchange, switching, relaying, or transmission of telephone services. Not including public office facilities, storage, or repair facilities.

**TELEVISION, RADIO, MICROWAVE, TELECOMMUNICATION TOWERS OR FACILITIES.** Structures supporting antenna and/or commercial satellite antenna dishes which are transmitting or receiving any portion of the radio spectrum, but excluding non-commercial antenna installations for home use of radio or television.

**TERMINAL, PASSENGER.** A facility or location where the principal use is the handling, receiving, and transfer of passenger traffic. Accessory uses may include loading and unloading of freight and equipment and facilities to accomplish these activities.

**TERMINAL, RAILROAD OR MOTOR FREIGHT.** A facility for the receipt, transfer, short term storage and dispatching of goods transported by rail or truck.

**THEATER, INDOOR MOTION PICTURE.** An establishment offering motion pictures for viewing by the public.

**TICKET AGENCY.** An establishment offering for sale or distribution tickets for sporting or performance events.

**TIRE PROCESSING FACILITY, SCRAP.** A registered scrap tire facility where used or scrap tires or tire pieces are collected and shredded or baled for delivery to a scrap tire storage site, landfill site, or to a facility that recycles, reuses, or recovers the energy from the tire pieces. This shall include facilities with not more than 500 used or scrap tires (or weight equivalent tire pieces or any combination thereof) on the ground or more than 2,000 used or scrap tires (or weight equivalent tire pieces or any combination thereof) in enclosed or lockable containers at any time. Such facility must be licensed by the Texas Commission On Environmental Quality (TCEQ).

**TIRE RECYCLING CENTER OR STORAGE.** A facility in which recycling material only is collected, processed and/or baled in preparation for shipment to others who will use those materials to manufacture new products.

**TOBACCO SHOP.** A retail establishment offering for sale to the public tobacco products and accessories.

**TRAILER RENTAL OR SALES.** An establishment primarily concerned with the sales and short-term rental or leasing of trailers.

**TRAVEL BUREAU OR CONSULTANT.** An office that serves as a broker for airlines, trains, or other transportation and lodging organizations and provides these services to the patron.

**USED FURNITURE AND APPLIANCE STORE.** A facility completely contained within a building for the purchase and retail sale or exchange of used furniture and appliances where more than 25% of the facility's total inventory is obtained from a source other than an authorized vendor or manufacturer.

**VEHICLE STORAGE RECREATIONAL (COMMERCIAL).** A facility or location on which, upon payment of a fee, provides for the parking and storage of recreational vehicles.

**VETERINARIAN HOSPITAL, (WITH OUTSIDE PENS).** The office and clinic of a doctor of veterinary medicine including outside treatment pens.

**VETERINARIAN HOSPITAL, (WITHOUT OUTSIDE PENS).** The office and clinic of a doctor of veterinary medicine not



including outside treatment pens.

**VIDEO AND VIDEO GAME RENTAL STORE.** A commercial establishment that provides as a service a library of video movies and video games which may be rented on a short term basis and returned for reuse.

**WAREHOUSING AND FREIGHT OFFICE AND STORAGE.** A use engaged in storage, wholesale sales, and distribution of manufactured products, supplies, and equipment, but excluding bulk storage of materials that are flammable or explosive or that create hazardous or commonly recognized offensive conditions.

**WAREHOUSING AND STORAGE ESTABLISHMENT.** A facility that is constructed such that large quantities of products or goods may be stored for extended periods of time. The facility may be equipped with loading ramps and docks that facilitate the loading and off-loading of semi-trailer vehicles.

**WATCH AND/OR JEWELRY REPAIR.** An establishment offering repair services for jewelry watches and other similar items.

**WELDING OR MACHINE SHOP.** A facility for the machining or welding of metals, not including forging.

**WHOLESALE ESTABLISHMENTS.** The display, storage and sale of goods to other firms for resale, as well as activities involving movement and storage of products or equipment, including truck terminal facilities, moving and storage facilities, warehousing facilities.

**WINDOW COVERING STORE.** A retail establishment offering for sale to the public window covering products.

(Ord. O-12-743, passed 12-3-2012; Am. Ord. O-14-768, passed 12-15-2014; Am. Ord. O-15-788, passed 3-16-2015; Am. Ord. O-16-808, passed 2-1-2016)

## BASE DISTRICT REGULATIONS

### § 154.010 PERMITTED USES AND DISTRICT REGULATIONS.

(A) *Permitted uses.* The following table presents the zoning district classifications and the permitted uses within those classifications. Uses are listed being "permitted," permitted by a "special use permit," or prohibited. Prohibited uses are signified by "blank" cells. Conditions are provided in division (B) (conditions and special regulations for listed uses).

*To view Permitted Uses Chart in pdf format, click here*

(B) *Conditions and special regulations for listed uses.* The following describe conditions and special regulations for uses listed in the Permitted Use Table. Additional requirements may be added to these herein by the Planning and Zoning Commission or City Council as deemed necessary to protect the health, safety, and general welfare of the citizens of Ferris. No construction or occupancy shall commence for any permitted use until the conditions herein stated or required by the Planning and Zoning Commission and City Council have been met.

1	Site plan approval by the Planning and Zoning Commission and City Council will be required in accordance with § 154.040.
2	Site plan approval by the Planning and Zoning Commission and City Council will be required in accordance with §154.040 in districts that require a special use permit.
3	All storage shall be within completely enclosed buildings or effectively screened with screening not less than 6 feet nor more than 8 feet in height, provided no storage located within 50 feet of such screening shall exceed the maximum height of such screening.
4	May not be located within 300 feet of any property zoned for a residential use or any property that is occupied by a religious institution, public school, day

	care or nursing home. The measurement of distance shall be measured as a radius from the edge of the property line.
5	All outdoor lighting, including parking lot lighting, shall be directed away from any property zoned or developed for residential uses.
6	Any proposed stable or barn must be setback 150 feet from the property line. Only animals permitted within the corporate limits by the city code will be permitted on site.
7	Pens, outdoor kennels, or animal runs must be located 150 feet from any residentially zoned property.
8	A copy of the State of Texas Certification of licensing or registration as described in Tex. Human Res. Code, § 42.052 must be provided to the city.
9	Shall not be used for the storage of wrecked vehicles, or the dismantling of vehicles or the storage of vehicle parts.
10	All vehicles being stored for repair shall be screened from all public rights-of-way.
11	All equipment shall be stored and displayed on a hard all weather surface.
12	See § 154.019 for special requirements.
13	1000-foot separation is required from all residential uses or zoning districts, churches or schools.
14	All storage of goods, products, cargo, produce or materials and the repackaging of same must be wholly within the confines of a building.
15	No continuous or episodic excessive noise or odors shall be emitted from the use.

(Ord. O-12-743, passed 12-3-2012; Am. Ord. O-14-768, passed 12-15-2014; Am. Ord. O-15-788, passed 3-16-2016; Am. Ord. O-16-808, passed 2-1-2016)

#### **§ 154.011 "R-1" SINGLE-FAMILY RESIDENTIAL DISTRICT-9,000 SQUARE FOOT LOTS.**

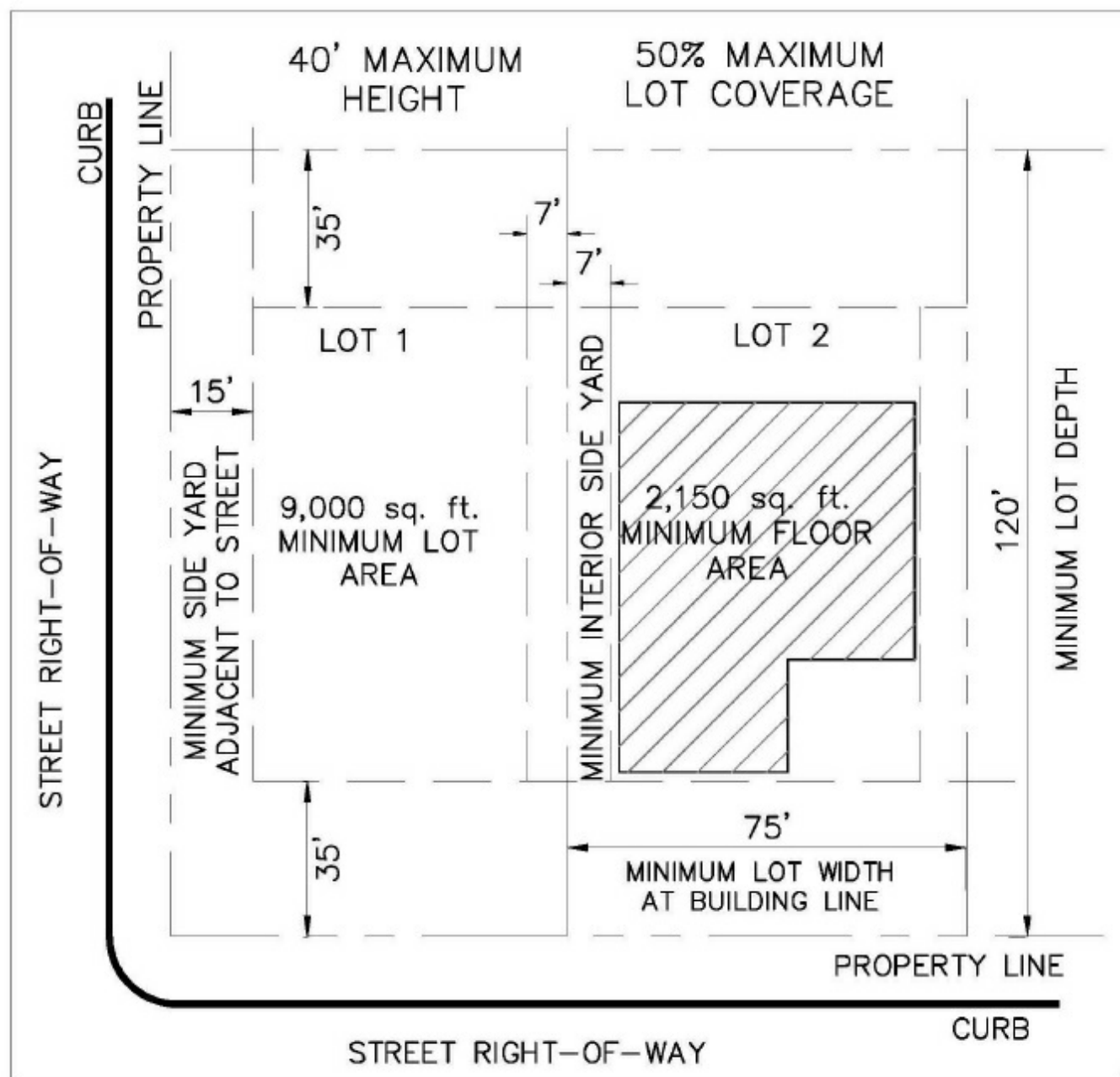
(A) *Specific purpose.* This district is intended to be composed of single-family dwellings on large or intermediate-sized lots, which form a neighborhood characterized by mostly owner-occupied homes in a low medium density setting.

(B) *Use regulations.*

<b><i>"R-1" AREA, YARD &amp; HEIGHT REGULATIONS</i></b>	
Lot area (min.)	9,000 square feet
Lot width (min.)	75 feet
Lot depth (min.)	120 feet
Front yard setback (min.)	35 feet
Side yard setback (min.)	
Interior lot lines	7 feet

Street lot lines	15 feet
Rear yard setback (min.)	35 feet
Height (max.)	40 feet
Lot coverage (max.)	40%
Floor area (min.)	2,150 square feet

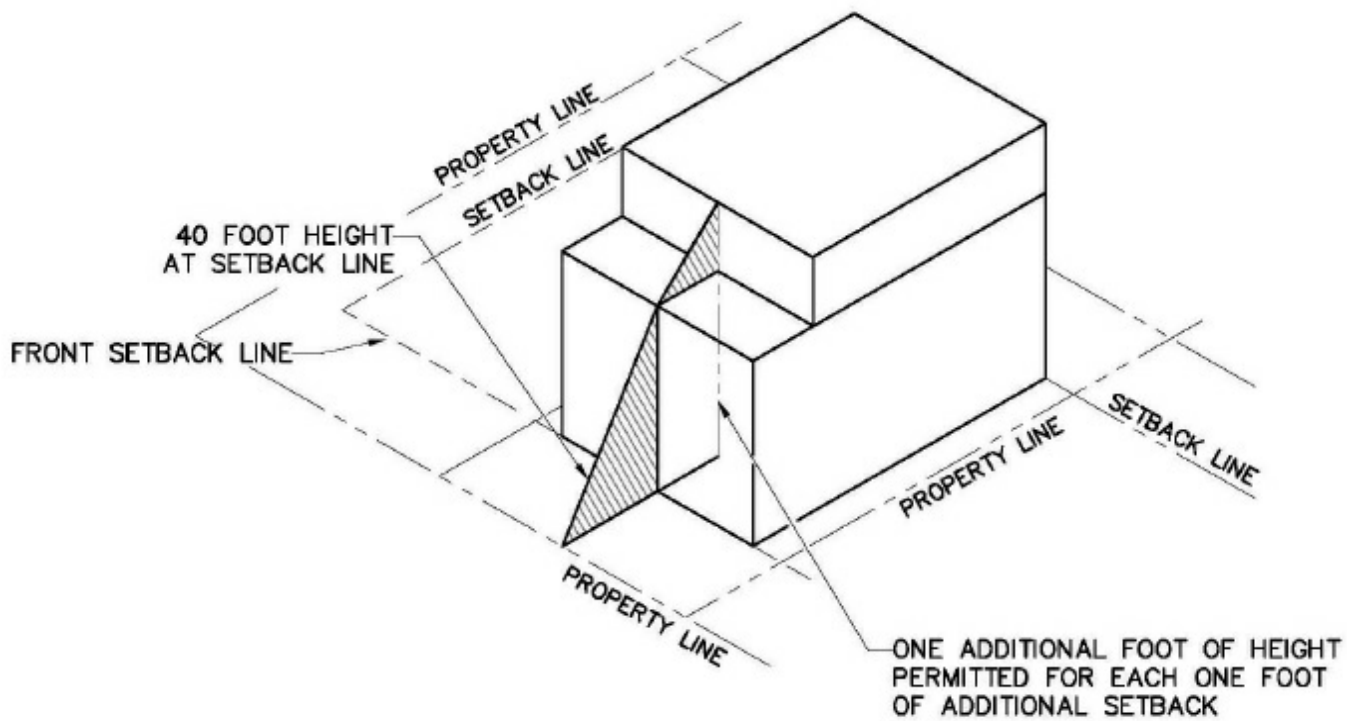
See image below for example.



(C) Additional height.

(1) The height of a residential structure or structure accessory may be increased to not more than 45 feet when, in addition to the front yard minimum requirements contained herein, each of the yards shall be increased an additional foot for each foot such structure that exceeds 40 feet in height.

(2) The height of a permitted nonresidential structure shall not exceed 75 feet; provided, that in addition to the front yard minimum requirements contained herein, the front yard shall be increased an additional foot for each foot such structure that exceeds 40 feet in height.



(D) Off-street parking regulations.

- (1) Off-street parking shall be provided in accordance with § 154.070.
- (2) No parking space shall occupy any part of the required front yard of a nonresidential use.
- (3) Vehicular parking or storage must be on an improved surface (not on grass).

(Ord. O-12-743, passed 12-3-2012)

**§ 154.012 "R-2" SINGLE-FAMILY RESIDENTIAL DISTRICT-7,150 SQUARE FOOT LOTS.**

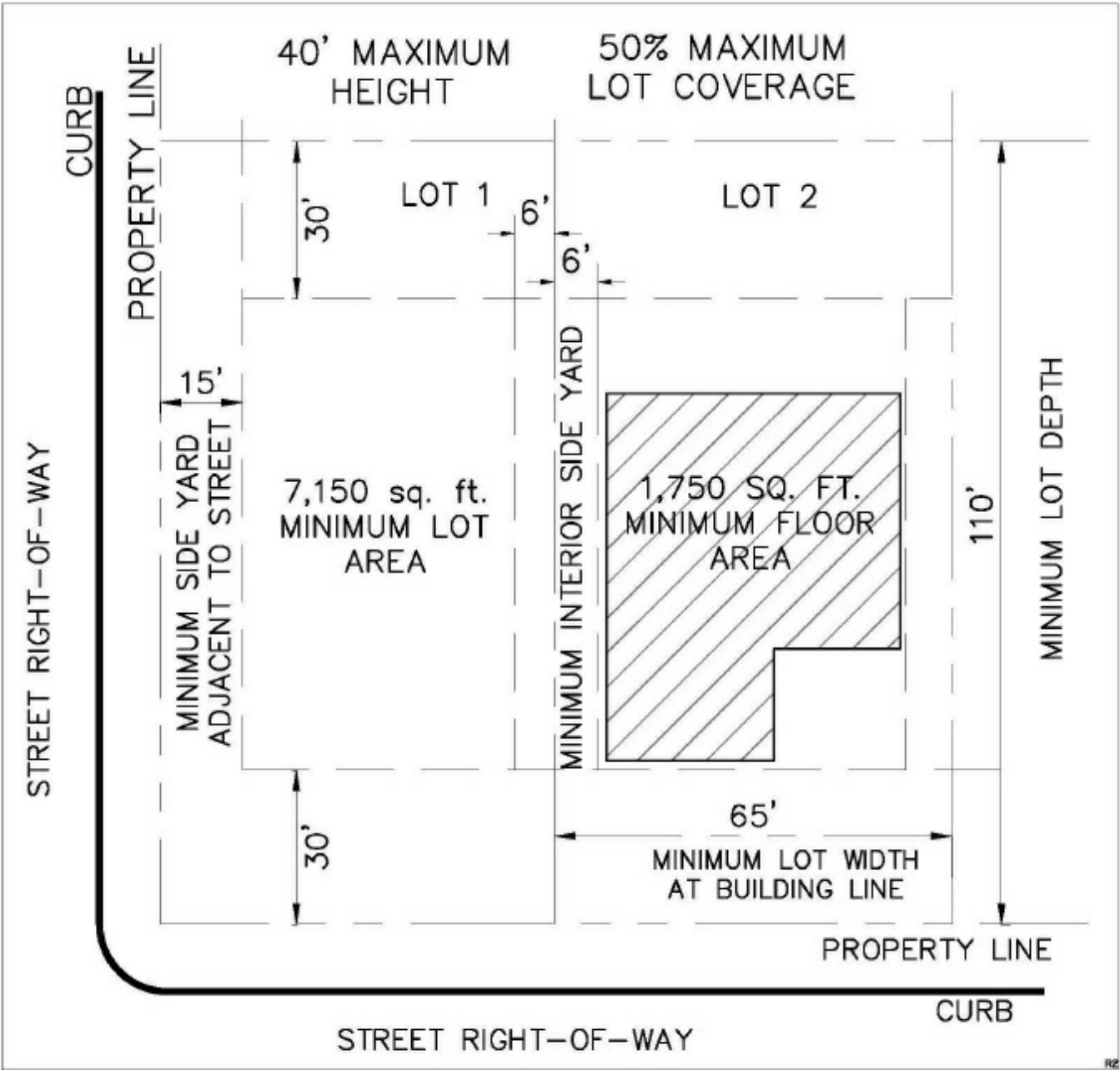
(A) *Specific purpose.* This district is intended to be composed of single-family dwellings on intermediate-sized lots, which form a neighborhood characterized by mostly owner-occupied homes in a low medium density setting.

(B) *Use regulations.* Land and structures in this zoning district shall be used according to the regulations for this district as listed in § 154.010.

<b>"R-2" AREA, YARD &amp; HEIGHT REGULATIONS</b>	
Lot area (min.)	7,150 square feet
Lot width (min.)	65 feet
Lot depth (min.)	110 feet
Front yard setback (min.)	30 feet
Side yard setback (min.)	
Interior lot lines	6 feet
Street lot lines	15 feet
Rear yard setback (min.)	30 feet

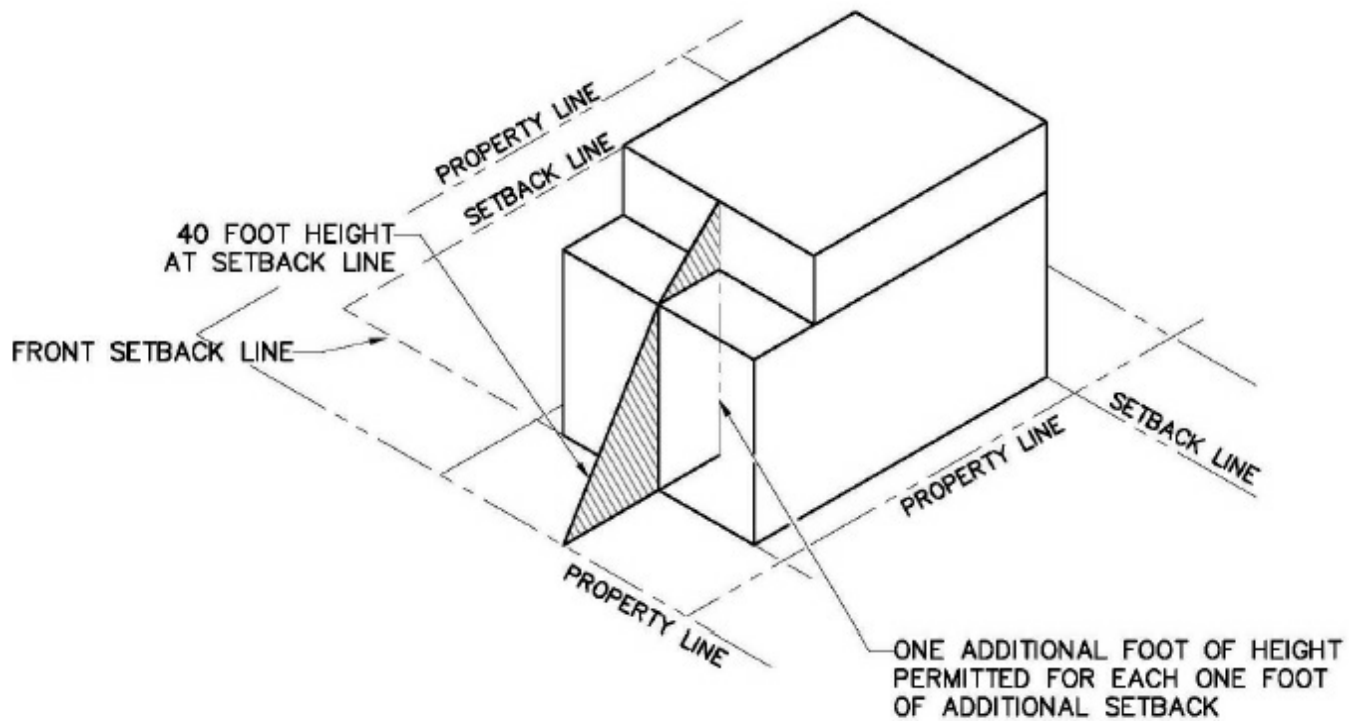
Height (max.)	40 feet
Lot coverage (max.)	40%
Floor area (min.)	1,750 square feet

See image below for example.



(C) Additional height.

- (1) The height of a residential structure or structure accessory may be increased to not more than 45 feet when, in addition to the front yard minimum requirements contained herein, the front yards shall be increased an additional foot for each foot such structure that exceeds 40 feet in height. See image below for example.
- (2) The height of a permitted nonresidential structure shall not exceed 75 feet; provided, that in addition to the front yard minimum requirements contained herein, the front yard shall be increased an additional foot for each foot such structure that exceeds 40 feet in height.



(D) *Off-street parking regulations.*

- (1) Off-street parking shall be provided in accordance with § 154.070.
- (2) No parking space shall occupy any part of the required front yard of a nonresidential use.
- (3) Vehicular parking or storage must be on an improved surface (not on grass).

(Ord. O-12-743, passed 12-3-2012)

**§ 154.013 "R-3" SINGLE-FAMILY RESIDENTIAL DISTRICT-5,500 SQUARE FOOT LOTS.**

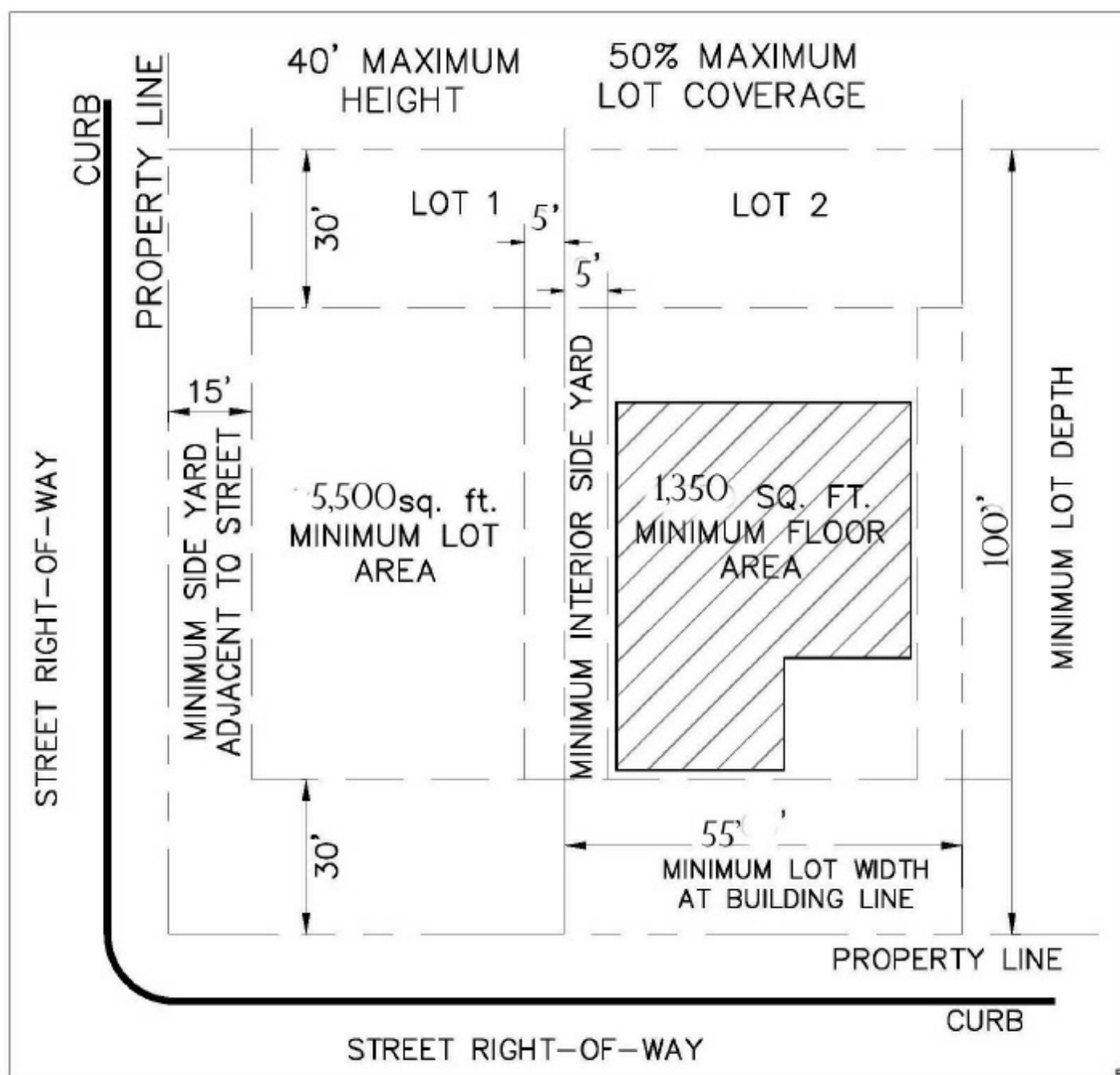
(A) *Special purpose.* This district is intended to be the same as "R-2" except that lots are generally smaller, and, therefore, the homes are situated in a higher density setting.

(B) *Use regulations.* Land and structures in this zoning district shall be used according to the regulations for this district as listed in § 154.010.

<b>"R-3" AREA, YARD &amp; HEIGHT REGULATIONS</b>	
Lot area (min.)	5,500 square feet
Lot width (min.)	55 feet
Lot depth (min.)	100 feet
Front yard setback (min.)	25 feet
Side yard setback (min.)	
Interior lot lines	5 feet
Street lot lines	15 feet

Rear yard setback (min.)	25 feet
Height (max.)	40 feet
Lot coverage (max.)	40%
Floor area (min.)	1,350 square feet

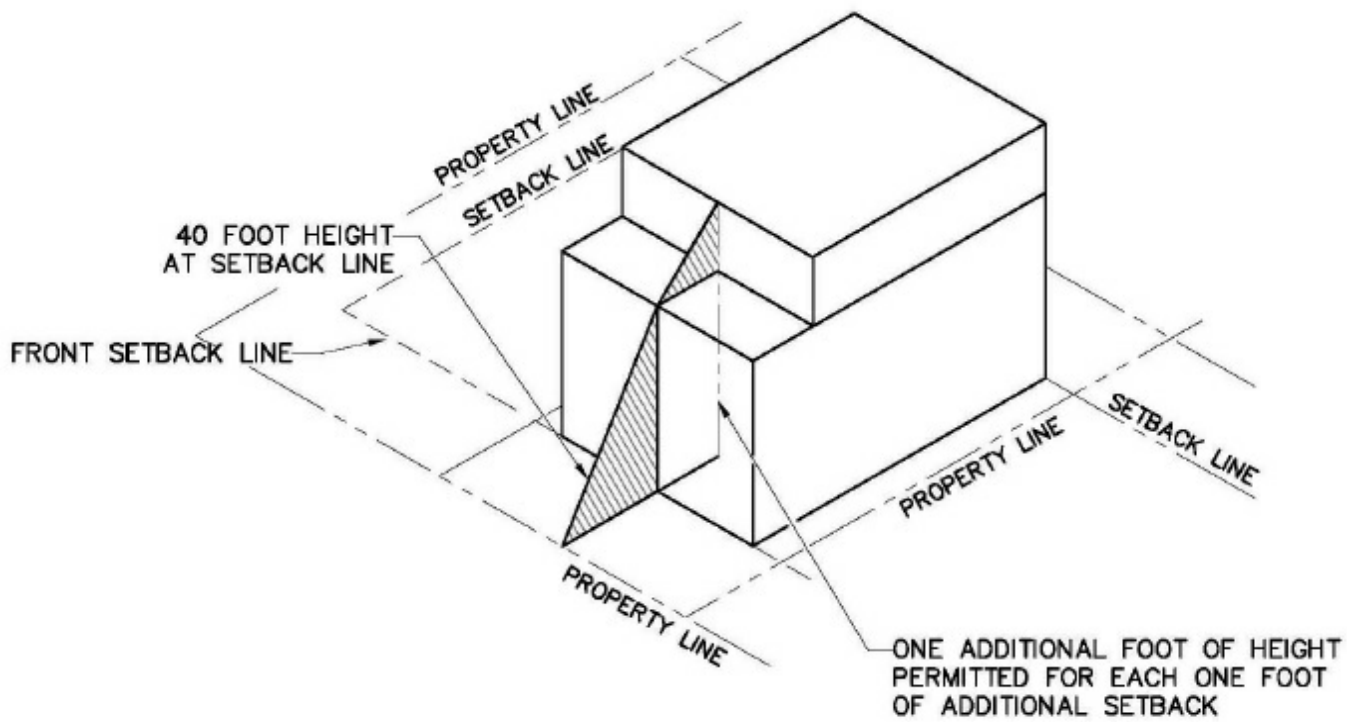
See image below for example.



(C) *Additional height.*

(1) The height of a residential structure or structure accessory may be increased to not more than 45 feet when, in addition to the front yard minimum requirements contained herein, the front yard shall be increased an additional foot for each foot such structure that exceeds 40 feet in height. See image below for example.

(2) The height of a permitted nonresidential structure shall not exceed 75 feet; provided, that in addition to the front yard minimum requirements contained herein, the front yard shall be increased an additional foot for each foot such structure that exceeds 40 feet in height.



(D) *Off-street parking regulations.*

- (1) Off-street parking shall be provided in accordance with § 154.070.
- (2) No parking space shall occupy any part of the required front yard of a nonresidential use.
- (3) Vehicular parking or storage must be on an improved surface (not on grass).

(Ord. O-12-743, passed 12-3-2012)

**§ 154.014 RESIDENTIAL HISTORIC OVERLAY DISTRICT.**

(A) (1) This overlay district shall be in effect in all residentially zoned areas of the City of Ferris that are shown on the Residential Overlay District Map below (there are areas shown that are not zoned residential and are not impacted by this section), attached hereto and made part hereof.

(2) It is provided that within this area, the existing (or as then amended) base zoning will remain in effect, and will control the use of the property. This section does not change the use of the property, only the structures that may be placed on it. The base zoning still applies to the structures, except as amended by this section.

(B) The following is allowed on qualifying property within the Residential Historic Overlay District:

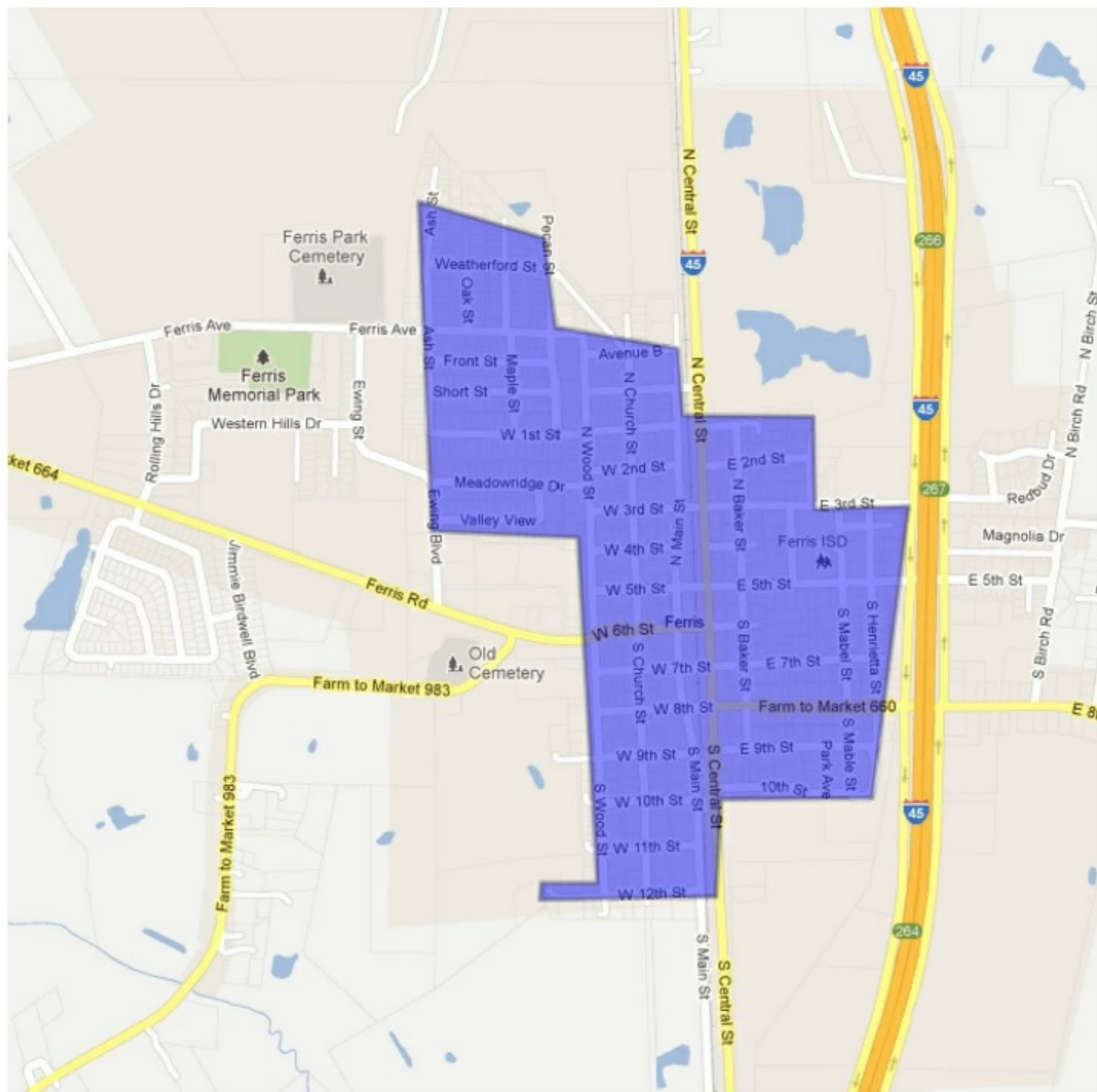
- (1) The maximum lot coverage is increased to allow for up to 60% lot coverage.
- (2) It is recognized that in this district, there are lots that are single lots made up of smaller lots. This is commonly referred to as a lot with internal lot lines. Property owners may ignore internal lot lines for the purposes of construction and setbacks. Internal lot lines may be ignored and the outermost property lines of such lots shall govern when all zoning issues are considered.
- (3) In the event of destruction or deterioration beyond an owners control, structures in this overlay district may rebuild properties in the same footprint and floor plan as previously existed, even if it is a legal nonconforming use.
- (4) Carports shall be allowed to be built up to the property lines, but must be setback from the street by at least 10 feet. Carports shall not be allowed to shed water onto adjacent properties and may not create visibility issues for traffic, as determined by the Building Official.
- (5) Historically appropriate fences in the front yard shall be permissible. Historically appropriate includes the fence being no more



than 3 feet tall and being a minimum of 50% open. A fence permit shall still be required to build a new fence in this zone.

(6) Single family homes constructed/re-constructed in this district may be constructed/reconstructed to match the type of construction most prevalent in the surrounding area. This means that the masonry requirement may not be applicable to some construction in this district. Should a question arise as to the type of construction allowed, the Board of Adjustments shall make the final determination.

## EXHIBIT A – RESIDENTIAL OVERLAY DISTRICT MAP



(Ord. O-12-543, passed 12-3-2012)

### § 154.015 "R-T" RESIDENTIAL TOWNHOME DISTRICT-CLUSTER.

(A) *Specific purpose.* This district is intended to be composed of mostly attached dwellings that are clustered together in attached townhouses, other detached zero-lot line clustering, or patio homes. It is intended that these dwellings will form a neighborhood

characterized by mostly owner-occupied homes in the highest density setting and by open spaces in common ownership which are designed to give relief to the density of dwellings and to provide desired amenities for the neighborhood. It is intended that advanced and creative designs of residential dwellings and their arrangements, and landscape planning will be encouraged in this district. A master site plan is required before development of this district may be considered.

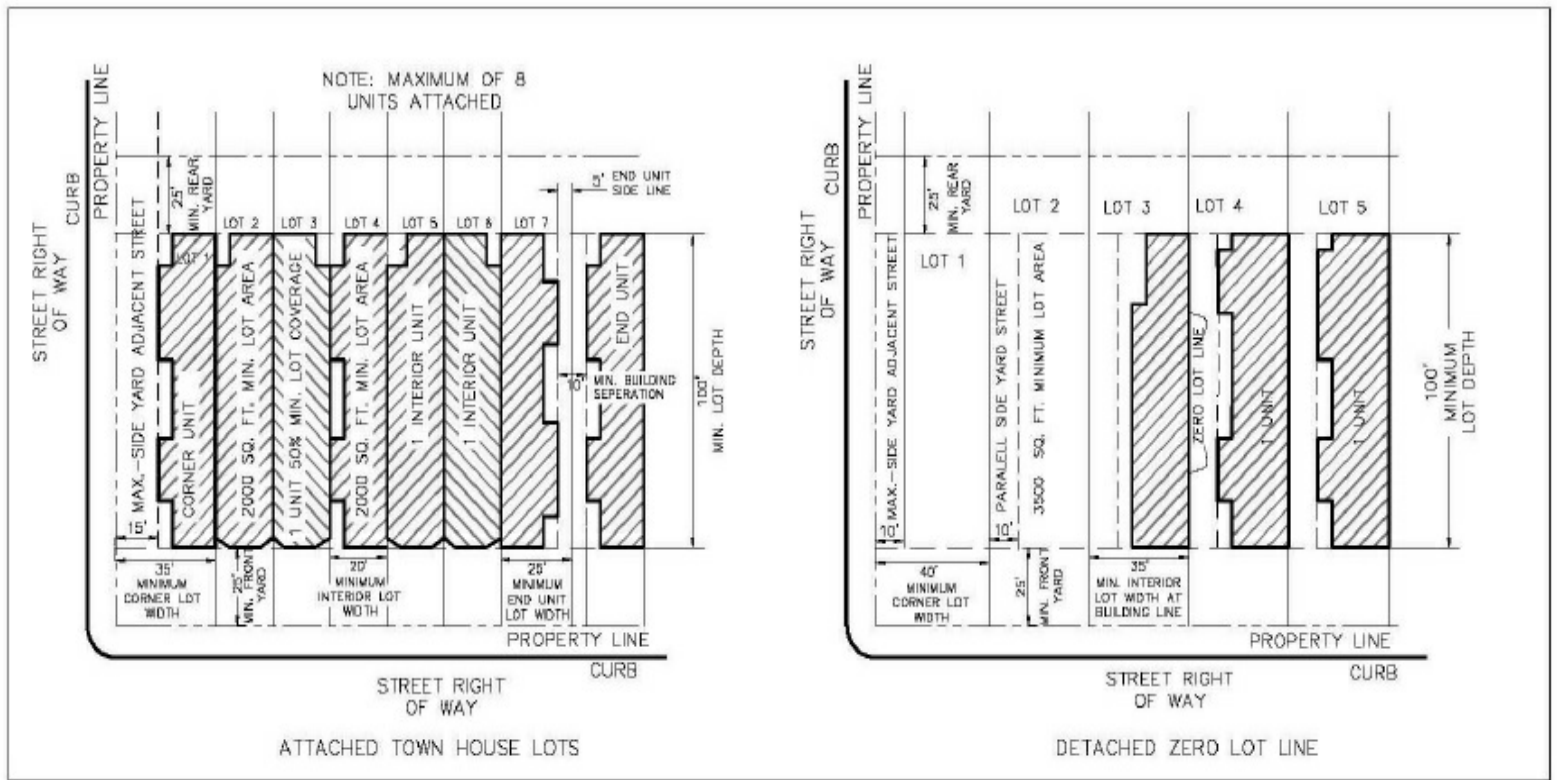
(B) *Use regulations.* Land and structures in this zoning district shall be used according to the regulations for this district as listed in § 154.010.

(C) *"R-T" area, yard, and height regulations.*

<b><i>"R-T" ATTACHED TOWNHOUSE-AREA, YARD &amp; HEIGHT REGULATIONS</i></b>	
Lot area (min.)	2,000 square feet
Lot width (min.)	
Street corner lots	35 feet
Interior unit lots	20 feet
End unit lots	25 feet
Lot depth (min.)	100 feet
Front yard setback (min.)	25 feet
Side yard setback (min.)	
Street corner units	15 feet
Interior units	0 feet
Building end units	15 feet
Number of units attached	8 maximum
Rear yard setback (min.)	25 feet
Lot coverage (max.)	50%
Height (max.)	40 feet
Floor area (min.)	1,100 square feet

<b><i>"R-T" DETACHED ZERO LOT LINE TOWNHOUSE-AREA, YARD &amp; HEIGHT REGULATIONS</i></b>	
Lot area (min.)	3,500 square feet
Lot width (min.)	35 feet
Street corner lots	40 feet
Lot depth (min.)	100 feet
Front yard setback (min.)	25 feet
Rear yard setback (min.)	25 feet
Side yard setback (min.)	10 feet, 0 feet on opposite side

See images below for examples.



(D) *Density credit.*

(1) Credit shall be given for all permanent open space exterior within 100 feet of the development site and for the floor area within the development site.

(2) All open space areas other than paved surface parking areas for vehicles within the development site that are used for professionally planned and landscaped flower gardens, vegetable gardens, children's play lots, strolling paths, picnic areas, or other park-like areas landscaped, and for which provisions are made for maintenance of same, shall be counted twice.

(E) *Platting required for zero lot line.* All lots using the zero lot line concept shall be platted or replatted. The Planning and Zoning Commission shall review such plats or replats. The first dwelling unit constructed on a lot within the area to be replatted shall set the zero lot line pattern of yards for the remaining lots within the area to be replatted. The City Council will approve or not approve the plat or replat.

(F) *Cluster development regulations.* Yard setbacks and building lines shall be in accordance with the following:

(1) Buildings adjacent to public streets which are internal to a townhouse development shall setback not less than 25 feet from the center lines of the streets.

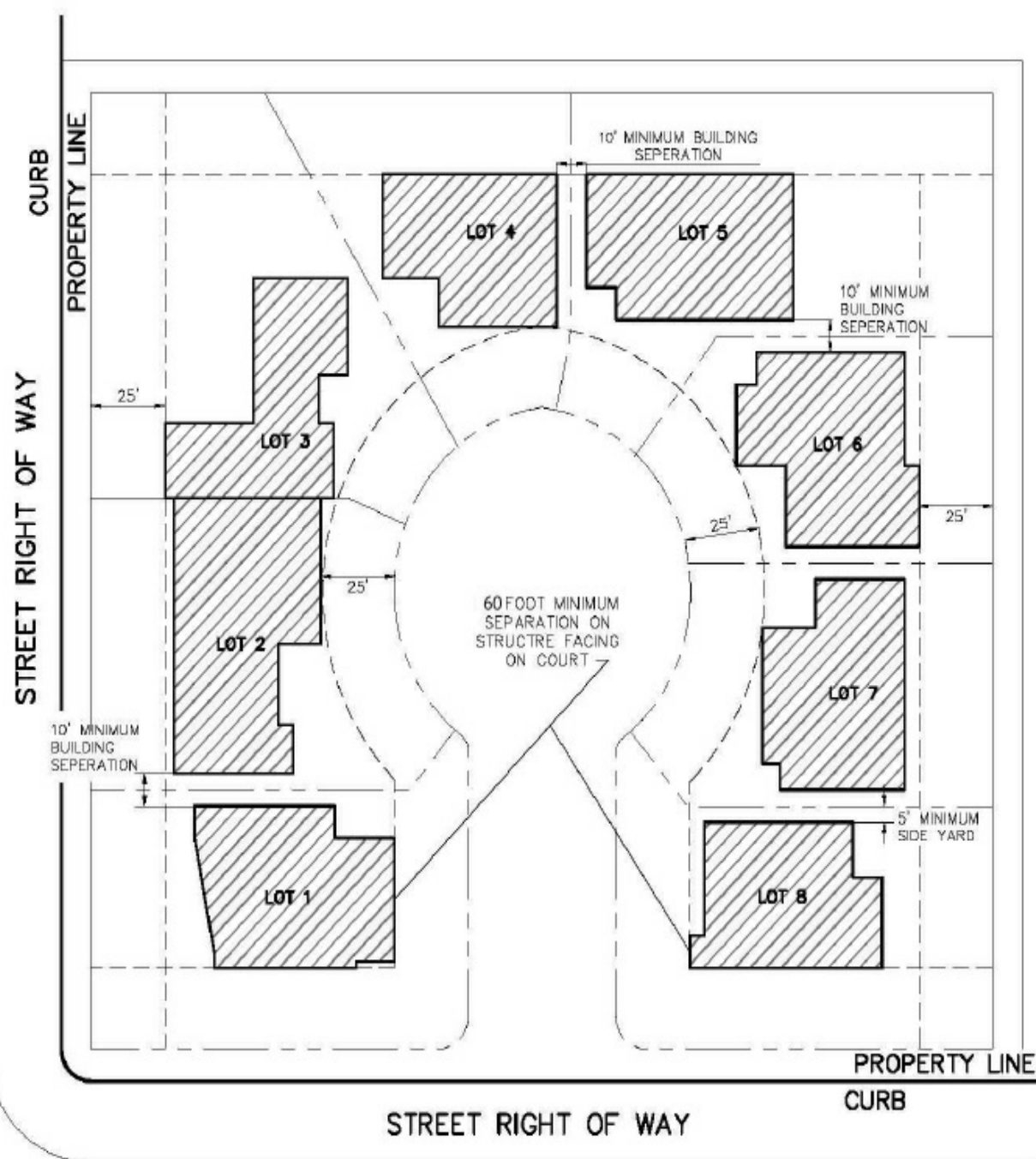
(2) Buildings containing dwelling units fronting on a place or court and facing other such buildings shall be separated from the buildings by not less than 60 feet of open space.

(3) Buildings adjacent to major thoroughfares, collector streets or other public streets which are not internal to a townhouse development shall setback not less than 25 feet from the right-of-way of such streets.

(4) The rear yard for any dwelling shall not be less than 25 feet.

(5) For any residential structures having configurations and locations other than that for townhouses or row houses, they shall be arranged so that there will be a clearance of not less than 10 feet between the side of any 1 structure and the side of the structure adjacent to it, and there shall be a front yard of not less than 25 feet for every dwelling unit.

(G) See image below for examples.



(H) *Off-street parking regulations.*

- (1) Off-street parking shall be provided in accordance with § 154.070.
- (2) No parking space shall occupy any part of the required front yard of a nonresidential use.
- (3) Vehicular parking or storage must be on an improved surface (not on grass).
- (4) There shall be at least 1/2 additional vehicular parking spaces for each dwelling unit. These spaces shall be available in 1 or more of the following:
  - (a) On the street provided that a clear moving lane of nominal width not less than 15 feet remains after all street parking spaces are occupied and vehicles are parked properly next to the edge of the street paving.
  - (b) Special visitors parking areas located on the development sites.

(c) Parking garages constructed for this purpose on the development site.

(Ord. O-12-743, passed 12-3-2012)

#### **§ 154.016 "R-D" RESIDENTIAL DISTRICT-DUPLEX.**

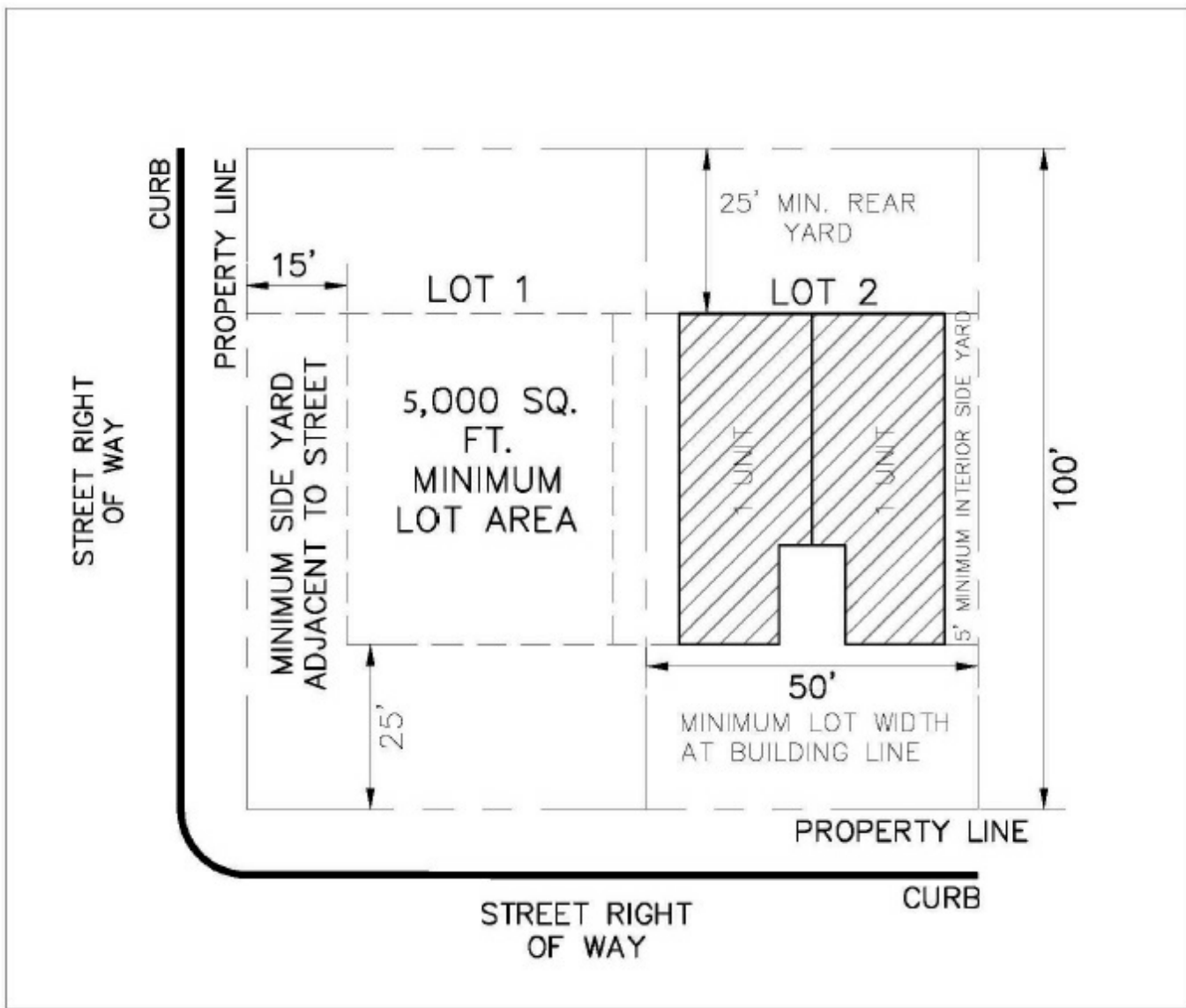
(A) *Specific purpose.* This district is intended to be composed of mostly duplex buildings in a low density setting not to exceed 2 dwelling units per separately platted lot.

(B) *Use regulations.* Land and structures in this zoning district shall be used according to the regulations for this district as listed in § 154.010.

(C) *"R-D" area, yard, and height regulations.*

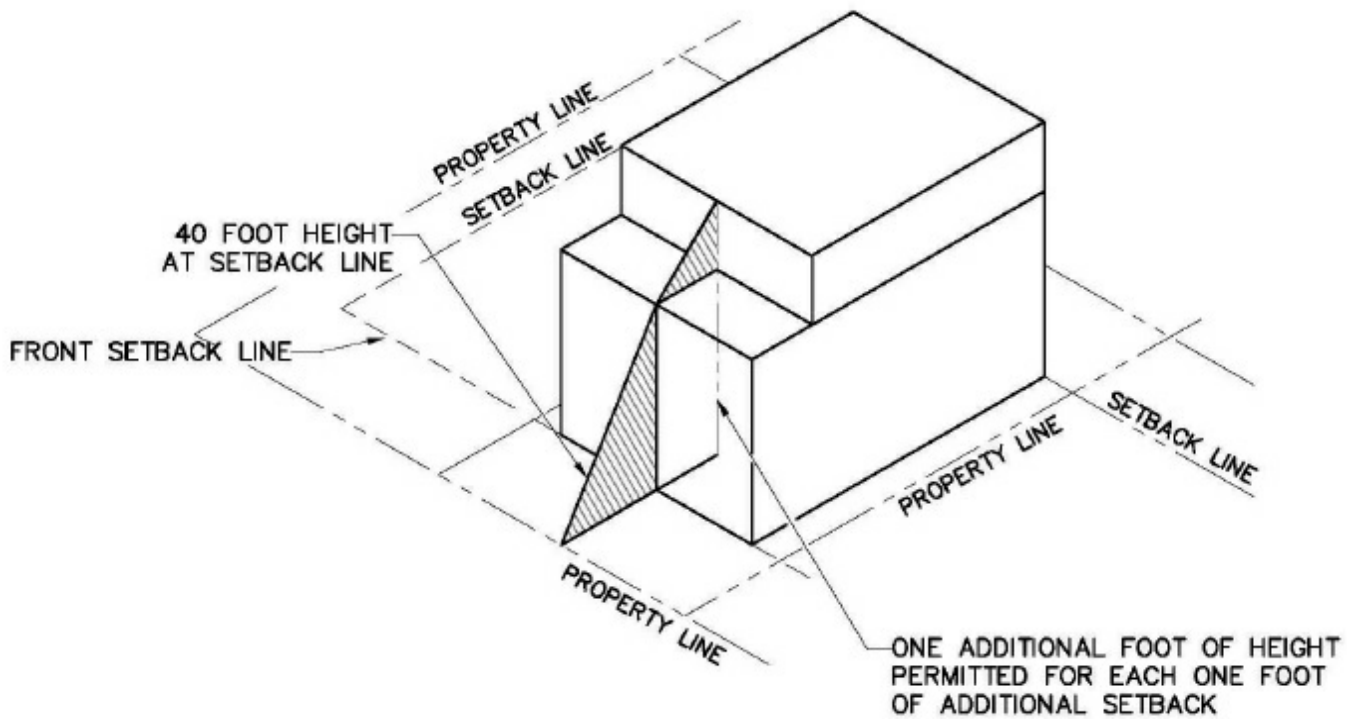
<b><i>"R-D" AREA, YARD &amp; HEIGHT REGULATIONS</i></b>	
Lot area (min.)	5,000 square feet
Lot width (min.)	50 feet
Lot depth (min.)	100 feet
Front yard setback (min.)	25 feet
Side yard setback (min.)	
Interior lot lines	5 feet
Street lot lines	15 feet
Rear yard setback (min.)	25 feet
Height (max.)	40 feet
Lot coverage (max.)	50%
Floor area (min.) per unit	1,200 square feet

See image below for example.



(D) *Previously platted duplex property.* The land area for a duplex dwelling previously platted shall not be less than 5,000 square feet.

(E) *Additional height regulations.* The height of any duplex structure or structured accessory thereto shall not exceed 40 feet; provided, the height of such structure may be increased to not more than 45 feet when, in addition to the front yard minimum requirements contained herein, the front yard shall be increased an additional foot for each foot such structure that exceeds 40 feet in height.



(F) *Off-street parking regulations.*

- (1) Off-street parking shall be provided in accordance with § 154.070.
- (2) No parking space shall occupy any part of the required front yard of a nonresidential use.
- (3) Vehicular parking or storage must be on an improved surface (not on grass).

(Ord. O-12-743, passed 12-3-2012)

**§ 154.017 "MF-18" MULTI-FAMILY RESIDENTIAL DISTRICT-MEDIUM DENSITY.**

(A) *General purpose and description.* The MF-18, Multi-family Residential District, is an attached residential district intended to provide for the highest residential density, that density being a maximum of 18 dwelling units per acre. The principal use of land in this district is for a wide variety of dwelling types, including single-family dwellings, multifamily dwellings, garden apartments, condominiums, and townhouses. Recreational, religious, health and educational uses normally located to service residential areas are permitted in this district in order to provide convenient and attractive residential areas. This district is usually located adjacent to a major street and serves as a buffer or transition between retail/commercial development or heavy automobile traffic and medium or low density residential development.

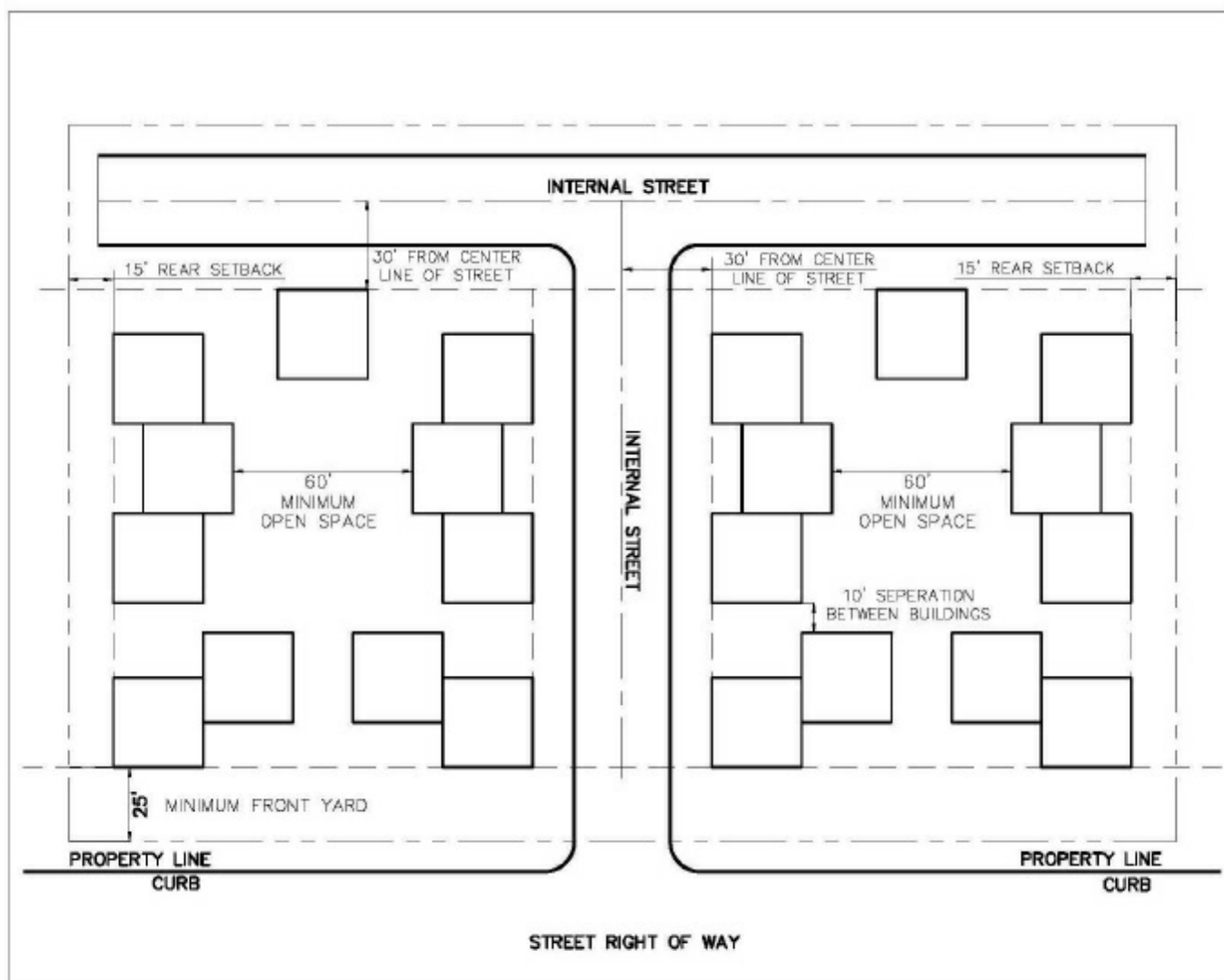
(B) *Use regulations.* Land and structures in this zoning district shall be used according to the regulations for this district as listed in § 154.010.

(C) *"MF-18" density, area, yard, and height regulations.*

<b>"MF-18" AREA, YARD &amp; HEIGHT REGULATIONS</b>	
Density (max.)	18 units per acre
Lot width (min.)	
Lot depth (min.)	
Setbacks (min.)	

From internal streets	30 feet from centerline
From public rights-of- way	25 feet from right-of-way
From facing structures	60 feet
From adjacent structures	10 feet
Rear yard setback (min.)	25 feet
Height (max.)	40 feet
Unit area (min.)	900 square feet living area

See image below for example.



(D) *Minimum dwelling size.* The minimum living area for multi-family dwelling units, MF-18, shall be as follows:

- (1) One-bedroom apartment: 900 square feet.
- (2) Two-bedroom apartment: 1,000 square feet.
- (3) Three-bedroom apartment: 1,100 square feet.
- (4) Four-bedroom apartment: 1,200 square feet.

(E) *Lot coverage.* In no case shall more than 40% of the total lot area be covered by the combined area of the main buildings and accessory buildings.



(F) *Construction.* Single-family detached, single-family zero lot line, and townhouse construction in this district shall conform to the requirements for their district standards respectively.

(G) *Refuse facilities.* Every dwelling unit shall be located within 250 feet of a refuse facility, measured along the designed pedestrian and vehicular travel-way. There shall be available at all times at least 6 cubic yards of refuse container per 30 multi-family dwelling units. For complexes with less than 30 units, no less than 4 cubic yards shall be provided. Each refuse facility shall be screened from view on 3 sides from persons standing at ground level on the site or immediately adjoining property, by a fence or wall not less than 6 feet, nor more than 8 feet in height or by an enclosure within a building. Refuse containers shall be provided and maintained in a manner to satisfy local public health and sanitary regulations. Each refuse facility shall be located so as to provide safe and convenient pickup by refuse collection agencies.

(H) *Usable open space.* Each lot or parcel of land, which is used for multi-family residences, shall provide on the same lot or parcel of land, usable open space. One-bedroom apartment units shall provide a minimum of 500 square feet of usable open space per unit. For each additional bedroom over 1, an additional 300 square feet shall be provided. In meeting this requirement, a credit of 3 square feet may be applied for each square foot utilized for swimming pools and adjacent decks, patios, or lounge areas within 10 feet of a pool; developed or equipped children's play areas; and usable portions of recreational buildings. At any time of site plan approval, the Planning and Zoning Commission and/or City Council may allow a credit not to exceed 10% of the total required usable open space for adjacent and immediately accessible public parks or open space. The combined credit for areas calculated at a 3-to-1 basis and for public parks shall not exceed 50% of the total usable open space for an individual lot or parcel. At the time of site plan approval, the Planning and Zoning Commission and/or City Council may give full or partial credit for open areas that exceed the maximum slope, if it is determined that such areas are environmentally significant and that their preservation would enhance the development.

(I) *Landscape requirements.* These additional landscaping requirements are to ensure the attractiveness and desirability of new multi-family developments and enhance the visual image of the development, as well as the community. The City of Ferris landscape ordinance shall apply in addition to the following:

- (1) No less than 40% of the required front yard in the MF-18 District shall be appropriately landscaped.
- (2) A minimum of 10% of the total square footage of required parking spaces shall be landscaped in the parking area in the MF-18 District.

(J) *Off-street parking regulations.*

- (1) Off-street parking shall be provided in accordance with § 154.070.
- (2) No required parking space shall occupy any part of the required front yard of a residential use.

(Ord. O-12-743, passed 12-3-2012)

**§ 154.018 "MH" HUD-CODE MANUFACTURED HOUSING DISTRICT.**

(A) *Specific purpose.* This district is intended to be composed mostly of manufactured homes and other prefabricated homes, and includes both manufactured home parks and subdivisions.

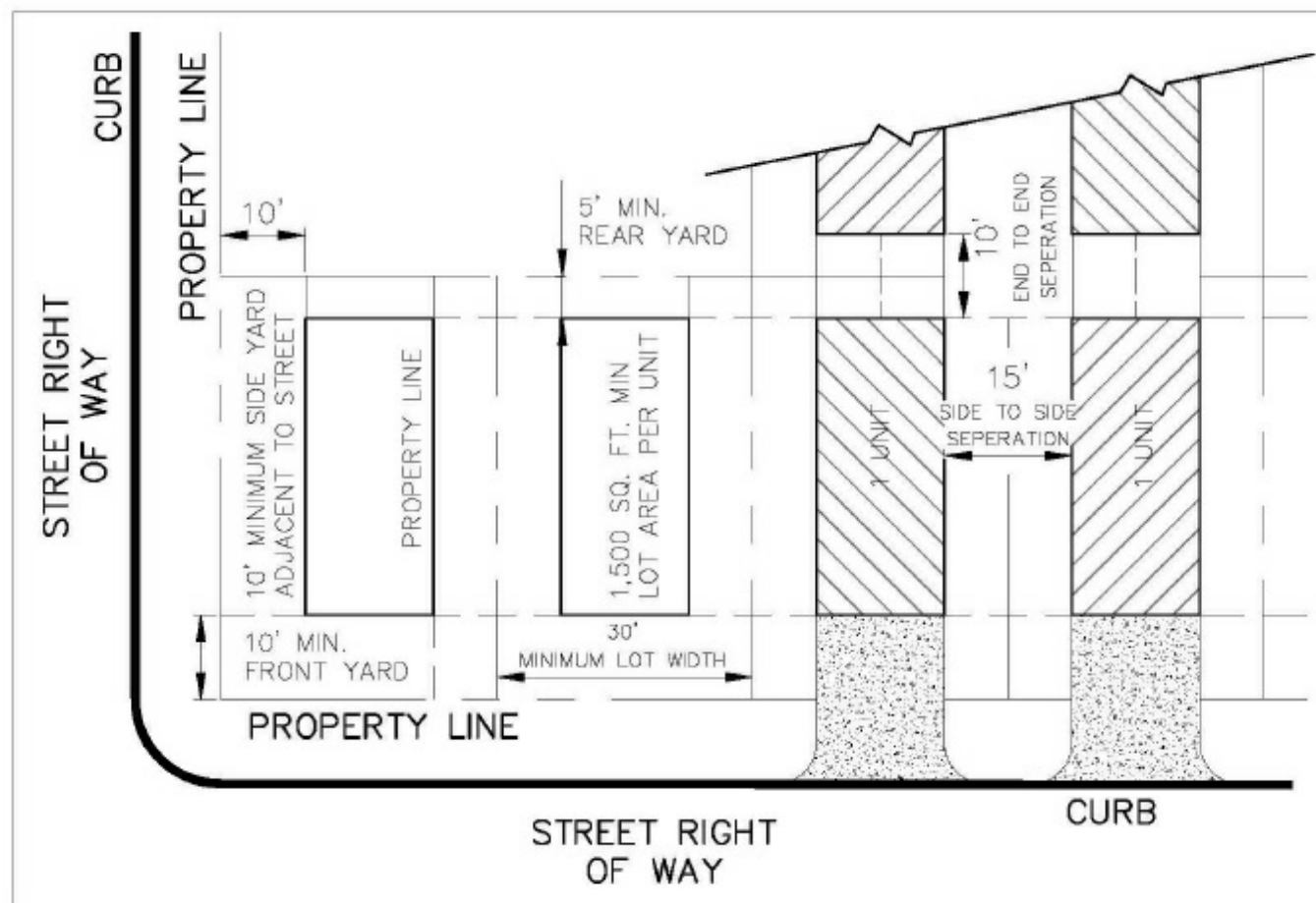
(B) *Use regulations.* Land and structures in this zoning district shall be used according to the regulations for this district as listed in § 154.010.

(C) *"MH" area, yard, and height regulations.*

<b>"MH" AREA, YARD &amp; HEIGHT REGULATIONS</b>	
Lot area (min.)	1,500 square feet
Lot width (Min.)	30 feet
Density (max.)	18 units per acre
Front yard setback (min.)	10 feet
Structure separation (min.)	

End to end	5 feet
Side to side	15 feet
Side yard setback (min.)	
Interior lot lines	7.5 feet
Street lot lines	10 feet
Height (max.)	40 feet
Rear yard setback (min.)	10 feet
Lot coverage (max.)	50%

See image below for example.



(D) *Additional area regulations.*

- (1) In existence on the effective date of this chapter which provide manufactured home spaces having a width or area less than that herein above prescribed may continue to operate with spaces of the existing width and area, but in no event shall any manufactured home space be less than 25 feet wide and have an area of less than 1,000 square feet.
- (2) No manufactured home shall be located closer than 10 feet from any building within the park or from any property line bounding the park.
- (3) All manufactured home spaces shall abut upon a driveway of not less than 20 feet in width, which shall have unobstructed access to a public street, alley or highway.
- (4) Walkways not less than 2 feet wide shall be provided from the manufactured home spaces to the service buildings.
- (5) A minimum of 5 feet of separation shall be maintained between all detached accessory buildings, manufactured homes, and

other accessory buildings.

(E) *Special conditions.*

(1) Prior to issuance by the Building Official of any permit for a manufactured home park, a site plan shall be approved by the Commission and City Council.

(2) Sanitation, fire protection and utility service shall be provided to each lot, tract, plat or stand in accordance with Health Department requirements or any ordinance of the city regulating it.

(3) A plan of ingress and egress to the property shall be approved by the City Manager.

(4) There shall be provided on the park or subdivision property all weather streets and drive surfacing, drainage and garbage collection rights-of-way, fire lanes, utility easements, and lighting with electric lamps of not less than 25 watts each spaced at intervals of not more than 100 feet as required by the city.

(5) There shall be constructed and maintained a permanent screening device, not less than 6 feet in height, on all sides of a manufactured home park not directly abutting a dedicated public street.

(6) An electrical outlet supplying not less than 110 volts shall be provided for each manufactured home space.

(7) There shall be provided service buildings to house laundry, bathing, toilet and other sanitation facilities as are hereinafter more particularly prescribed.

(8) An application for a manufactured home park shall be made to the Planning and Zoning Commission in the same manner that an application for zone change is made. Application for approval of a manufactured home park shall be processed according to the procedure specified herein and a site plan and related data shall be submitted for approval in accordance with the requirements set out in the development plan below. The application shall be in writing, signed by the applicant and shall include the following:

(a) The name and address of the applicant.

(b) The location and legal description of the manufactured home park.

(c) A complete plan of the park in conformity with the requirements set out in the development plan.

(d) Preliminary plans and specifications of all buildings, improvements, and facilities to be constructed within the manufactured home park.

(e) Such further information as may be requested by the City Manager to determine if the proposed park will comply with legal requirements. The application and all accompanying plans and specifications shall be filed with the City Manager in triplicate. The Planning and Zoning Commission shall investigate the application and the proposed plans and specifications. If the proposed manufactured home park will, when constructed or altered in accordance with such plans and specifications, be in compliance with all provisions of this chapter and all other applicable ordinances and statutes, the Planning and Zoning Commission may recommend the application for approval by the City Council.

(9) Manufactured home parks may be located only in conformity with the zoning ordinance of the city and, in addition to the requirements contained herein, each boundary of the park must be at least 200 feet from any permanent residential building located outside the park, unless separated therefrom by a natural or artificial barrier, or unless a majority of the property owners according to area within the 200 feet consent in writing to the establishment of the park, provided, however, that the provisions of this division (E)(9) shall not apply to manufactured parks already in existence and operation at the time of the passage of this chapter.

(10) All buildings in a manufactured home park providing laundry, bathing, toilet, sanitation services for manufactured home park operations shall have at least 75% of its exterior wall surfaces if single story and 50% of its exterior wall surfaces if more than single story constructed of masonry and/or glass pane.

(F) *Off-street parking regulations.* Off-street parking shall be provided in accordance with § 154.070.

(G) *Replacement of HUD-Code manufactured homes.*

(1) In the event that a HUD-Code manufactured home occupies a lot in the MH District of the City of Ferris, the owner of the HUD-Code manufactured home may remove the HUD-Code manufactured home from its location and place another HUD-Code manufactured home on the same property, provided that the replacement is a newer HUD-Code manufactured home and is at least as large in living space as the prior HUD-Code manufactured home.

(2) The owner of the HUD-Code manufactured home is limited to a single replacement of the HUD-Code manufactured home on the same property located within MH Districts.

(3) An owner's ability to replace the HUD-Code manufactured home on the same property located within MH Districts as a result of a fire or natural disaster is not restricted.

(H) *Replacement of non-conforming HUD-Code manufactured homes.*

(1) In the event that a HUD-Code manufactured home occupies a lot in the City of Ferris, the owner of the HUD-Code manufactured home may remove the HUD-Code manufactured home from its location and place another HUD-Code manufactured home on the same property, provided that the replacement is a newer HUD-Code manufactured home and is at least as large in living space as the prior HUD-Code manufactured home.

(2) The owner of the HUD-Code manufactured home is limited to a single replacement of the HUD-Code manufactured home on the same property.

(3) An owner's ability to replace the HUD-Code manufactured home on the same property as a result of a fire or natural disaster is not restricted.

(4) A non-conforming mobile home may not be exchanged or replaced by another mobile home.

(Ord. O-12-743, passed 12-3-2012)

## **§ 154.019 "RV" RECREATIONAL VEHICLE PARK DISTRICT.**

(A) *Use regulations.* No building or premises in this zoning district shall be used and no buildings shall be erected, constructed, reconstructed, altered or enlarged, nor shall a permit or license be issued except for recreational vehicle parks.

(B) *Height regulations.* The maximum height of any building or structure shall be 35 feet.

(C) *Area regulations.*

(1) R.V. spaces shall be a minimum of 22 feet wide and a minimum of 36 feet in depth.

(2) R.V.s shall be separated from each other and other structures by at least 10 feet. Any accessory structure such as attached awnings, carports, or individual storage facilities shall for the purpose of this separation requirement, be considered to be part of the R.V.

(D) *Parking.* Off-street parking shall be provided in accordance with § 154.070.

(E) *Buffering-Setbacks, screening and landscaping.*

(1) R.V. spaces and accessory buildings shall be a minimum of 25 feet from adjoining property lines.

(2) Screening shall be as specified in § 154.046.

(3) The screening shall be erected before any use is made of the property zoned RV.

(4) Insofar as it is practical, the screening shall be erected along the entire length of the common line between the R.V. property and the abutting residentially zoned property.

(F) *R.V. definitions.* For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**AGENT.** Any person authorized by the licensee of a R.V. park to operate or maintain such park under the provisions of this section.

**BUILDING OFFICIAL.** The legally designated inspection authority of the Building Department of the City of Ferris or his or her authorized representative.

**DRIVEWAY.** A minor private way used by vehicles and pedestrians on a R.V. space or used for common access to a small group of spaces or facilities.

**LICENSE.** A written license issued by the Building Official allowing a person to operate and maintain a R.V. park under the

provisions of this section and regulations issued hereunder.

**LICENSEE.** Any person licensed to operate and maintain an R.V. park under the provisions of this section.

**PERMIT.** A written permit or certification issued by the Building Official permitting the construction, alteration and extension of a R.V. park under the provisions of this section and regulations issued hereunder.

**PERSON.** Any natural individual, firm, trust, partnership, association or corporation.

**PICKUP COACH.** A structure designed to be mounted on a pickup or truck chassis with sufficient equipment to render it suitable for use as a temporary dwelling for travel, recreational and vacation uses.

**R.V. RECREATIONAL VEHICLE.** A vehicle which is:

- (a) Built on a single chassis,
- (b) Four hundred square feet or less when measured at the largest horizontal projections,
- (c) Self-propelled or permanently towable by a light duty truck, and
- (d) Designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreations, camping, travel, or seasonal use.

**RECREATIONAL VEHICLE PARK.** Any premises on which 2 or more pickup coaches or R.V.s are parked or situated and used for the purpose of supplying to the public a parking space for 1 or more such coaches or R.V.s that are owner occupied.

**SERVICE BUILDING.** A structure housing toilet, lavatory and such other facilities as may be required by this section.

**SEWER CONNECTION.** The connection consisting of all pipes, fittings and appurtenances from the drain outlet of a R.V. to the inlet of the corresponding sewer riser pipe of the sewage system serving the R.V. park.

**SEWER RISER PIPE.** That portion of a sewer lateral, which extends vertically to the ground elevation and terminates at a R.V. space.

**SPACE.** A plot of ground within an R.V. park designed for the accommodation of 1 R.V. unit. This term shall also include the terms "lot," "stand" and "stall."

**WATER CONNECTION.** The connection consisting of all pipes, fittings, and appurtenances from the water riser pipe to the water riser pipe of the distribution system within a R.V. park.

**WATER RISER PIPE.** That portion of the water supply system serving an R.V. park, which extends vertically to the ground elevation and terminates at a designated point at a R.V. space.

(G) *Permits.*

(1) *Permit required.* It shall be unlawful for any person to construct, alter or extend any R.V. park within the limits of the City of Ferris unless he or she holds a valid permit issued by the Building Official in the name of such person for the specific construction, alteration or extension proposed.

(2) *Application requirements.* All applications for permits shall contain the following:

- (a) Name and address of applicant.
- (b) Location and legal description of the R.V. park.
- (c) A site plan as hereinafter description of the R.V. park.

(3) *Permit fee.* All applications shall be accompanied by an application fee of \$250.

(4) *Issuance of permit.* When, upon review of the application, the Building Official is satisfied that the proposed plan meets the requirements of this chapter and other applicable ordinances, a permit shall be issued.

(5) *Denial of permit; hearing.* Any person whose application for a permit under this section has been denied may request and shall be granted a hearing on the matter under the procedure provided by division (J)(2) below.

(H) *Licenses.*

(1) *License required.* It shall be unlawful for any person to operate any R.V. park within the limits of the City of Ferris unless he or she holds a valid license issued annually by the Building Official in the name of such person for the specific park. Each license will expire on December 31 of each year. The applicant shall make all applications for licenses to the Building Official, who shall issue a license upon compliance with provisions of this division.

(2) *Application for license; renewal.*

(a) Application for original licenses shall be in writing, signed by the applicant, accompanied by an affidavit of the applicant as to the truth of the application and by the payment of the license fee hereinafter provided. Each application shall contain the name and address of the applicant; the location and legal description of the park; and a site plan of the park showing all R.V. spaces, structures, roads, walkways, and other service facilities.

(b) Applications for renewals of licenses shall be made in writing by the licensee and shall contain any change in the information submitted since the original license was issued or the latest renewal granted.

(3) *Transfer of license.* Every person holding a license shall give notice in writing to the Building Official within 24 hours after having sold, transferred, given away, or otherwise disposed of interest in or control of any park. Such notice shall include the name and address of the person succeeding to the ownership or control of such park. Upon application in writing for transfer of the license, the license shall be transferred if the park is in compliance with all applicable provisions of this division.

(4) *License fee.* A fee of \$125 dollars shall accompany all original license applications and license transfers.

(5) *Violations; notice; suspension of license.* Whenever, upon inspection of any R.V. park, the Building Official finds that conditions or practices exist which are in violation of any provision of this division, he or she shall give notice in writing in accordance with division (J)(2) below to the licensee. The notice shall state that unless such conditions or practices are corrected within a reasonable period of time specified in the notice, the license shall be suspended. At the end of such period, the Building Official shall again inspect such park and, if such conditions or practices have not been corrected, he or she shall suspend the license and give notice in writing of such suspension to the licensee. Upon receipt of notice of such suspension, licensee shall cease operation of such park, except as provided in division (J)(2) below.

(6) *Denial of license; hearing.* Any person whose application for a license under this division has been denied may request and shall be granted a hearing on the matter under the procedure provided by division (J)(2) below.

(I) *Inspection.*

(1) *Inspections required.* The Building Official is hereby authorized and directed to make such inspections as are necessary to determine satisfactory compliance with this division.

(2) *Entry on premises.* The Building Official shall have the power to enter at reasonable times upon any private or public property for the purpose of inspecting and investigating conditions relating to the enforcement of this section. It shall be the duty of the licensee or his or her agent to give this Building Official free access to all lots at reasonable times for the purposes of inspection.

(3) *Inspection of register.* The Building Official shall have the power to inspect the register containing a record of all residents of the R.V. park.

(4) *Right of entry.* Wherever necessary to make an inspection to enforce any of the provisions of this code or whenever the Building Official or his or her authorized representative has reasonable cause to believe that there exists in any building or upon any premises any addition or code violation which makes such building or premises unsafe or dangerous or hazardous the Building Official or his or her authorized representative may enter such building or premises at all reasonable times to inspect the same or to perform any duty imposed upon the Building Official by this code. If such building or premises be occupied he or she shall first present proper credentials and request entry and if such building or premises be unoccupied, he or she shall first make a reasonable effort to locate the owner or other persons having charge or control of the building or premises and request entry. If such entry is refused, or, if no owner or other person having charge or control of the building or premises can be located, the Building Official or his or her authorized representative shall have recourse to every remedy provided by law to secure entry.

(5) An inspection as set out in the fee ordinance shall be charged for each R.V. space to cover the cost of compliance with the R.V. regulations.

(J) *Notices, hearings, and orders.*

(1) *Notice of violation; requirements of notice.* Whenever the Building Official determines that there are grounds to believe that there has been a violation of any provision of this section, the Building Official shall give notice of such alleged violation to the licensee or agent, as hereinafter provided. Such notice shall:

- (a) Be in writing;
- (b) Include a statement of the reasons for its issuance;
- (c) Allow a reasonable time for the performance of any act it requires;

(d) Be served upon the owner or his or her agent as the case may require; provided that such notice or order shall be deemed to have been properly served upon such licensee or agent when a copy thereof has been sent by registered mail to his or her last known address, or when he or she has been served with such notice by any method authorized or required by the laws of the State of Texas;

- (e) Contain an outline of remedial action which, if taken, will effect compliance with the provisions of this section.

(2) *Appeal from notice.* Any person affected by any notice which has been issued in connection with the enforcement of any provision of this section may request and shall be granted a hearing before the Board of Adjustments on the matter; provided, that such person shall file in the office of the Building Official a written petition requesting such hearing and setting forth a brief statement of the grounds therefor within 10 days after the day the notice was served. The filing of the request for a hearing shall operate as a stay of the notice and of the suspension, except in the case of an order issued under division (J)(5) below. Upon receipt of such petition, the Building Official shall set a time and place for such hearing and shall give the petitioner written notice thereof. At such hearing the petitioner shall be given an opportunity to be heard and to show why such notice should be modified or withdrawn. The hearing shall be commenced not later than 60 days after the day on which the petition was filed.

(3) *Hearing, order.* After such hearing, the Board of Adjustments shall make findings as to compliance with the provisions of this section and shall issue an order in writing sustaining, modifying or withdrawing the notice, which, order shall be served as provided in division (J)(1)(d) above. Upon failure to comply with any order sustaining or modifying a notice, the license of the park affected by the order shall be revoked.

(4) *Hearing records; judicial review.* The proceedings at such a hearing, including the findings and decision of the Building Official, and together with a copy of every notice and order related thereto shall be entered as a matter of public record in the office of the City Secretary but the transcript of the proceedings need not be transcribed unless judicial review of the decision is sought as provided by this subchapter. Any person aggrieved by the decision of the Board of Adjustments may seek relief therefrom in any court of competent jurisdiction, as provided by the laws of the State of Texas.

(5) *Order without notice.* Whenever the Building Official finds that an emergency exists which requires immediate action to protect the public health, he or she may without notice or hearing issue an order reciting the existence of such an emergency and requiring that such action be taken as he or she may deem necessary to meet the emergency, including the suspension of the permit or license. Notwithstanding any other provisions of this chapter, such order shall be effective immediately. Any person to whom such an order is directed shall comply therewith immediately, but upon petition with the Building Official shall be afforded a hearing as soon as possible. The provisions of division (J)(2) above shall be applicable to such hearing and the order issued thereafter.

(K) *R.V. parks.*

(1) *Site regulations.* Any development, redevelopment, alteration, or expansion of a R.V. park in the city shall be done in compliance with the following site requirements:

- (a) *Location.* An R.V. park shall be located only where such use is permissible under the terms and provisions of this chapter.
- (b) *Site plan.* A site plan shall be filed with the Building Official of the city, showing the following:
  - 1. The area and dimensions of the tract of land;
  - 2. The number and location of all R.V. spaces;
  - 3. The location and width of roadways and walkways;
  - 4. The location and specifications of water and sewer lines and riser pipes;
  - 5. The location and details of lighting and electrical systems;
  - 6. The location and specifications of all buildings constructed or to be constructed within the park;
  - 7. Such other information as municipal reviewing officials may reasonably require.
- (c) *Soil and ground cover.* Exposed ground surfaces in all parts of every R.V. 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 of eliminating dust.

(d) *Drainage.* The ground surface in all parts of a park shall be graded and equipped to drain all surface water in a safe, efficient manner. A competent professional engineer shall verify the adequacy of drainage facilities.

(e) *Open space.* Recreation areas are encouraged as a part of any R.V. park. Such areas shall be located so as to be free of traffic hazards, easily accessible to all park residents, and centrally located where topography permits.

(2) *Access and traffic circulation.* All R.V. parks shall provide access and means of motor vehicle and pedestrian traffic circulation as follows:

(a) *Access.* Motor vehicle entrances and exits shall be designed for safe and convenient traffic movement from adjacent public streets and onto internal streets leading to each space. Entrances or exits from a R.V. park shall abut a public street.

(b) *Internal streets.* Internal streets shall be privately owned, built and maintained, and shall be designed for safe and convenient access to all spaces and facilities for common use of park occupants. Where any portions of parks are intended for overnight occupancy only, it is preferred that internal streets be arranged to accommodate drive-through spaces. Internal streets shall comply with the following minimum requirements:

1. *Minor streets.* Streets less than 500 feet in length and serving:

A. With drive-through spaces, 50 or less if street is 1-way; or 100 or less if 2-way; or

B. Where it is necessary to back into or out of spaces, 25 spaces or less if street is 1-way, or 50 or less if 2-way shall have minimum widths as follows:

(i) One-way, no parking: 10 feet.

(ii) One-way, parking 1 side only: 18 feet.

(iii) One-way, parking both sides: 26 feet.

(iv) Two-way, no parking: 20 feet.

(v) Two-way, parking 1 side only: 28 feet.

(vi) Two-way, parking both sides: 36 feet.

2. *Collector streets.* Streets other than minor streets serving up to 200 spaces, without limitation on length, shall have minimum widths as follows:

A. One- or 2-way, no parking: 24 feet.

B. One- or two-way, parking 1 side: 29 feet.

C. One- or two-way, parking both sides: 36 feet.

3. *Arterial streets.* Streets serving more than 200 spaces, without limitation on length, shall have the same minimum width as collector streets, provided that sidewalks shall be provided as necessary to eliminate use of arterial roadway surface for pedestrian movement.

4. *Dead-end streets.* Dead-end streets shall be limited in length to 1,000 feet, and shall be provided at closed end with a turn-around having a minimum of not less than 25 feet inside radius and a 51 feet outside radius.

(c) *Street specifications.* Internal streets shall be constructed of all-weather surfacing and shall be maintained free of cracks, holes and other hazards.

(d) *Parking.* Vehicular parking shall be provided in a park in compliance with § 154.070.

(3) *Spaces for occupancy-Uses and permitted length of stay.*

(a) Spaces in R.V. parks may be used for owner occupied R.V.s and pickup coaches within the limitations prescribed in division (K)(3)(b).

(b) R.V.'s equivalent constructed in or on automobiles vehicles may use spaces in R.V. parks. The day, week, or month shall



only rent R.V. spaces.

(c) One space may be occupied permanently for the resident manager.

(4) *Water supply.*

(a) *General requirements.* An accessible, adequate, safe and potable supply of water shall be provided in each R.V. park. Where a public supply of water of satisfactory quantity, quality, and pressure is available at the park site or within 100 feet thereof, connection shall be made thereto and its supply used exclusively. When a public water supply is not available, a private water supply system may be developed and used as approved by the City of Ferris and the Health Department of the State of Texas.

(b) *Source of supply.*

1. The water supply shall be capable of providing water necessary to meet the ordinary demands of park occupants when the park is occupied at its maximum designed capacity.

2. The treatment of a private water supply shall be in accordance with applicable state and local laws and regulations.

(c) *Water storage facilities.* All water storage reservoirs shall be covered, watertight and constructed of impervious material. Overflows and vents of such reservoirs shall be effectively screened. Manholes shall be constructed with overlapping covers, so as to prevent the entrance of contaminated material. Reservoir overflow pipes shall discharge through an acceptable air gap.

(d) *Water distribution system.*

1. Pipes to all buildings, water service outlets, and other facilities requiring water shall connect the water supply system of the park.

2. All water piping, fixtures and other equipment shall be constructed and maintained in accordance with state and local regulations and requirements and shall be of a type and in locations approved by the Building Official.

3. The system shall be so designed and maintained as to provide a pressure of not less than 35 pounds per square inch, under normal operating conditions at service buildings and other locations requiring potable water supply.

(e) *Individual water-riser pipes and connections.* Individual water-riser pipes shall extend at least 4 inches above ground elevation. The pipe shall be at least 3/4-quarter inch. The water outlet shall be capped when not in use. Adequate provision shall be made to protect service lines, valves and riser pipes from freezing.

(f) *Backflow protection.* Shall be in accordance with the currently adopted International Plumbing Code and the Ferris Code of Ordinances.

(5) *Sewage disposal.*

(a) *General requirements.* An adequate and safe sewage system shall be provided in all R.V. parks for conveying and disposing of all sewage. Such system shall be designed, constructed and maintained in accordance with state and local laws.

(b) *Sewer lines.* All sewer lines shall be located in trenches of sufficient depth to be free of breakage from traffic or other movements and shall be separated from the park water supply system at a safe distance. Sewers shall be at a grade, which will ensure a minimum velocity of 2 feet per second when flowing full. All sewer lines shall be constructed of materials approved by the Building Official, shall be adequately vented, and shall have watertight joints.

(c) *Individual sewer connections.*

1. If individual sewer connections are provided, they shall consist of at least a 4-inch diameter sewer riser pipe. The sewer riser pipe shall be so located at each space that the sewer connection to the unit drain outlet will approximate a vertical position.

2. The sewer connection shall have a nominal inside diameter of at least 3 inches, and the slope of any portion thereof shall be at least 1/4-inch per foot. The sewer connection shall consist of 1 pipeline only without any branch fittings. All joints shall be watertight.

3. All materials used for sewer connections shall be semi-rigid, corrosion-resistant, nonabsorbent and durable. The inner surface shall be smooth.

4. The sewer riser pipe shall be plugged when a R.V. does not occupy the space. Surface drainage shall be diverted away from the riser. The rim of the riser pipe shall extend at least 4 inches above ground elevation.

(6) *Electrical distribution system.*

(a) *General requirements.* Every park shall contain an electrical wiring system consisting of wiring, fixtures equipment and appurtenances which, shall be installed and maintained in accordance with applicable codes and regulations governing such systems.

(b) *Power distribution lines.*

1. Main power lines located above ground shall be suspended at least 18 feet above ground level. There shall be a minimum horizontal distance of 3 feet between overhead wiring and any R.V. service building or other structure.

2. All direct burial conductors or cable shall be buffed in accordance with the City of Ferris's electrical code. Such conductors shall be located not less than 1 foot radial distance from water, sewer, gas or communication lines.

3. *Individual electrical connections.*

(i) Where individual electrical connections are provided at R.V. spaces, they shall include an approved disconnecting device and over-current protective equipment. The minimum service per outlet shall be 110 volts AC, 50 amperes.

(ii) Outlets (receptacles or pressure connectors) shall be housed in a weatherproof outlet box, and shall be located not more than 25 feet from the over-current protective device in the R.V. A 3-pole, 4-wire grounding type shall be used.

(iii) Receptacles, if provided, shall be in accordance with the National Electrical Code as adopted and amended from time to time.

(iv) Connectors, if not substituted by more than 1 receptacle, shall be provided where the calculated load of the R.V. is more than 50 amperes.

(v) The R.V. shall be connected to the outlet box by an approved type of flexible supply cord with a male attachment plug.

(vi) *Required grounding.* All exposed non-current carrying metal parts of R.V.s and all other equipment shall be grounded by means of an approved grounding conductor with branch circuit conductors or other approved method of grounded metallic wiring. The neutral conductor shall not be used as an equipment ground for R.V.s or other equipment.

(7) *Service and auxiliary buildings.*

(a) *General.* The requirements of this section shall apply to service buildings, recreation buildings and other auxiliary facilities, such as management offices, repair shops and storage area, sanitary and laundry facilities, and commercial uses supplying essential goods or services for exclusive use of park occupants.

(b) *Location and maintenance.* All service buildings shall be convenient to the units, which they serve, and shall be maintained in a clean condition.

(c) *Construction.* All service buildings shall be of permanent construction built in compliance with applicable ordinances of the city.

(d) *Sanitary facilities.* Must be provided when pickup coaches are allowed, service buildings of permanent construction must contain the following minimum sanitary fixtures:

<i>R.V. Spaces</i>	<i>Toilets</i>		<i>Urinals</i>	<i>Lavatories</i>		<i>Showers</i>	
	<i>Men</i>	<i>Women</i>	<i>Men</i>	<i>Men</i>	<i>Women</i>	<i>Men</i>	<i>Women</i>
1-15	1	1	1	1	1	1	1
16-45	1	2	1	2	2	1	2
46-100	2	3	2	3	3	2	2

For parks having more than 100 spaces there shall be provided 1 additional toilet and lavatory for each sex for each 30 spaces; 1 additional shower for each additional 40 spaces and 1 additional men's urinal for each additional 100 spaces. At least 1 slop sink shall be provided.

(e) *Interior finish.* The interior finish of a service building shall be moisture resistant which will withstand frequent washing and cleaning. The floors shall be constructed of material impervious to water, easily cleaned and sloped to floor drains connected to the sewage system.

(f) *Separation and marking of toilet rooms.* Separate men's and women's toilet rooms shall be provided and distinctly marked, and isolated by a sound resistant wall. The rooms shall be screened by means of a vestibule or wall to prevent direct view of the interior when the exterior doors are open.

(g) *Water closets.* Water closets shall be located in separate compartments equipped with self-closing doors.

(h) *Hot water facilities.* A continuous supply of hot water shall be available in each service building.

(i) *Shower facilities.* Shower facilities shall be provided for both sexes. The shower stalls shall be of the individual type and screened from view. Dressing compartments that are screened from view shall be provided for women and each equipped with a stool or bench. A shower stall of approximately 3 by 3 feet in area is suggested, with the dressing compartment at the same dimensions for women.

(j) *Heating facilities.* Service buildings shall be maintained at the temperature required by local authorities. In the absence of such requirements, service buildings shall be maintained at a temperature of at least 70 degrees Fahrenheit during use.

(k) *Window areas and ventilation.* Window areas in service buildings shall be equal to at least 10% of the floor area. Windows shall be located as high as practicable. All rooms of service buildings shall be well ventilated and all exterior openings shall be covered with 16-mesh screen.

(l) *Lighting.* Service building rooms shall be well lighted at all times.

(m) *Eating places.* Park buildings, including restaurants and dining rooms used for the preparation of food and drink, shall be constructed and operated in accordance with the laws and regulations of this State of Texas, as well as local requirements, applicable to public places offering food and drink for sale to the public.

(n) *Auxiliary buildings.* Auxiliary buildings or other buildings not specifically covered in this section shall be constructed in accordance with local requirements.

(o) *Sanitary stations.*

1. Sufficient facilities shall be provided at sanitary stations for the sole purpose of removing and disposing of wastes from all holding tanks in a clean, efficient and convenient manner.

2. Each sanitary station shall consist of a drainage basin constructed of impervious material, containing a disposal hatch and self-closing cover, and related washing facilities. Such units shall be provided on the basis of 1 for every 100 self-contained units or fractional part thereof.

3. Sanitary stations shall be located not less than 50 feet from any space. Such facilities shall be screened from other activities by visual barriers such as fences, walls or natural growth.

4. The disposal hatch of sanitary station units shall be connected to the park sewage disposal system. Related facilities required to wash holding tanks and the general area of the sanitary station shall be connected to the park water supply system.

5. The city shall approve sanitary stations.

(8) *Refuse handling.*

(a) The storage, collection and disposal of refuse in a R.V. park shall be so conducted as to create no health hazards, rodent harborage, insect breeding areas, accident or fire hazards or air pollution.

(b) All refuse shall be stored in fly-tight, watertight, rodent proof containers, which shall be centrally located within every R.V. park. Containers shall be provided in a sufficient number and capacity to properly store all refuse.

(c) A concrete pad of sufficient size shall be provided for all refuse containers. Such pads shall be so designed as to prevent containers from being tipped, to minimize spillage and container deterioration and to facilitate cleaning around them.

(d) All refuse containing garbage shall be collected at least twice weekly.

(e) The licensee or agent shall insure that containers at R.V. spaces are emptied regularly and maintained in a usable, sanitary condition.

(9) *Insect and rodent control.*

(a) Ground, buildings and structures shall be maintained free of insect and rodent harborage and infestation. Extermination methods and other measures to control insects and rodents shall conform to the requirements of the city.

(b) Parks shall be maintained free of accumulations of debris, which may provide rodent harborage or breeding places for flies, mosquitoes and other pests.

(10) *Fuel supply and storage.*

(a) *Natural gas system (where installed).*

1. Natural gas piping systems shall be installed and maintained in accordance with applicable codes and regulations governing such systems.

2. Each R.V. space provided with piped gas shall have an approved manual shutoff valve installed upstream of the gas outlet. The outlet shall be equipped with an approved cap to prevent accidental discharge of gas when the outlet is not in use.

(b) *Liquefied petroleum gas systems.* Liquefied petroleum gas systems for R.V. units shall be maintained in accordance with applicable city codes governing such systems the regulations of the Texas Railroad Commission pertaining thereto.

(11) *Fire protection.*

(a) R.V. parks shall be kept free of litter, rubbish and other flammable materials.

(b) Portable fire extinguishers rated for classes B and C fires shall be kept in service buildings and at other locations conveniently and readily accessible for use by all occupants and shall be maintained in good operating condition. Their capacity shall not be less than 10 pounds.

(c) Fire hydrants shall be installed, if the park water supply system is capable to serve the residents of the R.V. park in accordance with the following requirements:

1. The water supply system shall permit the operation of a minimum of 2 1/2" hose streams.

2. Each of 2 nozzles, held 4 feet above the ground, shall deliver at least 75 gallons of water per minute at a flowing pressure of at least 30 pounds per square inch at the highest elevation point of the park.

(d) Fire hydrants shall be located within 500 feet of any service building or other structure in the park, such distance to be measured along the street.

(12) *Miscellaneous requirements.*

(a) *Responsibilities of the park management.*

1. The licensee or his or her agent shall operate the park in compliance with this chapter and other applicable ordinances and shall provide adequate supervision to maintain the park, its facilities and equipment in good repair and in a clean and sanitary condition.

2. The licensee or agent shall notify park occupants of all applicable provisions of this section and inform them of their duties and responsibilities under this section.

3. A. The licensee or agent shall maintain a register of park occupancy, which shall contain the following information:

(i) Name and address of park occupants.

(ii) Registration of the towing vehicle.

(iii) Dates of arrival and departure.

B. A new register shall be initiated on January 1 of each year, and the old register may thereafter be retired, but shall be retained on the premises for at least 3 years following its retirement. Registers shall be available for inspection at all reasonable times by any official of the City of Ferris whose duties may necessitate accessing the information contained therein.

(Ord. O-12-743, passed 12-3-2012)

## **§ 154.020 "C-O" OFFICE AND PROFESSIONAL SERVICES DISTRICT.**

(A) *Specific purpose.* This district is intended to be composed of mostly office buildings which house places of professional services and business operations and services exclusive of the stocking of goods and the handling, selling, or delivery of same. It is intended that the restriction relative to goods will encourage a distinctive and high type of professional office development which will be compatible with residential areas, and will therefore permit the location of these services closer to the people being served.

(B) *Use regulations.* Land and structures in this zoning district shall be used according to the regulations for this district as listed in § 154.010.

(C) *Height regulations.* The maximum height of buildings or structures in this district shall be 40 feet.

(D) *Area regulations.*

(1) There shall be no minimum lot area for permitted uses in this district.

(2) The maximum lot coverage for all buildings and structures shall not exceed 60% of the gross area of the lot.

(E) *Yard regulations.*

(1) The minimum yard abutting a public street shall be 25 feet.

(2) All other yards shall be not less than 10 feet.

(3) On any lot in this district used for commercial purposes which adjoins any residential district, the minimum building line setback adjacent to such residential district shall be 20 feet. Within that 20-foot setback, a 10-foot wide landscaped buffer yard with no paving, dumpsters or other improvements shall be provided and the screening requirement of § 154.046 shall be complied with.

(F) *Special conditions.*

(1) Buildings may be used for 1 or more of the uses prescribed in § 154.010 only under the following conditions:

(a) The total area of an office building devoted to any single incidental use shall not exceed 15% of the gross floor area of the building.

(b) The total area of an office building devoted to incidental uses in the aggregate shall not exceed 25% of the gross floor area of the building.

(c) Public access to such incidental uses shall be from the interior of the building only.

(2) Sign standards for this district shall apply to both primary and secondary and incidental uses.

(3) No building in this district shall be constructed or altered to produce a storefront, show window or display window, and there shall be no merchandise visible from the exterior of the building.

(4) No outside storage shall be permitted in this district.

(5) No coin-operated amusement machines, devices, or apparatus shall be permitted in this district.

(6) All single-story buildings hereafter constructed or placed in this district shall have both sides and the front of its exterior wall surface constructed of masonry and/or glass pane.

(7) All buildings having more than a single story hereafter constructed placed in this district shall have at least 50% of its exterior wall surface constructed of masonry and/or glass pane.

(8) All additions hereafter constructed to buildings in this district shall have at least 75% of its exterior wall surface constructed of masonry or glass pane.

(9) That portion of the addition that faces onto a dedicated city street shall have its construction conform to that of the existing building.

(G) *Off-street parking regulations.*

(1) For each permissible use in this district, off-street parking shall be provided in accordance with § 154.070.

(2) A maximum of 40% of the curb line and parkway adjacent to property in this district shall be used for vehicular access to

such property.

(Ord. O-12-743, passed 12-3-2012)

### **§ 154.021 "C-N" COMMERCIAL NEIGHBORHOOD RETAIL DISTRICT.**

(A) *Purpose.* This district is a limited retail classification intended for use near neighborhood areas for purposes of supplying day to day retail needs of the residents, such as food, drugs, and personal services. The zoning regulations of this district are designed to permit such local or neighborhood convenience stores to be located in close proximity to the residential areas they are intended to serve.

(B) *Use regulations.* Land and structures in this zoning district shall be used according to the regulations for this district as listed in § 154.010.

(C) *Height regulations.* The maximum height of any structure within this district shall be 45 feet.

(D) *Area regulations.*

(1) There shall be no minimum lot area for nonresidential uses in this district.

(2) The maximum building area for any office, store or other principal use offering the sale of goods or services to the public shall be 5,000 square feet.

(E) *Yard regulations.*

(1) The minimum front yard shall be 25 feet.

(2) There shall be no minimum side yard requirement, except on corner lots, where the side yard on the street side shall be 25 feet.

(3) The minimum rear yard shall be 15 feet.

(4) On any lot in this district used for commercial purposes which adjoins any residential district, the minimum building line setback adjacent to such residential district, shall be 20 feet. Within that 20-foot setback, a ten 10-foot wide landscaped buffer yard with no paving, dumpsters or other improvements shall be provided and the screening requirement of § 154.046 shall be complied with.

(F) *Off-street parking.*

(1) For each permissible use in this district, off-street parking shall be provided in accordance with § 154.070.

(2) A maximum of 40% percent of the curb line and parkway adjacent to property in this district shall be used for vehicular access to such property.

(G) *Special conditions.*

(1) No outside storage or display of goods, wares or merchandise shall be permitted in this district.

(2) No coin-operated amusement machines, devices, or apparatus shall be permitted unless permitted by other ordinances.

(3) All buildings hereafter constructed or placed in this district shall have both sides and the front of its exterior wall surface constructed of masonry and/or glass pane.

(4) All additions hereafter constructed to buildings in this district shall have at least 75% of its exterior wall surface constructed of masonry and/or glass pane.

(5) That portion of the addition that faces onto a dedicated city street shall have its construction conform to that of the existing building.

(Ord. O-12-743, passed 12-3-2012)

### **§ 154.022 "C-C" CORRIDOR COMMERCIAL DISTRICT.**

(A) *Purpose.* This district is intended to accommodate all types and sizes of commercial enterprises.

(B) *Use regulations.* Land and structures in this zoning district shall be used according to the regulations for this district as listed in § 154.010.

(C) *Height regulations.* There shall be a maximum height of 75 feet.

(D) *Area regulations.*

(1) There shall be no minimum lot area for nonresidential uses in this district.

(2) There shall be no maximum building area devoted to any permissible use in this district.

(E) *Yard regulations.*

(1) The minimum yard abutting a public street shall be 25 feet.

(2) There shall be no minimum interior side yard requirement.

(3) On any lot in this district used for commercial purposes which adjoins any residential district, the minimum building line setback adjacent to such residential district, shall be 20 feet. Within that 20-foot setback, a 10-foot wide landscaped buffer yard with no paving, dumpsters or other improvements shall be provided and the screening requirement of § 154.046 shall be complied with.

(4) When a multi-story commercial structure is erected upon a lot in this district which adjoins any residential district, the minimum yard adjacent to such residential district shall be increased 5 feet for each story more than 1.

(5) In computing yard requirements, the provisions of this division (E) shall be cumulative.

(F) *Off-street parking regulations.*

(1) For each permissible use in this district, off-street parking shall be provided in accordance with § 154.070.

(2) A maximum of 40% of the curb line and parkway adjacent to property in this district shall be used for vehicular access to such property.

(G) *Exterior wall construction.*

(1) All buildings hereafter constructed or placed in this district shall have both sides and the front of its exterior wall surface constructed of masonry and/or glass pane.

(2) All additions hereafter constructed to buildings in this district shall have 75% of its exterior wall surface constructed of masonry and/or glass pane.

(H) *Special conditions.* Outside sales and storage shall not be allowed within 50 feet of any residentially zoned property. No sale or storage of materials shall be allowed within any designated emergency access easement or fire lane.

(Ord. O-12-743, passed 12-3-2012)

## **§ 154.023 ORIGINAL TOWN SQUARE (OTS) OVERLAY DISTRICT.**

(A) This overlay district shall be in effect in all areas of the City of Ferris that are shown in the Original Town Square Map below, attached hereto and made part hereof.





(B) It is provided that within this area, the existing (or as then amended) base zoning will remain in effect, and will control the use of the property. This section does not change the use of the property, only the structures that may be placed on it. The base zoning still applies to the structures, except as amended by this section.

(C) The following is allowed on qualifying property within the Original Town Square Overlay District:

- (1) Buildings may be built property line to property line. There are no setback requirements in this district.
- (2) There are no percentage of lot coverage requirements in this district. A building may consume the entirety of the lot on which it sits.
- (3) There are no parking requirements in this district. All parking is shared, public parking and no additional off-site parking is required.
- (4) The total area of an office building devoted to any single incidental use shall not exceed 15% of the gross floor area of the building.
- (5) Buildings in this district are permitted to have a storefront, show window or display window, with merchandise visible from the exterior of the building.



(6) Signage in this district may vary from §§ 154.080 through 154.088 so long as they are in compliance with a currently adopted version of the "Downtown Historic Guidelines."

(Ord. O-12-743, passed 12-3-2012)

#### **§ 154.024 "I-L" LIGHT INDUSTRIAL AND WAREHOUSING DISTRICT.**

(A) *Specific purpose.* This district is a limited industrial classification characterized by warehousing and distribution buildings and operations, and light processing or manufacturing. The regulations of this district are intended to preserve a light industrial nature, particularly with regard to noise, odors, dust, and other noxious conditions.

(B) *Use regulations.* Land and structures in this zoning district shall be used according to the regulations for this district as listed in § 154.010.

(C) *Height regulations.* There shall be no maximum height restrictions in this district.

(D) *Yard regulations.*

(1) The minimum front yard shall be 10 feet from the property line.

(2) There shall be no minimum side yard, except as follows:

(a) On corner lots, the side yard on the street side shall be 15 feet.

(b) On any lot in this district used for industrial purposes which adjoins any residential district, the minimum building line setback adjacent to such residential district shall be 20 feet. Within that 20-foot setback, a 10-foot wide landscaped buffer yard with no paving, dumpsters or other improvements shall be provided and the screening requirement of § 154.046 shall be complied with. For multi-story industrial buildings or structures, the building line setback adjacent to residential property shall be increased 5 feet for each story more than 1.

(3) There shall be no minimum rear yard in this district.

(E) *Special conditions.*

(1) All manufacturing or industrial uses shall be carried on wholly within buildings or enclosures consisting of substantial screening devices behind the required front yard.

(2) No raw materials, materials for sale or manufactured products shall be stored outside the confines of buildings or enclosures.

(3) All buildings hereafter constructed or placed in this district shall have its exterior wall surface constructed of any combination of masonry, glass and/or metal.

(Ord. O-12-743, passed 12-3-2012)

#### **§ 154.025 "I-H" MEDIUM AND HEAVY INDUSTRIAL DISTRICT.**

(A) *Purpose.* This district is intended to accommodate all types of industrial uses and all other uses not prohibited by ordinance.

(B) *Use regulations.* Land and structures in this zoning district shall be used according to the regulations for this district as listed in § 154.010.

(C) *Height regulations.* There shall be no maximum height restrictions in this district.

(D) *Yard regulations.*

(1) The minimum yard abutting a public street shall be 10 feet from the property line.

(2) There shall be no minimum interior side yard in this district.

(3) On any lot in this district used for industrial purposes which adjoins any residential district, the minimum building line setback adjacent to such residential district shall be 20 feet. Within that 20-foot setback, a ten 10-foot wide landscaped buffer yard with no paving, dumpsters or other improvements shall be provided and the screening requirement of § 154.046 shall be complied with. For

multi-story industrial buildings or structures, the building line setback adjacent to residential property shall be increased 5 feet for each story more than 1.

(4) There shall be no minimum rear yard in this district.

(E) *Special conditions.* All buildings hereafter constructed or placed in this district shall have its exterior wall surface constructed of any combination of masonry, glass and/or metal.

(Ord. O-12-743, passed 12-3-2012)

## **§ 154.026 "PD" PLANNED DEVELOPMENT DISTRICT.**

(A) *Purpose.* The purpose of a Planned Development Zoning District ("PD District") is to provide for the development of land as an integral unit for single or mixed use in accordance with a PD concept plan that may include uses, regulations and other requirements that vary from the provisions of other zoning districts. PD Districts are intended to implement, generally, the goals and objectives of the city's Comprehensive Plan. PD Districts are also intended to encourage flexible and creative planning, ensure the compatibility of land uses, and allow for the adjustment of changing demands to meet the current needs of the community by meeting one or more of the following purposes:

(1) Provide for a superior design of lots or buildings;

(2) Provide amenities or features that would be of special benefit to the property users or community;

(3) Protect or preserve natural amenities and environmental assets such as trees, creeks, ponds, floodplains, slopes or hills and views; or

(4) Protect or preserve existing historical buildings, structures, features or places.

(B) *General.* Any design or development proposal that does not strictly conform to the requirements of this chapter may request that a PD District be approved in accordance with the provisions of this chapter in its original form or by subsequent amendments. However, while a PD District may be proposed to modify certain provisions of this chapter, no proposed PD District ordinance shall be approved without ensuring a level of exceptional quality or innovation for the associated design or development of the subject property. Exceptional quality or innovation could come in many forms including, but not limited to, enhanced landscaping, creative site or architectural designs, or some other innovative element(s).

(C) *Approval procedures.*

(1) An application for a zoning change to a PD District, or for approval of a development plan or amendment to an existing PD District, shall be submitted for final approval of the City Council upon recommendation by the Planning and Zoning Commission.

(2) The procedures for hearing a request for a zoning change to a PD District shall be the same as for a requested change to any other zoning district, except for the requirement of approval of a development plan.

(3) Prior to the approval of a development plan, the City Council shall request a recommendation from the Planning and Zoning Commission concerning the proposed plan.

(4) After receiving a report of the Planning and Zoning Commission's recommendation, the City Council shall hold a public hearing to consider the approval of a development plan.

(5) Every "PD" - Planned Development District ordinance approved under the provisions of this chapter shall be considered as an amendment to this chapter and shall be applicable to the property involved. In approving the PD District, the City Council may impose conditions relative to the standard(s) of development and such conditions shall be complied with before a certificate of occupancy is issued for the use of the land or any structure which is part of the PD District and such conditions shall not be construed as conditions precedent to the approval of the zoning amendment, but shall be construed as conditions precedent to the granting of a certificate of occupancy.

(6) Every "PD" - Planned Development District ordinance approved in accordance with the provisions of this chapter in its original form or by subsequent amendments thereto is considered a zoning change and shall be referenced on the zoning district map; and a list of such planned development district regulations together with the category of uses permitted therein shall be maintained as part of this chapter.

(D) *Submittal requirements.* All rezoning requests for a "PD" - Planned Development District shall be required to submit the

following information:

- (1) An application;
- (2) The appropriate application fee as specified in the Ferris fee schedule, which may be amended from time to time by ordinance;
- (3) A letter of intent detailing the various aspects of the request, the merits of the request, and any other pertinent information;
- (4) A development plan that clearly indicates all significant features of the proposed PD District on an accurate scaled drawing, to include:
  - (a) The boundaries of the area included in the PD District ("plan area") surveyed by a competent licensed engineer or surveyor in the form of a survey plat, or if to be platted or re-platted, a preliminary plat.
  - (b) The total square footage and acreage of the plan area.
  - (c) All recorded or physically existing public and private rights-of-way and easements located on or adjacent to the plan area.
  - (d) The approximate topography of the plan area.
  - (e) The proposed land uses identified by location within the plan area ("development pod"); the square footage and acreage of each such development pod; the architectural details and design criteria applicable within each development pod; the densities applicable to each such development pod; and, the coordination, integration and transitions between development pods.
  - (f) The approximate location of proposed buildings and other structures on the plan area site and structures and existing uses adjacent to the plan area.
  - (g) The character and approximate density of all proposed uses in the plan area.
  - (h) The approximate location and dimensions of all parking areas, malls, water bodies, open areas and recreational areas.
  - (i) All streets, alleys and ways, including walkways, dedicated to the public use, and the location of all utilities.
  - (j) All areas reserved for common ownership with an indication of the properties, the owners of which will share the common ownership.
  - (k) Elevation renderings for all sides of any proposed structure(s) (for PD Districts requesting modifications to the architectural and site standards of this chapter).
  - (l) Sub-zoning areas.
  - (m) Vehicle and pedestrian circulation and access.
  - (n) The location and type of walls, fences, screen planting and landscaping.
  - (o) A plan, including side elevation drawings, showing location, size, height, orientation and design of all signs.
  - (p) In multi-family, townhouse and commercial PD Districts and/or development pods within a PD District, the location of each outside facility for waste disposal.
  - (q) A written document outlining the development restrictions, regulations, and underlying base zoning district(s) of the PD District and for each development pod within a PD District.
  - (r) A development schedule, indicating the following:
    1. The estimated date when development construction in the plan area shall commence;
    2. The stages, if any, in which the plan area will be developed and the estimated date each stage will commence;
    3. The estimated date of completion of each stage in the development of the PD District; and
    4. The area and location of all common open space that will be developed at each stage of the PD District.
- (5) The development plan shall clearly indicate that the proposed development will be in complete accordance with the provisions of the applicable Planned Development District zoning.

(6) The Chief Building Official may request more or less detail based on complexity of the request.

(E) *Development.*

(1) All development plans registered and recorded hereunder shall be binding upon the applicant thereof, his or her successors and assigns, and shall limit and control all building permits.

(2) Prior to issuance of any building permits, the property shall be platted in accordance with the subdivision ordinance and platting policies of the city.

(3) All buildings, structures, open space and/or any other development component constructed or placed in a PD District shall fully conform to the requirements of the PD District and all applicable building codes and ordinances of the city. All zoning regulations not expressly implied within a PD District's adopting ordinance shall default to the requirements of the underlying base zoning district as specified within such PD District ordinance, or if no underlying base zoning district is specified then to the most restrictive zoning district in which the use is allowed.

(Ord. O-15-799, passed 8-17-2015)

## **SUPPLEMENTAL REGULATIONS**

### **§ 154.040 SITE PLAN REQUIREMENTS**

(A) *General.*

(1) Site plans are required for all new structures to secure a building permit from the Building Official. Whenever a site plan is required by this chapter, such site plan must conform to the requirements of this section and must be approved by action of the Planning and Zoning Commission and the City Council.

(2) Whenever a site plan requires approval before a building permit is issued, and there is no request for a zoning change, the Planning and Zoning Commission and City Council may approve the site plan. The approved site plan and a copy of the minutes of the City Council action must accompany the request for the issuance of the building permit.

(3) Changes in any site plan required by this chapter and approved by the Planning and Zoning Commission and the City Council shall be processed the same as the original approval of the site plan, except that changes of detail which do not alter the basic relationship of the proposed development to adjacent property, and which do not alter the uses permitted or increase the density, floor-area ratio, height ratio, or reduce the yards provided at the boundary of the site as indicated on the approved site plan may be authorized by the City Manager. An aggrieved party may appeal the decision of the City Manager to the Board of Adjustment and Appeals in accordance with the provisions of this chapter.

(B) *Site plan required.* When required by the Administrative Official, applicable advisory board, Commission, or the City Council, any applicant for a zoning change shall submit a proposed site plan for approval. It is the established policy of the Planning and Zoning Commission and the City Council under this section that a site plan will be required for any application for a zoning change to "C-O," "C-N," or "C-C" Commercial, and to "I-L" and "I-H" Industrial, on any tract of land which meets 1 or more of the following conditions:

(1) Adjacent to any of the following Single-Family Residential Zoning Districts: "R-1," "R-2," "R-3," "R-T," "R-D," "MF-18," and "MH."

(2) Unique topographical conditions are present on the tract.

(3) Greater than 3 acres in area.

(C) *Notice and hearing.* Notice and hearing requests for site plan approval shall be conducted as follows:

(1) Owners of record of property within 200 feet of the property under consideration will be notified of site plan consideration by the Planning and Zoning Commission.

(2) The City Manager or designee shall have at least 1 sign erected on the property for which site plan consideration of the Planning and Zoning Commission has been requested. The sign shall have total area of at least 4 square feet and shall be located adjacent to streets, if possible. Such sign shall be erected on or before the first date of the first notice to property owners and shall be removed immediately after final action by the City Council, or when the applicant withdraws the request, whichever comes first. The

sign shall contain a notice of hearing on a site plan and the telephone number of the public official from whom dates of public hearing may be obtained. The erection or continued maintenance of signs shall not be deemed a condition precedent to the granting of any site plan recommendation or approval or the holding of any public hearing.

(3) Council approval of a site plan that accompanies a zoning change request shall become part of the amending ordinance and shall be referenced on the Zoning District Map. Hearings held by the Council for consideration of approval of such zoning changes and accompanying site plans shall be conducted in accordance with the provisions of § 154.120 and state law.

(4) Council approval of a site plan required for the issuance of a building permit, in which no zoning change has been requested, shall not constitute an official public hearing as required by § 154.120. Notice of the consideration of the site plan by the City Council in the posted agenda of the Council shall be sufficient notice for the purposes of approving a site plan by City Council action for the issuance of a building permit.

(D) *Form and content.* The site plan shall contain the information listed below. Any or all of the required features may be incorporated on a single drawing if such drawing is clear and capable of evaluation by the Planning and Zoning Commission, the City Council, and the officers required to enforce and interpret this chapter.

(1) The boundary lines and dimensions of the property, existing subdivision lots available utilities, easements, roadways, sidewalks, fire lanes, and public rights-of-way.

(2) Topography of the property proposed for development in contours of not less than 2 feet, together with any proposed grade elevations, if different from existing elevations. (Note: If the natural contour of the land is to be altered or changed in any location on the property more than 4 feet, the site plan must provide detailed information on the proposed grading plan. This information shall include the correlation of the proposed grading plan to the surrounding properties and the use of those surrounding properties and shall include information indicating the drainage and line of sight effect. The proposed grading plan will have on the surrounding properties).

(3) Floodplains, watercourses, marshes, drainage areas, and other significant environmental features including, but not limited to, rock outcroppings and major tree groupings.

(4) The location and use of all existing and proposed buildings or structures, including all refuse storage areas, and the minimum distance between buildings. Where building complexes are proposed, a site plan showing the location of each building and the minimum distance between buildings, and between buildings and the property line, street line, and/or alley shall be submitted. For buildings more than 1 story in height, except "R-1," Residential, through "R-D," Duplex residences, elevations and/or perspective drawings shall be required in order that the relationship of the buildings to adjacent property, open spaces, and to other features of the development plan may be determined. Such drawings need only indicate the height, number of floors and exposures for access, light, and air. A designation of the maximum building coverage of the site shall be indicated upon the site plan.

(5) Total number and location of off-street parking and loading spaces. A plan indicating the arrangement and provision of off-street parking and off-street loading where required. Such a plan may be presented as a ratio of off-street parking and off-street loading area to the building area when accompanied by a typical example indicating the feasibility of the arrangement proposed and when the areas where the example would be applied are dimensioned on the drawing of the entire site.

(6) All points of vehicular ingress and egress and circulation within the property, including any special traffic regulations facilities proposed or required assuring the safe function of the circulation plan.

(7) Setbacks, lot coverage, and when relevant, the relationships of the setbacks provided and the height of any existing or proposed building or structure.

(8) The location, size, and arrangement of all outdoor signs, exterior auditory speakers, and lighting.

(9) The type, location, and quantity of all plant material used for landscaping, and the type, location, and height of fences or screening and the plantings around them. When necessary to protect the public health, safety, or welfare, the City Council or the Planning and Zoning Commission may require landscaping and screening requirements to be in place prior to the start of construction pursuant to an approved site plan.

(10) A land use plan that delineates where multiple types of land use are proposed, the specific areas to be devoted to various uses.

(11) Vicinity map, north point, scale, name of development, name of owner, name of planner, total acreage of project, street address, or common description of the property.

(12) Current land uses and zoning district of the property and current land uses and zoning districts of contiguous properties and buildings on the exterior of the site and within 25 feet of all property lines.

(13) The location and size of existing and proposed surface and subsurface drainage facilities, including culverts, drains, and detention ponds, showing size and dimensions of flow.

(14) Land uses and zoning district contiguous to the property.

(15) Existing buildings on the exterior of the site and within 25 feet of all property lines.

(16) The number of square feet of the property after construction which will constitute impervious area or impervious surface and vegetated areas as those terms are defined in the Stormwater Utility Ordinance.

(17) Roadway speeds and distances of adjacent driveways from all proposed driveways.

(18) Requests for alcoholic beverages uses the distances from schools, churches, and daycare facilities.

(E) *Consideration.* In considering, granting, or denying an application for a site plan as provided for in this chapter, the Planning and Zoning Commission and the City Council shall take into consideration the following factors:

(1) Compliance with this chapter, the Subdivision Ordinance, and all other ordinances of the city.

(2) Such other measures as will secure and protect public health, safety, morals, and general welfare of the citizens of the City of Ferris.

(Ord. O-12-743, passed 12-3-2012)

#### **§ 154.041 ZONING OF VACATED STREETS AND ALLEYS.**

Whenever a street or alley that formed a district boundary is vacated by the City Council, adjacent districts shall extend to the center line of the street or alley vacated.

(Ord. O-12-743, passed 12-3-2012)

#### **§ 154.042 REVERSE CORNER LOTS.**

On a reverse corner lot in any nonresidential district, the rear line of which abuts a lot zoned or used for residential purpose, no structure or portion thereof shall be located within 5 feet of any part of the rear lot line. Further, any portion of a structure on a reverse corner lot in a nonresidential district, which structure is located within 15 feet of such rear lot line, shall observe the same yard requirements on its street side as are specified by this chapter for the lot which it abuts to its rear.

(Ord. O-12-743, passed 12-3-2012)

#### **§ 154.043 SPECIAL RULES FOR DOUBLE FRONTAGE LOTS.**

(A) *Double frontage lots in residential districts.* When a double frontage lot is located in any residential district, the major thoroughfare shall be the rear lot line, and such lot shall front on the minor street.

(B) *Double frontage lots backing to major thoroughfares.* A minimum front yard shall be required on both streets; provided, however, that when a principal structure on a double frontage lot will back upon a major thoroughfare, the minimum rear yard, in any residential district, may be reduced to 5 feet, when:

(1) The front and rear yards and building lines therefore are designated on a plat approved by the Commission and recorded in the Plat Records of Ellis County, Texas; and

(2) A screening device approved by the city as to location and height is erected along the property line abutting the major thoroughfare.

(3) Where a double frontage lot is developed with the major thoroughfare frontage as the rear lot line and a screening device is installed along said line, the device shall be of a type defined in this chapter and shall be maintained wholly by the owner.

(C) *Screening on double frontage lot.*

(1) In screening a major thoroughfare, as described in division (B)(2) above, the screening device may have a maximum height of 8 feet, notwithstanding the height limitations elsewhere herein provided.

(2) When a double frontage lot is developed with the major thoroughfare frontage as the rear lot line and a screening device is installed as provided in divisions (B)(2) and (B)(3) above, the screening device may be located on the property line and accessory buildings may be located in the rear yard when in compliance with the yard requirements for accessory buildings herein contained, so long as the same shall not constitute a sight obstruction, as herein regulated.

(Ord. O-12-743, passed 12-3-2012)

## **§ 154.044 PRINCIPAL AND ACCESSORY BUILDINGS AND USES.**

(A) *Principal buildings and uses.* All residential and commercial buildings as herein defined, are principal uses.

(B) *Accessory buildings and uses.*

(1) (a) *Definitions.* For the purposes of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**ACCESSORY BUILDING.** A subordinate building attached or detached and used for a purpose customarily incidental to the main structure, located on the same lot, such as a private garage for automobile storage, tool house, greenhouse, hobby shop (no business), home workshop, children's playhouse, storage house, garden shelter, but not involving the conduct of a business or used as living quarters.

**SEA CONTAINER.** Any container intended for the use of shipping goods or commodities by ship, rail car, aircraft, or truck.

**SET BACK.** The distance (5 feet) that an accessory building must be from any property line and/or utility easement.

**TRUCK BOX.** Any portion of a truck, trailer, semi-trailer, or rail car whether fully enclosed or partially open on the top or sides being used for the storage of but not limited to personal property, materials, tools, or equipment.

(b) Accessory buildings shall be allowed in all zoning districts within the City of Ferris provided that they meet the requirements of this chapter. No accessory building in residential districts shall exceed 240 square feet in size if they are not permanently erected on a concrete foundation. This applies to portable sheds or buildings that are purchased off site and are moved onto the premises. Permanently erected accessory buildings shall not exceed 400 square feet and shall be on a concrete foundation. No accessory building in any commercial district shall exceed 400 square feet in size and shall be by special use permit only. A permit shall be required to construct or move in any accessory building within the City of Ferris (see fee ordinance). Truck boxes shall not be allowed for use as an accessory building in the City of Ferris. Sea containers are only allowed in industrial zoned districts, and must comply with all applicable regulations.

(c) Companies offering to rent sea containers for the temporary storage of personal belongings shall be allowed to place their containers on the persons property for not more than 60 days per 365-day period, any time required longer than 60 days will require a special exception permit from the Board of Adjustments.

1. No accessory building, other than guesthouses and garage apartments located in districts where the same are permitted, shall be used for dwelling purposes.

2. In addition to those uses listed as accessory uses in the various district regulations, the following are also accessory uses to appropriate principal uses:

A. Storage of goods used or produced by manufacturing activities upon the building lot occupied by such activities, when such storage is permitted by the district regulations.

B. The production, processing, cleaning, servicing, altering, testing, repairing or storing of merchandise normally incidental to a retail service or business, when conducted by the person engaged in the principal use, when such activity is permitted by the district regulations.

C. Off-street motor vehicle parking areas and loading facilities for the exclusive use of the owners, customers, clients and employees of the principal use.

D. Bomb and fall-out shelters.

E. Swimming pools as a part of single-family residences when used by residents and their guests only.

F. In multi-family residential developments: club rooms, clothes washing and drying facilities, swimming pools, sauna baths and other indoor and outdoor recreation facilities common to such developments, when such uses exist for the use and benefit of residents and their guests but not the general public.

(2) *Industrial zone sea container regulations.*

(a) Sea containers may not be stacked more than 2 high.

(b) Sea containers shall be for the sole use of the business operating on that property, and space within them whether in part or in whole shall not be sold, rented or leased to another person, business, or corporation.

(c) Sea containers in these districts where they abut residential districts shall have a screening fence of not less than 8 feet in height installed for the entire length of the property between the two districts.

(d) Sea containers when double stacked shall be no closer than 20 feet to the property line.

(Ord. O-12-743, passed 12-3-2012)

## **§ 154.045 PERMITTED OBSTRUCTIONS IN REQUIRED YARDS AND OPEN SPACES.**

The following shall not be considered to be obstructions when located in the required yards and open spaces specified.

(A) *In all required yards.*

(1) Open terraces not over 4 feet above the average level of the adjoining ground but not including a permanently roofed-over terrace or porch, awnings and canopies.

(2) Steps 4 feet or less above the grade which are necessary to provide access to a permitted building, or for access to a building lot from a street or alley.

(3) Chimneys projecting 24 inches or less into the yard but not occupying more than 2% of the required yard area.

(B) *In front yards.*

(1) One-story bay windows, balconies and overhanging eaves or gutters, none of which shall project more than 4 feet into a required yard.

(2) Open covered porches shall be permitted to extend into the front yard but shall not exceed 8 feet in front of the building line.

(3) Hedges or other natural growth shall be permitted such that the height and placement does not obstruct traffic sight lines, as determined by the Code Compliance Officer and is consistent with the Landscaping Ordinance.

(C) *In side yards.* Bay windows, overhanging eaves or gutters projecting 2 feet or less into a required yard, but in no case shall such eaves or gutters be closer than 3 feet from the side lot line.

(D) *In rear yards.* Detached off-street parking structures; open off-street parking spaces; servants quarters; accessory sheds; tool rooms; and, similar buildings or structures for domestic or agricultural storage, balconies, breezeways and open unroofed porches, 1-story bay windows and overhanging eaves or gutters.

(E) *Public open space easement (P.O.S.E.) and sight obstructions.*

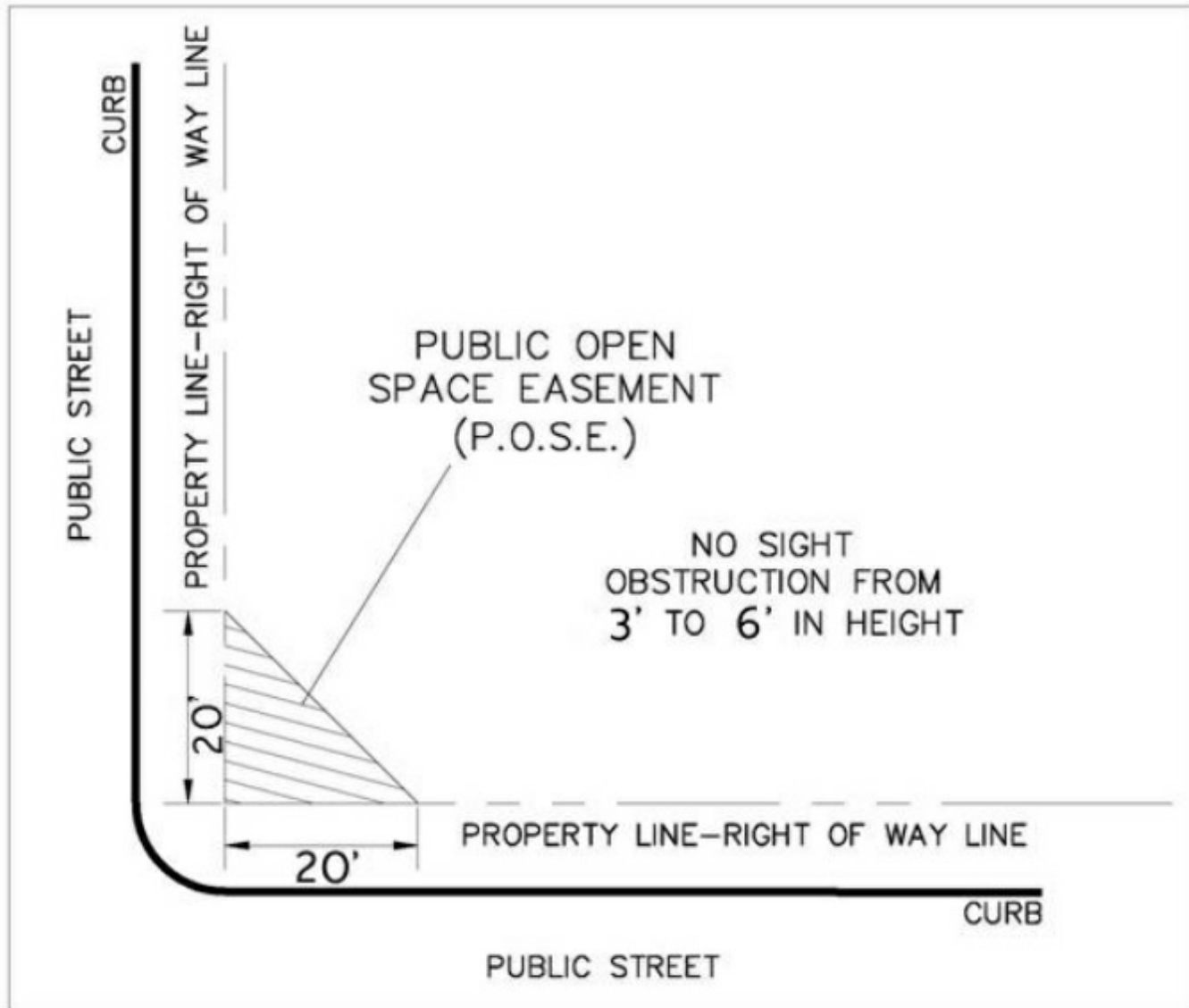
(1) It shall be unlawful for any person to erect or place or cause to be erected or replaced on any property under his or her control any hedge, tree, shrub, or other growth or any fence or other structure in such manner or at such location as to constitute an obstruction to view creating a traffic hazard. The following conditions shall be adhered to in regards to landscaping and sight obstructions.

(2) Whenever an access way intersects a public right-of-way or when the subject property abuts the intersection of 2 or more public rights-of-way, a triangular visibility area, as described below, shall be created. Landscaping within the triangular visibility area shall be designed to provide unobstructed cross-visibility at a level between 3 and 6 feet. Trees may be permitted in this area provided they are trimmed in such a manner that no limbs or foliage extend into the cross-visibility area. The triangular areas are:



(a) The areas of property on both sides of the intersection of an access way and a public right-of-way shall have a triangular visibility area with 2 sides of each triangle being 10 feet in length from the point of the intersection and the third side being a line connecting the ends of the other 2 sides.

(b) The areas of property located at a corner formed by the intersection of 2 or more public rights-of-way shall have a triangular visibility area with 2 sides of each triangle being 20 feet in length from the point of the intersection and the third side being a line connecting the ends of the other 2 sides. Landscaping, except required grass and low ground cover, shall not be located closer than 3 feet from the edge of any access way pavement. In the event other visibility obstructions are apparent in the proposed landscape plan, as determined by the Director, the requirements set forth herein may be reduced to the extent to remove the conflict.



(Ord. O-12-743, passed 12-3-2012)

#### § 154.046 SCREENING DEVICES.

(A) *Abutting residential property.* On any non-residentially zoned property ("C-O," "C-N," "C-C," "I-L" and "I-H"), adjacent to a residentially zoned property, before any use (other than a use permitted in the residential districts) is made of the non-residential property, an 8-foot tall opaque screening device constructed of wood or masonry, shall be erected along the common property line between the non-residential use and the adjoining residentially zoned property. Insofar as it is practical, the screening device shall be erected along the entire length of the common line between the non-residential property and the abutting residentially zoned property.

(B) *Multi-family.* A screening device, as defined within this chapter, shall be erected and thereafter maintained in good appearance, quality, and standing between multi-family uses and single-family uses before and during the continuation of any multi-family use permitted to initiate and thereafter continue adjacent to any property that is zoned for single-family use. Insofar as it is

practicable, such screening device shall be erected the entire length of the common line between the property to be used for multi-family and the property zoned for single-family use.

(C) *Mechanical equipment.* All roof-mounted mechanical shall be screened from view at a point 6 feet above ground level at the property line if the property is adjacent to a residential property. If a parapet does not accomplish this screening, a screening wall equal to the height of the equipment shall be provided. Buildings adjacent to single-family zoned property or property that is designated as single-family on the Future Land Use Plan shall provide a screening wall equal to the height of the equipment on all sides that face the residential property.

(Ord. O-12-743, passed 12-3-2012)

#### **§ 154.047 ERECTION AND MAINTENANCE OF SCREENING DEVICES.**

(A) *Responsibility.* When a screening device is required under the terms of § 154.046, it shall be the responsibility of the user of the multi-family, commercial or industrial property to erect the required screening device, and the same shall be a condition precedent to the issuance of a certificate of occupancy for the premises on which the device is located.

(B) *Perpetually maintained.* All screening devices required by this chapter or action of the Board of Adjustment and Appeals shall be perpetually maintained by the user of the property on which the device is located.

(C) *Height.* No fence or other screening device, whether required or not, shall exceed 8 feet in height, without proper Board approval.

(Ord. O-12-743, passed 12-3-2012)

#### **§ 154.048 FENCES.**

(A) *Permits required.* It shall be unlawful for any person to construct a fence on any lot without having first obtained a building permit therefor from the office of the Building Inspector.

(B) *Permit fees.* Permit fees shall be as prescribed in the fee ordinance.

(C) *On public property.* No fence, guy wires, braces or any part of such fence shall be constructed upon or cause to protrude over property owned by the city.

(D) *In rear yard.* No fence shall be constructed at a height exceeding 8 feet along the rear yard or alley line.

(E) *In side yard.* No fence shall be constructed at a height exceeding 8 feet on any side yard line up to the building line of the house proper. All such fences constructed on side yard lines must be vertical.

(F) *In front yard.* No fence shall be allowed in the front yard, all fences shall extend no farther than the front building line.

(G) *Corner lot exceptions.* On all corner lots which have adjacent rear lot lines, fences may be constructed not to exceed 8 feet in height along the side and rear yard lines and shall not extend beyond the front building line.

(H) *Enclosure of swimming pool.*

(1) Every outdoor swimming pool shall be completely surrounded by a fence or wall not less than 6 feet in height, which shall be so constructed as not to have openings, holes or gaps larger than 4 inches in any dimension except for doors and gates. A dwelling house, or accessory building may be used as part of such enclosure.

(2) All personnel gates or doors opening through such enclosure shall be equipped with a self-closing and self-latching device for keeping the gate or door securely closed at all times when not in actual use, except that the door of any dwelling which forms a part of the enclosure need not be so equipped.

(3) This requirement shall be applicable to all new swimming pools hereafter constructed, other than indoor pools, and shall apply to all existing pools which have a depth of 24 inches or more of water at any point. No person in possession of land within the city, either as owner, purchaser, lessee, tenant, or a licensee, upon which is situated a swimming pool having a depth of 24 inches or more of water at any point shall fail to provide and maintain such fence or wall as herein provided.

(4) The Board of Adjustments of the city may make modifications in individual cases, upon a showing of good cause with respect

to the height, nature of location of the fence, wall gates or latches, or the necessity therefor provided the protection as sought hereunder is not reduced thereby. The Board of Adjustment and Appeals of the city may permit other protective devices or structures to be used so long as the degree of protection afforded by the substitute devices or structures is not less than the protection afforded by the substitute fence, gates and latch described herein. The Building Official shall allow a reasonable period within which to comply with the requirements of this division (H).

(5) The term ***SWIMMING POOL*** as used herein shall mean a body of water in an artificial or semi-artificial receptacle or other container located outdoors, used or intended to be used for public, semi-public, or private swimming by adults or children, or both adults and children, operated and maintained by any person, whether he or she be an owner, lessee, operator, licensee, or concessionaire, and shall include swimming pools used or intended to be used solely by the owner or friends invited to use it without payment of any fee; however, the requirements of this division (H) shall not apply to a swimming pool constructed, operated, and maintained in conjunction with a motel, hotel, or private dormitory, or like business which operates on a 24-hour per day basis and which provides such pool for the use of its tenants and their guests.

(I) *Barbed wire fence.*

(1) It shall be unlawful for any person, firm or corporation, or agent or employee thereof, to build or permit or allow to be built, any barbed wire fence on or around any property or premises owned or controlled by such person, firm or corporation within the limits of the City of Ferris; provided, however, that any fence including top grade construction barbed wire the lowest strand of which is not less than 6-1/2 feet above ground level, shall be permitted only on commercial use fence with arms. Fence arms may be permitted on fences 6 feet or more in height. Barbed wire may be constructed on such arms above 6 feet in height, and may not extend beyond any property line or fence setback line provided in this or other sections. The Building Official may issue a permit for the maintenance and reconstruction of barbed wire fences at the time of the passage of this section, provided that such fence or portion of fence cannot economically be replaced with non-hazardous materials and that such fence is located more than 200 feet from any area with an existing residential density of 3 or more families per acre. The Building Official shall have the authority to refuse to issue a permit for the maintenance or reconstruction of a barbed wire fence based on the safety and welfare of adjacent residents and the degree of "attractive nuisance" inherent in such fence.

(2) *Exception.* Agricultural zoned land may use barbed wire fences for the purpose of containing livestock.

(J) *Electric fence.*

(1) It shall be unlawful for any person, firm, or corporation or agent or employee thereof, to build or maintain or to permit or allow to be built or maintained any type of electrically charged fence.

(2) *Exceptions.*

(a) Electrically charged fence systems specially designed for the containment of dogs shall be allowed provided that:

- (1) They are used in conjunction with a normal fence.
- (2) The electrically charged fence shall not be located on top of a normal fence.
- (3) All portions of the electric fence shall be contained inside the normal fence.
- (4) No portion of the electric fence shall extend past the front of the residence.

(5) All persons shall post their fence with at least 2 signs not less than 12 inches by 14 inches in size with no less than 2-inch high letters showing that this type of fence is in use.

(b) Electrically charged fences may be allowed in industrial zoned districts if approval is granted by both the Planning and Zoning Commission and the City Council.

(K) *Types of materials.* In residential areas, metal fencing is only permitted if it is at least 50% open (This does not affect the ability to have metal fence posts). No R-Panel fencing materials are allowed in residential areas.

(L) *Inspection.* When any such fence is completed it must be inspected. The Building Inspector's office shall be notified upon completion of the fence. All fences constructed under the provisions of this section shall be maintained so as to comply with the requirements of this section at all times.

(Ord. O-12-743, passed 12-3-2012)

## § 154.049 ANTENNA FACILITIES.

(A) *Purpose.* Certain radio equipment used in transmitting and receiving signal energy are essential and are deemed to promote the health, safety and general welfare of the citizens of the city. The placement of such equipment shall be located such that the health, safety, welfare, and aesthetic quality of the community shall not be compromised. Therefore the regulations governing the location of such equipment shall consider the aesthetic quality of the community equal to the health, safety, and general welfare of the community. The antennas, masts and towers hereinafter enumerated shall not be deemed violations of this chapter when made under the conditions herein provided.

(B) *Definitions.* For the purposes of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**ANTENNA.** A device used in communications that transmits or receives radio signals.

**ANTENNA, BUILDING ATTACHED.** Antenna attached to existing structures in 2 general forms:

(a) Roof-mounted, in which antennas are placed on the roofs of buildings, or

(b) Building-mounted, in which antennas are mounted to the sides of buildings. These antennas can also be mounted on structures such as water tanks, billboards, church steeples, electrical transmission towers, and the like.

**ANTENNA FACILITY.** Any structure, monopole, tower, or lattice tower used to support antennas that are more than 35 feet tall.

**ANTENNA, MICROWAVE.** Also known as "dish" antenna. A dish-shaped antenna used to link communications sites together by wireless transmission of voice or data, utilizing electromagnetic radiation frequencies from 960 MHZ to 24 GHz; and using relatively low transmitter power levels when compared to other forms of transmission.

**ANTENNA, PANEL.** Also known as "directional" antenna. An antenna or array of antennas designed to concentrate a radio signal in a particular area. **PANEL ANTENNA** are typically flat, rectangular devices approximately 6 square feet in size.

**ANTENNA, WHIP.** Also known as "omni-directional antenna". Shaped cylindrically, **WHIP ANTENNAS** have diameters between 2 and 6 inches, and measure between 1 and 18 feet in height. They are used to emit signals in a 360-degree horizontal plane and a compressed vertical plane.

**CO-LOCATION.** The act of locating wireless communications equipment from more than 1 provider on a single antenna facility.

**EQUIPMENT STORAGE.** A small unmanned, single-story equipment building less than 500 square feet in size used to house radio transmitters and related equipment.

**LATTICE TOWERS.** A tower having 3 or 4 support legs and holding a variety of antennas. These towers range from 60 to 200 feet in height and can accommodate a variety of users.

**MONOPOLE.** An antenna facility composed of a single spire more than 35 feet tall used to support communications equipment or other visible items. No guy wires are used or permitted.

**SATELLITE RECEIVE-ONLY ANTENNA.** An antenna that enables the receipt of television signals transmitted directly from satellites to be viewed on a television monitor. Such antennas are commonly known as a satellite dish, television receive-only antenna, dish antenna, parabolic antenna or satellite earth station antenna.

**TOWER.** Any columnar, guyed, structure more than 35 feet tall used to support antennas, or other visible items.

(C) *Residentially zoned districts amateur radio equipment and TV antennas.* Amateur radio equipment, (including ham radio and CB equipment) and personal use TV antennas shall be allowed in the "R1," "R2," "R3," "R-T," "R-D," "MF 18," "MH" or "RV" Zoning Districts if it complies with the following regulations:

(1) Antenna facility may be building attached, monopoles, towers, or lattice towers.

(2) Only 1 antenna facility, exceeding 35 feet, per premises.

(3) An antenna facility, exclusive of the height of any antenna or mast, shall not exceed 65 feet in height. Provided, however, that an antenna facility shall be permitted additional height at the ratio of 1 added foot in height for each additional foot of setback beyond the minimum setback required of an accessory building in the zoning district regulations. Regardless of the above, the maximum height

for a tower permitted without a special exception in any residential district shall be 80 feet.

(4) The height of an antenna, including the height of any antenna facility to which they may be fastened or attached shall not exceed 80 feet in height without a special exception.

(5) An antenna not fastened to an antenna facility shall not exceed 50 feet in overall height without a special exception, except for an antenna, which does not extend more than 8 feet above a building on which it is mounted.

(6) An antenna facility shall be limited to having the number and size of antennas attached to it that are allowed by the antenna facility manufacturer's designs and specifications for maximum wind load requirements.

(7) *Setbacks.*

(a) Antennas and antenna facilities shall not be permitted in front or side yards. Guy wires are not permitted in front yards.

(b) Guy wires are permitted in required side and rear yards.

(c) Setback for antenna facilities shall be the same as is required for accessory buildings in residential districts.

(8) *Separation.* There shall be no minimum or maximum separation requirements for antenna facilities from other structures on the same lot of record.

(9) Antenna facilities shall not be permitted in any easement.

(10) *Lights.* No auxiliary or outdoor lighting above 20 feet shall be allowed on antenna facilities located on residentially zoned property, and no lights so located shall be directed off one's property, except such lights or lighting as may be required by the Federal Aviation Administration or the Federal Communications Commission.

(11) *Construction standards.* A building permit must be obtained prior to the construction and/or installation of an antenna facility. Antenna facilities must be installed as per the manufacturer recommendations or under the seal of a registered professional engineer of the State of Texas.

(12) *Maintenance.* Antennas and/or antenna facilities obviously not in use or obviously in need of maintenance as determined by the Building Official, shall be removed or brought into compliance within 30 days following notice given by the Building Official. This shall not preclude immediate action by the Building Official to safeguard life, limb, health, property, and public welfare.

(13) No part of an antenna, antenna facility, or any attachment thereto may extend beyond the property lines of the owner of such antenna or antenna facility without written permission from affected property owners.

(14) No permit shall be issued for the installation of an antenna, antenna facility, on a multi-family structure or property unless a notarized statement of permission from the owner is presented to the Building Department.

(15) All antennas and antenna facilities shall be subject to an inspection every 5 years by a qualified expert. Such inspection to be conducted and charged for by the city in accordance with provisions in the Building Code.

(16) A special exception, in accordance with § 154.102 must be obtained from the Board of Adjustment and Appeals for any antenna facility which does not comply with the regulations specified hereinabove.

(17) The Zoning Board of Adjustment and Appeals will approve a requested application for a special exception upon documentation that such exception is necessary and critical to the communications operation of the facility.

(D) *Residentially zoned districts commercial antennas.* Only building-attached antenna shall be allowed in residentially zoned districts under the following conditions:

(1) A special exception must be obtained from the Board of Adjustment and Appeals, in accordance with § 154.102.

(2) The proposed antenna must be attached to or enclosed by an existing structure currently or last occupied by a non-residential use as listed in the Zoning Ordinance, or attached to a power or telephone pole, water storage tower, or other utility structure.

(3) The antenna must not exceed 8 feet above the structure to which it is attached.

(4) A maximum of 3 antennas shall be allowed to be attached to a single antenna facility.

(5) A maximum of 1,500 feet of separation shall be required between antenna facilities.

(6) If attached to the exterior of a structure or a power or telephone pole, water storage tower or other utility structure the

antenna must be at least 75 feet above grade and painted to match the structure to which it is attached.

(7) The antenna may be placed lower than 75 feet above grade if completely enclosed within existing architectural elements of a building so as not to be visible.

(8) Any associated equipment storage building shall be screened from public view by a decorative masonry wall, with landscaping for aesthetic purposes.

(9) All driveways accessing any antenna facility site or equipment storage site shall be constructed of an all weather hard surface as approved by the Building Official.

(10) *Lights.* No auxiliary or outdoor lighting shall be allowed on antennas located on residentially zoned property except such lights or lighting as may be required by the Federal Aviation Administration or the Federal Communications Commission.

(11) *Construction standards.* A building permit must be obtained prior to the construction and/or installation of a tower, antenna or mast. Towers must be installed as per the manufacturer recommendations or under the seal of a registered professional engineer of the State of Texas.

(12) *Maintenance.* Antennas, obviously not in use or obviously in need of maintenance as determined by the Building Official, shall be removed or brought into compliance within 30 days following notice given by the Building Official. This shall not preclude immediate action by the Building Official to safeguard life, limb, health, property, and public welfare.

(13) No part of an antenna, antenna facility, or any attachment thereto may extend beyond the property lines of the owner of such antenna.

(14) No permit shall be issued for the installation of an antenna facility, on a structure or property, unless a notarized statement of permission from the owner is presented to the Building Department.

(15) All antennas or antenna facilities shall be subject to an inspection every 5 years by a qualified expert. Such inspection may be conducted and charged for by the city in accordance with provisions in the Building Code.

(E) *Commercial or industrial zoned districts.* Radio, television, microwave broadcast relay, receiving towers and transmission and retransmission facilities, satellite receiving only earth stations (home dish antenna) and any electronic emission equipment of a commercial nature shall be allowed in the "C-O," "C-N," "C-C," "I-L," and "I-H" Zoning Districts if it complies with the following regulations:

(1) Only 1 antenna facility per premises.

(2) Antenna facilities shall be limited to building attached and monopoles only.

(3) An antenna facility, exclusive of the height of any attached antenna, shall not exceed 35 feet in height. Provided, however, that an antenna facility shall be permitted additional height at the ratio of 1 added foot in height for each additional foot of setback beyond the minimum setback required of an accessory building in this chapter. Regardless of the above, the maximum height for an antenna facility permitted without a special exception in any "C-O," "C-N," "C-C," "I-L" or "I-H" District shall be 65 feet.

(4) The height of an antenna, including the height of any antenna facility to which they may be fastened or attached shall not exceed 65 feet in height without a special exception.

(5) An antenna not fastened to an antenna facility shall not exceed 50 feet, except for an antenna, which does not extend more than 8 feet above a building on which it is attached.

(6) An antenna facility shall be limited to having the number and size of antennas attached to it that are allowed by the antenna facility manufacturer's designs and specifications for maximum wind load requirements.

(7) *Setbacks.*

(a) Antennas and antenna facilities shall not be permitted in front or side yards.

(b) Antennas and antenna facilities shall be setback from residential districts a minimum distance equal to 2 times the height of the tower, but in no instance shall the setback be less than 200 feet from any residentially zoned district.

(8) *Separation.* There shall be no minimum or maximum separation requirements for antenna facilities from other structures on the same lot of record. With the exception of structure mounted antenna, there shall be a separation of 1,500 feet from antenna facilities.

(9) *Antenna facilities* shall not be permitted in any easement.

(10) *Lights*. No auxiliary or outdoor lighting shall be allowed on antennas located on residentially zoned property except such lights or lighting as may be required by the Federal Aviation Administration or the Federal Communications Commission.

(11) *Construction standards*. A building permit must be obtained prior to the construction and/or installation of a tower, antenna or mast. Antenna facility must be installed as per the manufacturer recommendations or under the seal of a registered professional engineer of the State of Texas.

(12) *Maintenance*. Antenna facility and antennas obviously not in use or obviously in need of maintenance as determined by the Building Official, shall be removed or brought into compliance within 30 days following notice given by the Building Official. This shall not preclude immediate action by the Building Official to safeguard life, limb, health, property, and public welfare.

(13) No part of an antenna facility and antennas or any attachment thereto may extend beyond the property lines of the owner of such antenna or antenna facility.

(14) No permit shall be issued for the installation of an antenna, antenna facility on a multi-family structure or property unless a notarized statement of permission from the owner is presented to the Building Department.

(15) All antennas or antenna facilities shall be subject to an inspection every 5 years by a qualified expert. Such inspection may be conducted and charged for by the city in accordance with provisions in the Building Code.

(16) A special exception, in accordance with § 154.102 must be obtained from the Board of Adjustment and Appeals for any antenna or tower, which does not comply with the regulations, specified herein.

(F) *Written report upon denial of request*. The City of Ferris shall document any denial of a request to place, construct, or modify personal wireless service facilities in writing. Such documentation shall be supported by substantial evidence within the written record.

(G) *Satellite receive-only antennas generally*. Satellite receive-only antennas assist individuals in the reception of satellite transmitted television signals. Satellite receive-only antennas shall not be deemed violations of this chapter when made under the conditions herein provided. Such conditions are hereby found to be reasonable and clearly defined health, safety and aesthetic objectives. A satellite receive only antenna shall be allowed if it complies with the following:

(1) The satellite receive-only antenna is 2 meters (6.56 feet) or less in diameter and is located or proposed to be located in any area where commercial or industrial uses are generally permitted by non- federal land use regulations; or

(2) The satellite receive-only antenna is less than 1 meter (3.28 feet) in diameter in any zoning district.

(H) *Special exception*.

(1) A special exception, in accordance with § 154.102 must be obtained from the Board of Adjustment and Appeals for any satellite receive-only antenna or antenna facility which does not comply with the regulations specified herein above.

(2) The Board of Adjustment and Appeals will approve a requested application subject to the finding that co-location of this facility with a nearby existing tower facility is technically not feasible and subject to the following conditions:

(a) Applicant will permit co-location of others at the site;

(b) Applicant will configure its antenna and other equipment to accommodate other providers;

(c) Applicant will identify its backhaul provider connecting antenna sites; and

(d) Applicant will give notice to the city identifying any providers who co-locates to the site and identify their backhaul provider.

(e) Applicant shall satisfactorily complete and provide all descriptive material required in this section.

(f) Applicant shall demonstrate that the project does not adversely impact the public health, safety, and general welfare, as provided for in this chapter.

(Ord. O-12-743, passed 12-3-2012)

## NONCONFORMING USES

## § 154.060 NONCONFORMING USE REGULATIONS.

(A) *Definition.* For the purposes of this subchapter, the following definition shall apply unless the context clearly indicates or requires a different meaning.

**NONCONFORMING USE.** Any use or structure which does not conform with the regulations of the zoning district in which it is located shall be deemed a **NONCONFORMING USE** when:

(a) Such use or structure was in existence and lawfully operating at the time of the passage of this chapter on December 3, 2012, and has since been in regular and continuous use; or

(b) Such use or structure is a lawful use at the time of the adoption of any amendment to this chapter but by such amendment is placed in a district wherein such use is not otherwise permitted.

(B) *General.*

(1) Nonconforming uses are hereby declared to be incompatible with the permitted uses in the districts involved.

(2) It is the intent of this subchapter to permit such nonconforming uses to continue, under regulations herein contained, until the same are removed, but not to encourage their survival.

(3) Except as herein provided, no nonconforming use of land or buildings nor any nonconforming structure shall be enlarged, changed, altered or repaired except in conformity with the regulations contained in this subchapter.

(C) *Extension of nonconforming uses.*

(1) A nonconforming use of a building may be extended throughout the building, provided:

(a) No structural alteration may be made on or in the building except those required by law to preserve such building in a structurally sound condition.

(b) The number of dwelling units or rooms in a nonconforming residential use shall not be increased so as to exceed the number of dwelling units or rooms existing at the time the use became a nonconforming use.

(2) No nonconforming use within a building may be extended to occupy any land outside the building.

(3) No nonconforming use of land shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the time the land became a nonconforming use.

(D) *Termination of nonconforming uses.* The right to operate a nonconforming use shall cease and such use shall be terminated under any of the following circumstances:

(1) When such use is discontinued or abandoned. **DISCONTINUANCE OR ABANDONMENT** shall be defined as follows:

(a) When land used for a legal nonconforming use shall cease to be used in such manner for a period of 30 calendar days.

(b) When a building or other structure designed or used for a nonconforming use shall cease to be used in such manner for a period of 180 calendar days.

(2) When any provision of this chapter or any other ordinance, or federal or state statute is violated with respect to a nonconforming use.

(3) When a nonconforming use is changed to a conforming use by re-zoning.

(4) When the structure in which a nonconforming use is housed, operated or maintained is damaged or deteriorated to the extent of more than 50% of its appraised value according to Dallas (DCAD) or Ellis County Appraisal District (ECAD) or independent appraisal conducted by a licensed real estate appraiser.

(Ord. O-12-743, passed 12-3-2012)

## PARKING REGULATIONS



## § 154.070 PARKING REGULATIONS.

Except as hereinafter provided, no building or structure or part thereof shall be erected, altered or converted for any use permitted in the district in which it is located unless there shall be provided on the lot or immediately adjacent lots within 150 feet of such building or structure, off-street vehicle parking in the following ratio of vehicle spaces for the uses specified in the designated districts and no existing vehicle parking in connection with the use at the effective date of this chapter may be reduced below the minimum number of spaces as hereinafter required.

(A) *Parking table.* Except as otherwise provided in this section, off-street parking spaces shall be provided as follows:

<b><i>SCHEDULE OF PARKING REQUIREMENTS</i></b>		
<b><i>Land Use</i></b>	<b><i>Requirements</i></b>	<b><i>Additional Requirements</i></b>
<b>Residential</b>		
Single-family attached and detached units	2/ unit	Enclosed
Duplex	2/unit	1 enclosed
Townhouse, condominium, triplex, quadruplex or row house	2/unit	1 covered/unit
Multi-family ("MF")	2/unit	1 covered/ unit
Mobile home unit	2/unit	None
Boarding or rooming house, hotel or motel/residence motel or inn	1/residential unit	1 additional space for 200 sq. ft. of exhibit or ballroom space, plus 1 space per 100 sq. ft. of meeting rooms, plus 1 space per 2.5 seats in restaurant and lounge
Retirement housing: ambulatory independent residents	1.5/unit	None
Retirement housing: nursing home facilities	1/2 beds	None
Dormitory	1.5/2 occupants for designed occupancy	None
Fraternity, sorority, or lodge	1/115 sq. ft.	None
<b>Institutional</b>		
Community center	1/4 persons	None
Schools: Elementary Junior high or middle Senior high	1/25 students 1/18 students 1/5 students 1/4 students	None

<b>Trade</b>		
Public assembly hall	1/3 seats	None
College or university	1/4 day students	None
Church	1/4 seats in the sanctuary or auditorium	None
Day care or day nursery	1/5 pupils	None
Hospital	1.5/bed	None
Mortuary or funeral home	1/4 seats in chapel	None
<b>Recreational</b>		
Theater	1/4 seats	None
Bowling alley	4/lane	None
Pool hall, arcade, other indoor commercial amusement	1/100 sq. ft. of floor area	None
Outdoor commercial amusement	1/500 sq. ft. of site area exclusive of building	None
Ballpark or stadium	1/4 seats	None
Lodge or fraternal organization	1/115 sq. ft. of floor area	None
Driving range	1/10 linear ft. of designated tee area	None
Miniature golf	1/tee	None
<b>Personal Services and Retail</b>		
Personal service shop	1/250 sq. ft. of floor area up to 5000 sq. ft., then 1/200 sq. ft.	None
Indoor retail store or shop	1/250 sq. ft. of floor area up to 5000 sq. ft., then 1/200 sq. ft.	None
Outdoor retail sales	1/500 sq. ft. of site area, exclusive of building	None
Furniture, appliance sales or repair	1/600 sq. ft. of floor area	None
Coin-operated or self-service laundry or dry cleaner	1/200 sq. ft. of floor area	None
Shopping center, malls and multi-occupancy uses (3-50 acres)	1/250 sq. ft. of floor area	None
Shopping centers, mall and		

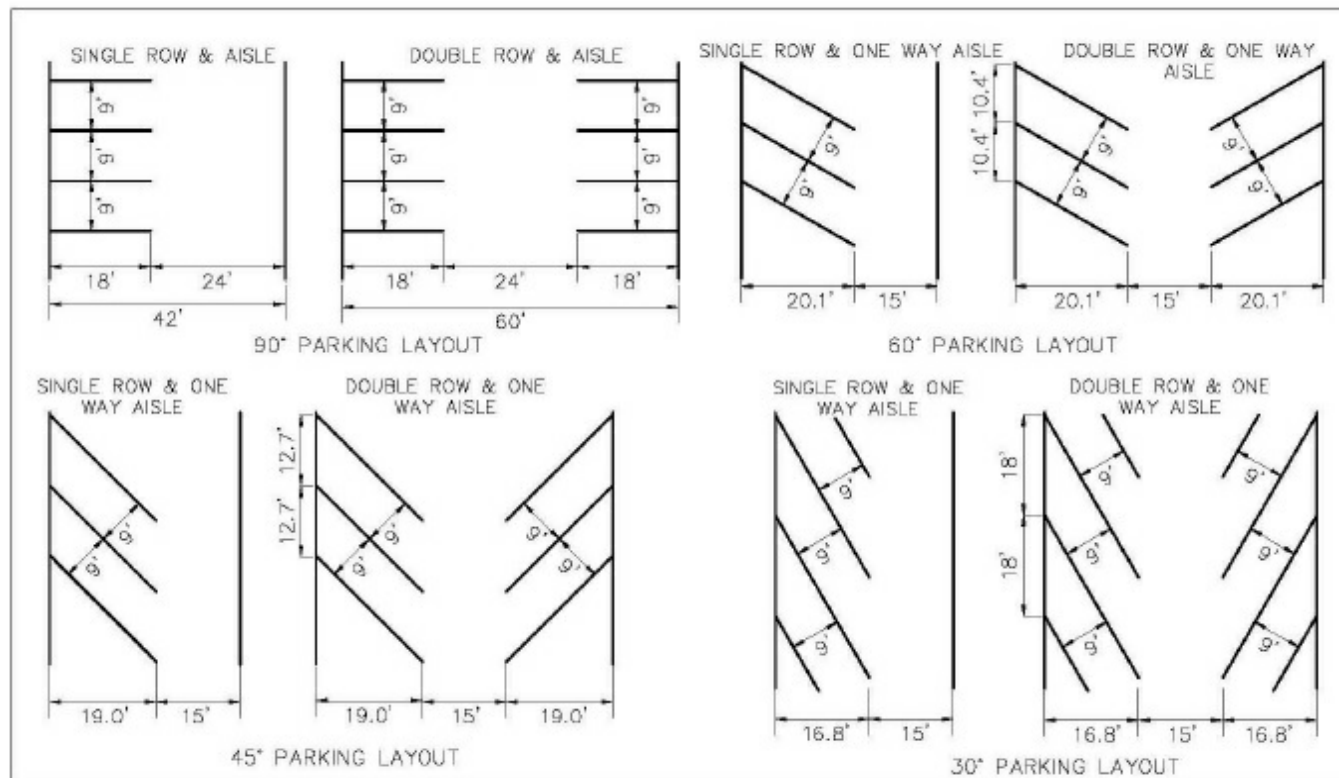
multi- occupancy use (over 50 acres)	1/300 sq. ft. of floor area	None
<b>Food &amp; Beverage Services</b>		
Eating or drinking establishment (no drive-through service)	1/2.5 seats	None
Eating or drinking establishment (with drive-through service and all others)	1/150 sq. ft.	None
<b>Business Services</b>		
Bank and savings and loan or other similar institution	1/300 sq. ft. of floor area	None
Medical, dental clinic or office	1/150 sq. ft. of floor area	None
Veterinary clinic	1/300 sq. ft. of floor area	None
Other office or professional business	1/250 sq. ft. of floor area	None
<b>Automotive &amp; Equipment</b>		
Service station	Minimum of 6	None
Auto repair garage or shop	1/350 sq. ft. of floor area	None
Auto repair accessory sales	1/300 sq. ft. of floor area	None
Vehicle or machinery sales (indoors)	1/500 sq. ft. of floor area	None
Vehicle or machinery sales	1/500 sq. ft. of floor area	None
Car wash (self-serve or automatic)	2/wash bay	(Stacking spaces awaiting machine wash bay)
<b>Storage, Wholesale and Manufacturing</b>		
Brick or lumber yard	1/3 employees or 1/1,000 sq. ft. of floor area	(Whichever results in more spaces)
Manufacturing or warehousing	1/3 employees or 1/1,000 sq. ft. of floor area	(Whichever results in more spaces)
Outside storage	1/5,000 sq. ft. of floor area	None
Mini-warehouse	1/3,000 sq. ft. of floor area	None
Repackaging	1/500 sq. ft. of floor area	None

(B) *Mixed use buildings.* Where a building or a site contains 2 or more uses, the off-street parking requirement shall be computed as the sum of the required off-street parking spaces for each individual use with the exception of shopping centers and multi-use purposes.

(C) *Drive lane widths and parking space sizes.* Drive lanes and parking space sizes shall be required as shown in the following

illustration.

- (1) A driveway for access to any non-residential, single parking space or to a parking lot shall not measure less than that shown in the parking layout illustration.
- (2) All drive approach widths shall be no less than 15 feet.
- (3) All 2-way drive lanes shall be a minimum of 24 feet in width.
- (4) Parking spaces shall be 9 feet wide by 18 feet deep for all 90 degree parking spaces. Angled spaces shall be as shown in the illustration.



(D) *Handicapped parking spaces.* In each parking facility in zones "MF-18," "C-O," "C-N," "C-C," "I-L" and "I-H," a portion of the total parking shall be specifically designed, located, and reserved for vehicles licensed by the State of Texas for use by the handicapped. These spaces will be provided according to the following schedule:

<i><b>Total Spaces in Parking Lot</b></i>	<i><b>Required Handicapped Spaces</b></i>
1 to 100	1 per 25 spaces
101 to 200	Additional 1 per 50 spaces
201 to 500	Additional 1 per 100 spaces
Over 500	2% of total

- (1) Each parking space designated for use by the handicapped shall consist of a rectangular area not less than 13 feet wide by 18 feet long with a vertical clearance of 7-1/2 feet. Van accessible spaces must be 8 feet wide with an 8-foot wide accessible space adjacent for a total of 16 feet wide.
- (2) Each designated handicapped parking space shall be located in an area not exceeding 2% slope, and shall be located near and convenient to a level or ramped entrance accessible to handicapped persons.
- (3) Parking spaces for the handicapped shall be signed in accordance with state law and restricted for use by the handicapped

only.

(4) Care in planning shall be exercised so that individuals in wheelchairs and individuals using braces and crutches are not compelled to wheel or walk behind parked cars.

(5) All applicable ADA requirements for parking spaces must be met.

(E) *Special off-street parking regulations.*

(1) In computing the parking requirements for any building or development, the total parking requirements shall be the sum of the specific parking space requirements for each class of use included in the building or development.

(2) For hotels, office buildings, restaurants and establishments, off-street loading facilities shall be provided in accordance with the following schedule:

<b><i>Square Feet of Gross Floor Area in Structure</i></b>	<b><i>Maximum Required Loading Spaces</i></b>
0 to 10,000	None
10,000 to 50,000	1
50,000 to 100,000	2
100,000 to 200,000	3
Each additional 200,000	1 additional

(F) *Design standards.*

(1) *Parking surface.* Minimum required parking spaces must be hard-surfaced and dust free, except in instances where the adjacent street is unpaved, in which case the drives and parking spaces shall be hard-surfaced within 1 year after all adjacent streets are paved. Fire lanes and ADA spaces may not be constructed with porous surfaces.

(a) Hard surface parking shall not be required for:

1. Non-passenger vehicles and tractor trailers for industrial uses, and
2. Motor vehicle inventory for sale.

(b) All parking must be, at a minimum, on a compacted gravel base.

(2) All driveways must be hard-surfaced and dust free. Driveways for 1- and 2- family uses, at a minimum consist of compacted gravel base. Any base product must be contained within a border and maintained, including circular and ribbon drives.

(3) No parking for 1- and 2-family uses shall be permitted within the front yard, as measured between the front property line and the closest location on the structure, other than as provided on the driveway. Driveway coverage, including ribbon drives, shall not exceed 50% of the front yard, and any additional parking on the property shall be provided on the driveway. Circular drives shall not exceed 65% maximum coverage. Parking pads are committed if they are attached to the primary driveway and constructed of the same material, and shall be included in the calculation of driveway coverage.

(4) *Off-site auxiliary parking.* If sufficient parking is not available on the premises, a private parking lot may be provided within 500 feet, either on property zoned for that purpose or on approval as a special exception by the Board of Adjustment subject to the following conditions:

- (a) The parking must be subject to the front yard setback requirements of the district in which it is located.
- (b) The parking area must be hard surfaced and dust free.
- (c) A 6-foot screen fence and buffer yard must be provided on all sides adjacent to a residential district.
- (d) Area lights must be directed away from adjacent properties.

(e) The lot, if adjacent to a residential district, must be chained and locked at night.

(Ord. O-12-743, passed 12-3-2012)

## SIGN REGULATIONS

### § 154.080 PURPOSE OF SUBCHAPTER.

The purpose of this subchapter is to provide uniform sign regulations for the City of Ferris, and its provisions shall be held to be the minimum requirements in the installation, erection, location, alteration, replacing, improving and maintenance of all signs. It is further intended to encourage signs which are well designed; which preserve locally recognized values of community appearance; which protect public investment in and the character of public thoroughfares; which aid in the attraction of shoppers and other visitors who are important to the economy of the city; which reduce hazards to motorists and pedestrians traveling on the public roadways; and thereby to promote the public health, safety and welfare.

(Ord. O-12-743, passed 12-3-2012)

### § 154.081 SIGN DEFINITIONS.

For the purposes of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

#### ***ABANDONED SIGN.***

- (1) Any sign which pertains to a time, event or purpose which no longer pertains;
- (2) Any sign which was erected for or by the owner, occupant or business on a property and is now unrelated to the present use of this property;
- (3) Any sign, except a real estate sign, which is located on property which becomes vacant and unoccupied for a period of 3 months or more.

***ADVERTISING MATTER.*** The placement on, anchoring of or suspension from any building, pole sign, sidewalk, parkway, driveway, lawn, area or parking area of any goods, wares, merchandise or other advertising object which is, but not limited to, light, inflatable objects, pennants, or flags for the purpose of calling attention to it.

***AWNING.*** An architectural projection, which provides weather protection, identity or decoration, and is supported by the building to which it is attached. It is composed of a lightweight rigid or retractable skeleton structure over which another cover is attached which may be of fabric or other materials may be illuminated. Sign text and logos on awnings are included in the wall signage area, but only the area of the sign (not the entire awning area).

***BALLOON.*** A non-porous, flexible inflated device using inert gas or air as advertising matter.

***BANNER SIGN.*** A temporary sign intended to be hung either with or without a frame, possessing characters, letters, illustrations, or ornamentation's applied to paper, plastic, or fabric of any kind.

***BILLBOARD.*** A sign displaying advertising copy that pertains to a business, person, organization, activity, event, place, service or product not principally located or primarily manufactured or sold on the premises on which the sign is located. These signs are generally located off-premise.

***BOARD OF ADJUSTMENT AND APPEALS.*** A Board composed of members appointed by the City Council to hear and rule upon variance requested to this subchapter. All appeals from this subchapter and from the building code relative to materials shall be reviewed and a recommendation made to the City Council. The Commission's recommendation is advisory only. The City Council shall consider the appeal after receipt of the recommendation from the Board during a meeting of the City Council. The City Council's decision shall be final.

***BUILDER'S DIRECTIONAL SIGN.*** A sign providing direction or instruction to guide persons to sites where new homes are under construction, usually off-premise.

***BUILDING OFFICIAL.*** The officer or other persons with the City of Ferris charged with the administration and enforcement of this subchapter.

***BUSINESS SIGN.*** An on-site sign which directs attention to, and/or used to identify a business, profession, organization, institution, commodity, service, activity, entertainment, or other non-residential use conducted, sold, or offered on these premises, (site) where such sign is located, or within the building to which such sign is affixed.

***CANOPY.*** A roof like structure that shelters a drive lane use such as, but not restricted to, a gasoline pump island. A ***CANOPY*** is open on 2 or more sides and may be supported by either columns or by being attached to the building to which it is accessory.

***CHANGEABLE COPY SIGN.*** A sign that is utilized year round, but the copy is changed periodically, advertising different specials associated with retail sales.

***CONSTRUCTION SIGN.*** A temporary sign identifying individuals or companies involved in the design, construction, wrecking, or improvements of the premises where work is under construction.

***DECORATIVE FLAG.*** A flag or banner that contains no name, initials, logos, insignia or similar items, used to attract attention. Colored flags only.

***DEVELOPMENT SIGN.*** A temporary on-site sign providing identification on information pertaining to residential or commercial development to include the builder, property owner, architect, contractor, engineer, or mortgage and project name.

***DILAPIDATED OR DETERIORATED CONDITION.*** Where structural support or frame members are visibly bent, broken, dented, deteriorated or torn sign copy materials and or paint must be to such an extent that a danger of injury to persons or property is created, or where the sign or the structure is not in compliance with the building code adopted by the city.

***DIRECTIONAL SIGN.*** Any sign, other than a highway marker or any sign erected and maintained by public authority, which is erected for the purpose of directing persons to a place, structure or activity not located on the same premises as the sign.

***DIRECTORY SIGN.*** A sign listing the occupants of a building, or group of buildings on the same parcel, and/or identifying the location of and providing directions to any establishment on the same parcel.

***ENCLOSED FRAME/CHANGEABLE COPY SIGN.*** (See ***CHANGEABLE COPY SIGN.***)

***ERECT.*** To build, construct, attach, hang, place, suspend or affix, and shall also include the painting of the signs on the exterior surface of a building or structure.

***FLAG.*** A piece of cloth or fabric usually rectangular in shape, of distinctive color and design, used as a symbol, a standard or signal to attract attention. Exemptions to this are patriotic flags, i.e. U.S., state, and city flags.

***FLASHING SIGN.*** An illuminated sign on which the artificial source of light is not maintained stationary or constant in intensity and color at all times when such sign is illuminated. For the purpose of this subchapter, any moving illuminated sign affected by intermittent lighting shall be deemed (to be) a ***FLASHING SIGN.***

***FRAMEWORK.*** A support structure which meets all existing wind and load requirements as stated in this Title 15, designed to secure a banner or an inter-changeable copy on all sides.

***FREESTANDING SIGN.*** A sign not attached to a building. A ***FREESTANDING SIGN*** may be either a pole (pylon) sign or a monument sign.

***GASOLINE PRICING SIGN.*** An outdoor advertising display with changeable copy letters and numerals that display the current price of fuel or gasoline for sale.

***HEIGHT MEASUREMENT.*** The height of any sign shall be measured vertically at 90 degrees from the ground at the base of the sign.

***ILLEGAL SIGNS.*** The Building Official or his or her designated representatives shall be authorized to abate or impound any temporary or permanent sign which is in violation of these regulations. Inclusive of advertising matter that constitutes a violation of this subchapter.

***ILLUMINATED SIGN.*** A sign which has characters, letters, figures, or designs illuminated by electric lights, luminous/neon tubes or other means that are specifically placed to draw attention to, or provide nighttime viewing of, the subject matter on the sign face.

**ILLUMINATION, INTERNAL.** Lighting by means of a light which is within a sign having translucent background, silhouetting opaque letters or designs, on which are letters or designs, which are themselves made of translucent material.

**ILLUMINATION, EXTERNAL.** Lighting by means of an unshielded light source, (including neon tubing, etc.) which is effectively visible as an external part of the sign.

**INCIDENTAL SIGN.** Small sign, less than 2 square feet in surface area, of a non-commercial nature, intended primarily for the convenience of the public. Included are signs designating restrooms, address numbers, hours of operation, entrances to buildings, directions, help wanted, public telephones and so forth. Also included in this group of signs are those designated to guide or direct pedestrians or vehicular traffic to an area or place on the premises of a business building by means of a directory designating names and addresses only.

**LIGHTED SIGN.** (See **ILLUMINATED SIGN.**)

**LOGO.** Any design or insignia of an organization, individual, company, or product which is commonly used in advertising to identify that organization, individual, company or product.

**MAINTENANCE.** All signs and support structures, together with all their supports, braces, guys, and anchors, shall be kept in good repair and in proper state of preservation. The display surfaces of all signs shall be kept neatly painted or posted at all times. No sign will be allowed to become frayed, discolored or torn.

**MENU BOARD.** A sign displaying the menu for a drive up window for a food establishment.

**MESSAGE BOARD SIGN.** A sign composed of a matrix of individual bulbs or lights which are capable of displaying lights in a running or continuous fashion so as to provide transient pictures or information.

**MONUMENT SIGN.** A permanent ground sign generally constructed out of brick, stone, or cast concrete foundation across the entire base of the structure not to exceed 7 feet in height, measured from the finished grade to the top of the sign.

**MOVABLE SIGN.** (See **PORTABLE SIGN.**)

**NONCONFORMING SIGN.** Any sign lawfully constructed which fails to conform to the provisions of this subchapter.

**OFF-PREMISE SIGN.** A sign which is issued or intended to be used to attract attention to activities, commodities, services or other endeavors not offered on the premise on which the sign is located.

**ON-PREMISE SIGN.** A sign which promotes or advertises activities, commodities, services, or endeavors which are offered on the premise on which such sign is located.

**PENNANT.** A wind device usually made of a lightweight plastic, fabric or other material whether or not containing a message of any kind, usually triangular in shape and attached to a single cord.

**POLE SIGN.** A freestanding sign supported by a pole or poles having no guys or braces to the ground or to any other structure.

**POLITICAL SIGN.** A temporary sign pertaining to any national, state, county or local election. A sign that supports an announced candidate, a political party, or an issue of political significance.

**PORTABLE (OR MOVEABLE) SIGN.** Those signs that are not firmly attached to the ground, a building, or other structure, and those that can be easily moved or carried about and reused numerous times at different locations.

**PRIMARY SIGNAGE WALL.** The wall determined to be the primary signage wall, subject to its incorporating either the major entrance or the common street address.

**PROJECTING SIGN.** A sign that projects from a building or wall, to which it is affixed, by more than 12 inches.

**READER-BOARD SIGN.** A changeable copy sign with strips attached to the face of the sign to hold removable displays letters and numerals for the purpose of identifying products sold or services provided by the related business tenant on the same premise.

**REAL ESTATE SIGN.** A temporary sign pertaining to the sale, lease or rental of real property.

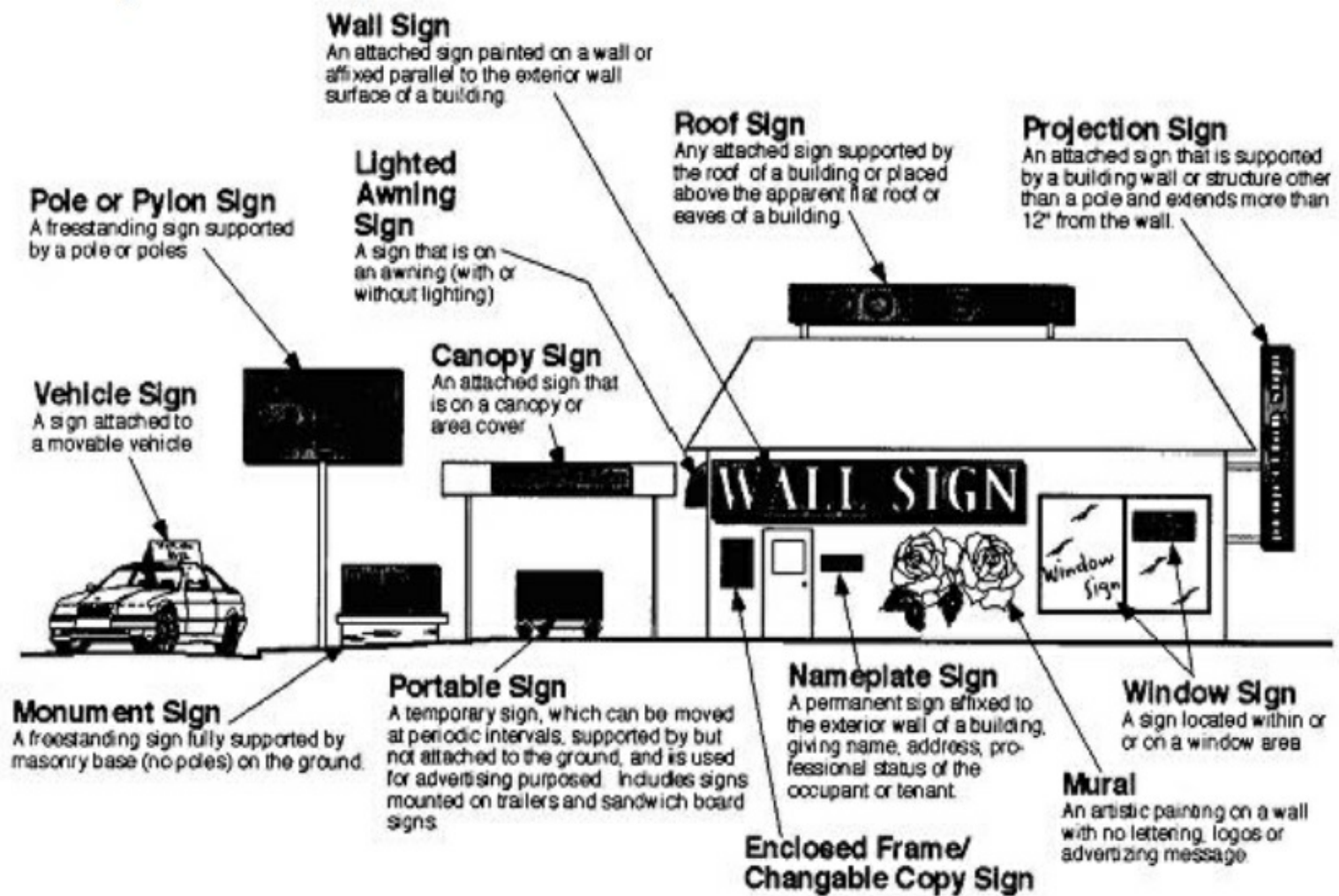
**ROOF SIGN.** A sign erected upon or above a roof or parapet of a building or structure.

**SECONDARY SIGNAGE WALL.** The wall of a building which is determined to be of secondary importance to the single business or establishment occupying the premises, and only facing onto a street, right-of-way or parking lot.



**SETBACK.** The distance from the property line or right-of-way line of all streets adjacent to the premises on which the sign is located.

**SIGN.** Every sign, name, number, identification, description, announcement, declaration, demonstration, device, display, flag, banner, pennant, illustration, logo, balloon, streamer, valance, advertising display, poster, beacon, light or insignia, affixed directly or indirectly to or upon any building, window, door or outdoor structure, calling attention to any object, product, service, place, or activity.



**SIGN AREA.** Calculation means the area of the sign to be computed by drawing a line or lines around the sign in such a way as to form a rectangle oriented horizontally. The sum square footage of these figures shall be considered as the total area of the sign face. A sign face may be single-sided or double-sided, as with a typical pole sign; however, to calculate the area of a multi-sided sign, the sum of all sides of the sign shall not exceed twice the area specified for sign face.

**SIGN BOX.** The rectangle used to calculate the sign area.

**TEMPORARY SIGN.** Any sign constructed of cloth, canvas, plastic, light fabric, wallboard or other material with or without frames intended to be displayed for a limited period of time only.

**VEHICULAR SIGN.** Any sign attached to a trailer, skid, or similar mobile structure, where the primary use of such structure is to provide a base for such sign or constitute the sign itself.

**VERTICAL BANNER.** Any sign of a lightweight fabric or similar material that is mounted to a pole in a vertical fashion secured at top and bottom of banner.

**WALL AREA.** The area of the wall from the finished floor elevation (or top of foundation) to the top of the parapet wall or to the bottom of the eave, whichever is highest. This **WALL AREA** is as shown on the architectural elevation of the wall including glass area and recessed wall areas.

**WALL AREA, MULTI-STORY BUILDING.** The sign wall area calculation for multi-story buildings shall be based upon the height of the first story (including any mezzanine level).

**WALL SIGN.** A sign which is attached or affixed to the wall of a building or is an integral part of the wall of a building with the exposed face of the sign in a plane parallel to and not extending more than 12 inches from the wall. A **WALL SIGN** shall not extend above the wall/parapet to which the sign is attached. For the purpose of this section, awnings, canopy fascias, mansards extending along a building side shall be considered a part of the wall. The roof (including mansard and fake mansard roofs) and roof area are not included in the wall area.

**WINDOW SIGN.** A sign attached to, placed upon or painted on the window or door of a building which is intended for public viewing from the exterior of such building.

(Ord. O-12-743, passed 12-3-2012)

## **§ 154.082 ADMINISTRATION; ENFORCEMENT.**

(A) *Building Official.* The provisions of this subchapter shall be administered and enforced by the Building Official, and such representatives as he or she may designate. All other officers and employees of the city shall assist and cooperate with the Building Official in administering and enforcing the provisions of this subchapter.

(B) *Permits required.* No sign shall be erected, re-erected, constructed, attached, altered or maintained, except as provided by this subchapter and after a permit for the same has been issued by the Building Official. A separate permit shall be required for a sign for each business entity, and a separate permit shall be required for each group of signs on a single supporting structure. In addition, electrical permits shall be obtained for electric signs.

(C) *Application for permit.* Application for a sign permit shall be made in writing upon forms furnished by the Building Official. Such application shall contain a description of the proposed sign, any existing signs, the location by street and number of the proposed sign structure, the existing zoning of the property where the sign is to be placed, as well as the name, address and telephone number of the owner and of the registered sign contractor or erector. The sign contractor must be registered in the City of Ferris. The Building Official may require the filing of plans or other pertinent information where, in his or her opinion, such information is necessary to ensure compliance with this subchapter. Standard plans reflecting the proposed scope of work may be filed with the Building Official.

(D) *Fees.* Sign permit fees and plan review fees shall be paid in accordance with the sign permit fee schedule established by the Ferris City Council.

(E) *Exemptions from sign permit fees.* These exemptions shall not be construed as relieving the owner of any such sign from the responsibility of its erection and maintenance and its compliance with the provisions of this subchapter or any other law or ordinance regulating the same. The following signs or activities shall not require sign permits:

(1) Maintenance, painting, repainting or cleaning of an advertising structure or message thereon for an ongoing entity for which no structural changes are required. Painting, repainting or cleaning of an existing advertising structure or message for a new business is not included in this exception. Lighted signs are not included in this exception except for theater marquees and similar signs that are specifically designed for the use of replaceable copy.

(2) Political signs as defined § 154.087.

(3) Signs that are permitted through the Board of Adjustment and Appeals for special events outside sales and storage of merchandise.

(4) Church, charity and civic signs.

(5) "Now hiring" signs. Employment ads are exempt.

(6) U.S., Texas or patriotic flags.

(7) Window signs as defined in § 154.087.

(F) *Sign maintenance required.* All signs and sign support structures, together with all of their supports, braces, guys and anchors, shall be kept in good repair and in proper state of preservation. The display surfaces of all signs shall be kept neatly painted or posted at all times.

(G) *Double permit fee.* The application fee or a sign permit shall be doubled when the installation or alteration of a sign is commenced or completed before the necessary permit is obtained.

(H) *Time limit for exercise of sign permit.* In all cases where a sign permit has been approved, the sign permit shall be obtained

and the sign(s) erected within a period not to exceed 6 months from date of approval. In the event such sign or signs are not erected within this period the permit shall become null and void.

(I) *Only permitted signs to be erected.* No person shall erect, reconstruct, alter, relocate or place any sign within the city except such signs as are permitted by this subchapter. All signs, including the frames, braces or supports thereof, shall be constructed and maintained in compliance with this title, the building and electrical codes, this chapter and all other applicable ordinances of the city.

(J) *Inspections.* All signs for which permits are required shall be subject to inspection by the Building Official. Footing inspections may be required by the Building Official for all signs having footings. All signs containing electrical wiring shall be subject to the provisions of the governing electrical code, and the electrical components used shall bear the label of an approved testing agency. The Building Official may order the removal of any sign that is not maintained in accordance with the provisions of this subchapter. All signs may be reinspected at the discretion of the Building Official.

(K) *Fines for noncompliance.* Violators of any provision of this subchapter shall be subject to fines set forth in this code and/or signs may be removed by agents and employees of the city and may be either stored or destroyed without liability to the city or its agents or employees. The owner of a sign confiscated by the city may claim the sign remaining in the custody of the city upon payment to the city of a onetime impoundment fee of \$50 per sign and an administrative fee of \$10 per sign per day.

(L) *Exceptions by the Board of Adjustment and Appeals.* In order to prevent or lessen practical difficulties and unnecessary hardship inconsistent with the objectives of this subchapter, the Board of Adjustment and Appeals may recommend exceptions from the regulations prescribed herein relating to the height, area, location or number of signs; in such cases, however, the following circumstances shall be found to apply:

(1) Any exception recommended for approval shall be subject to such conditions as will assure that the adjustment thereby recommended shall not constitute a special privilege inconsistent with the limitations upon other properties in the vicinity and district in which the subject property is situated; and

(2) Due to special circumstances applicable to the subject property, including size, shape, topography, street frontage, location or surrounding land use; the size or height of the building on which the sign is to be located; the classification of the street or highway on which the sign is located or designed primarily to be viewed from, the strict application of sign regulations is found to deprive subject property of privileges enjoyed by other properties in the vicinity and under identical zone classification.

(M) *Appeal; decision of Building Official.* All questions of interpretation and enforcement shall be first presented to the Building Official and such questions shall be presented to the Board of Adjustments, only on appeal from the decision of the Administrative Official. Any person aggrieved by any interpretation or by any decision or ruling of the Building Official under this subchapter shall have the right to make an appeal to the Board of Adjustments. Notice of appeal shall be in writing and must be filed within 30 days. A fee of \$250 shall accompany such notice of appeal. Such an appeal shall be considered at a Board meeting and shall be subject to the regulations contained herein for Board meetings.

(N) *Board of Adjustment and Appeals appeal hearing.* Within a period of 30 days from the filing of the appeal, the Board shall hear the appeal, together with the testimony of all parties concerned, and render a decision thereon within 3 days thereafter. In hearing such an appeal, the Board shall not have the power to waive or set aside the requirements of this subchapter, but shall have the power to interpret its provisions, and in case of alternate signage, shall determine whether such alternate signage is in fact equal to the standards of this subchapter, considering adequacy, stability, strength and safety to the public health and welfare.

(Ord. O-12-743, passed 12-3-2012)

## **§ 154.083 GENERAL SIGN REGULATIONS.**

(A) *Existing signs.* Each establishment shall be entitled to sign area within the limitations as set forth herein. However, the area of all existing signs to remain on the premises occupied by the establishment shall be reported by the applicant and shall be added to the proposed new sign(s) for comparison with these limitations, which shall govern total sign area, existing and proposed.

(B) *Setback limitation.* At ground level, no part of any sign shall be located any closer than 10 feet from the back of the curb, nor shall any part of any sign overhang the property line into the public right-of-way or into the adjacent property.

(C) *Street visibility triangle.* No sign or other advertising structure shall be erected in the 25- foot by 25-foot visibility triangle at the intersection of 2 streets. The street visibility triangle is formed by the property lines and a diagonal line connecting them at points 25 feet from the intersection of the property lines in compliance with the provisions of § 154.045. Any sign projecting into the visibility triangle shall have a clearance of at least 11 feet above the centerline grades of the intersecting streets.

(D) *Driveway visibility triangle.* No sign or other advertising structure shall be erected in the 7-foot by 60-foot visibility triangle at the intersection of driveway with a street. The driveway visibility triangle is formed by the property line, the edge of the driveway and a diagonal line connecting a point 7 feet along the edge of driveway from the right-of-way and a point 60 feet along the right-of-way line from the edge of driveway. This driveway visibility triangle shall be in compliance with the provisions of § 154.045. Any sign projecting into the visibility triangle shall have a clearance of at least 10 feet above the centerline grades of the intersecting streets.

(E) *Traffic hazard.* No sign shall be erected at any location where, by reason of the position, shape or color it may interfere with, obstruct the view of, or be confused with any authorized traffic sign or signal device; or which makes use of the words "stop," "go," "caution," "look," "danger," or any other word, phrase, symbol or character in such a manner as to interfere with, mislead or confuse traffic.

(F) *Pedestrian hazard.* All signs or other advertising structures, which are erected at any point where pedestrians might be endangered, shall have a smooth surface and no nails, tacks or wires shall be permitted to protrude therefrom. Pole signs must have a minimum vertical clearance from the ground of at least 11 feet.

(G) *Lighting restrictions.* Illuminated signs shall be erected in such a manner as not to interfere with traffic or pose other health or safety hazards.

(H) *Wind pressure and dead load requirements.* All signs shall be designed and constructed to withstand wind pressure of not less than 70 m.p.h. wind load factor and shall be constructed to receive loads as required by the building code.

(I) *Site plan.* Whenever a site plan is required to be filed, the site plan shall show the proposed location of any signs to be erected on the property and shall define the size and height of the signs with dimensions and elevation views. All existing signs shall be included on the site plan.

(J) *Sign buffer area at edge of a building.* The edge of a wall sign shall be a minimum distance of 2 times the sign height from the edge of the building wall.

(K) *Wall sign setback bonus.* Wall signs that are setback from the public street right-of-way over 150 feet can increase the maximum primary wall signage size by 25%, and increase it an additional 25% for every additional 100 feet of setback; up to a maximum of 200% of the allowed sign area (i.e., 20% of the primary wall area) at 450 feet.

(1) Over 150-foot setback, 125% of allowed sign area, or 12.5% of primary wall area.

(2) Over 250-foot setback, 150% of allowed sign area, or 15% of primary wall area.

(3) Over 350-foot setback, 175% of allowed sign area, or 17.5% of primary wall area.

(4) Over 450-foot setback, 200% of allowed sign area, or 20% of primary wall area. Under no circumstances shall the primary wall signage exceed 400 square feet regardless of wall size or increased setbacks.

(L) *Compliance.* Any sign in existence in the city on December 3, 2012 and not in conformity herewith, is hereby declared to be a nonconforming use, and such use shall be abated by the owner of such sign according to the following schedule:

(1) *Permanent signs.* All such nonconforming permanent signs in any zoning district shall be in compliance with the terms of this subchapter not later than 10 years from the effective date of this subchapter.

(2) *Temporary signs on-premises.* All such nonconforming signs in any zoning district shall be in compliance with the terms of this subchapter not later than 1 year from the effective date of this subchapter.

(3) *Temporary signs off-premises.* All such nonconforming signs in any zoning district shall be in compliance with the terms of this subchapter not later than 90 days from the effective date of this subchapter.

(Ord. O-12-743, passed 12-3-2012)

## **§ 154.084 SPECIAL SIGN TYPES.**

(A) *Message board signs.* Message board signs are allowed by SUP in any zoning district subject to the following restrictions:

(1) Message board signs shall only be used on the premises of, and in conjunction with, an educational, religious, governmental or other not-for-profit use for which a valid certificate of occupancy has been issued;

(2) Message board signs shall only be located on a lot which is adjacent to a state road or highway, and the sign must be placed adjacent to such road or highway;

(3) Message board signs shall not name, display a logo, photograph or likeness of, or otherwise in any form advertise any for-profit business or product;

(4) Message board signs shall not exceed 50 square feet in size;

(5) Message board signs shall be set back a minimum of 10 feet from any property line which fronts a state road or highway and a minimum of 50 feet from any property line adjoining another property;

(6) A message board sign must be a monument sign; however, a message board sign may exceed the city's monument sign height restrictions and/or may have the base width reduced if approved as a condition of the SUP;

(7) Message board signs shall be considered as the primary freestanding sign and may not be placed in addition to any existing freestanding sign;

(8) Any change of pictures or information on the message board sign shall not produce the illusion of moving objects, expanding or contracting shapes, rotation or any similar effect of animation;

(9) Any change of pictures or information on the message board sign shall not change more often than once each 3 seconds for those portions of the sign which convey time or temperature, or once each 20 seconds for all other portions of the sign;

(10) Each application for a message board sign must be accompanied with a certificate of approval of such sign from the Texas Department of Transportation in accordance with state law;

(11) The determination of a health or safety hazard caused by a lighted sign or a message board sign shall be made by the Chief Building Official for the city and shall be controlling;

(12) Any electrical wiring required for a sign to be lighted shall meet the electrical code of the city as determined by the Chief Building Official or a designated representative;

(13) No lighted sign or message board sign shall have a luminance of greater than 300 foot-candles, nor shall any such sign have a luminance greater than 200 foot-candles for any portion of the sign within a circle 2 feet in diameter. The restriction of luminance in this section shall be determined from any other premises or from any public right-of-way. If a message board sign constitutes a distraction to traffic based on evidence or complaints, the Chief Building Official shall review if the sign shall be dimmed or otherwise altered and provide for appropriate remedy.

(B) *Portable or moveable signs.*

(1) Determination by the Building Official or his or her designated representative as to whether any sign is portable or moveable shall be controlling. It is expressly provided that such signs are prohibited in any zoning district or within any right-of-way or city easement within the city.

(2) *Exception.* The City of Ferris is exempt from this division (B).

(C) *Vehicular signs.*

(1) It shall be unlawful to attach any sign to a trailer, skid, or similar mobile structure, where the primary use of such structure is to provide a base for such sign or constitute the sign itself. This provision does not restrict the identification signs on vehicles used for bona fide transportation activity.

(2) A sign attached to or upon any vehicle shall be prohibited where any such vehicle is allowed to remain parked in the same location, or in the same vicinity, a period of time in excess of 3 business days. Specifically, where the intent is apparent to be 1 of using the vehicle and signs for purposes of advertising an establishment, service or product. Government vehicles and vehicles operating under a city franchise shall be excluded from this provision.

(3) Signs placed on or affixed to vehicles and or trailers which are parked on public right-of-way, public property, or private property so as to be visible from a public right-of-way where the apparent purpose is to advertise a product or direct people to a business or activity located on the same or nearby property are prohibited.

(D) *Grand opening.* Grand opening events may utilize inflatable objects, pennants, flags and banner signs for a period not to exceed 30 days. Grand opening events are limited to the first 90 days after a certificate of occupancy has been issued. No searchlights or flashing type lights are allowed and are strictly prohibited during these events. A sign permit is required.



- (E) *Billboards relocated from Original Town Square Overlay District.* Any billboard located in the Original Town Square Overlay District may be relocated to any zoning district (a "relocated billboard"), through the city's special use permit ("SUP") process and subject to each of the following restrictions:
- (1) A relocated billboard shall be of new construction and may be either static or digital.
  - (2) The Planning and Zoning Commission may recommend, and the City Council may reasonably require, appropriate landscaping within 10 feet of the sign. The City Council shall not require landscaping that renders the construction of the sign financially or practically unfeasible.
  - (3) The Planning and Zoning Commission may recommend, and the City Council may reasonably require, appropriate aesthetic design features, such as a facade around the sign base, which do not interfere with the stability or integrity of the sign and structure. The City Council shall not require aesthetic design features that render the construction of the sign financially or practically unfeasible.
  - (4) Before construction may begin, a permit for a relocated billboard must be issued by the Texas Department of Transportation approving the location, type, and size allowed by the SUP granted for the sign.
  - (5) A relocated billboard shall only be located on a lot which is adjacent to the Interstate 45 frontage road, and it must be placed adjacent to such roadway or highway.
  - (6) Any change of pictures or information on the relocated billboard shall not produce the illusion of moving objects, expanding or contracting shapes, rotation, or any similar effect of animation.
  - (7) Any change of pictures or information on the relocated billboard shall not change more often than allowed by regulations promulgated by the Texas Department of Transportation.
  - (8) The determination of whether or not a health or safety hazard is caused or created by a lighted relocated billboard shall be made by the Chief Building Official or the city and shall be controlling.
  - (9) Any electrical wiring required for a relocated billboard to be lighted shall meet the electrical code of the city as determined by the Chief Building Official or a designated representative.
  - (10) No lighted relocated billboard shall have a luminance of greater than 300 foot-candles, nor shall any such sign have a luminance greater than 200 foot-candles for any portion of the sign within a circle 2 feet in diameter. The restriction of luminance in this division (E)(10) shall be determined from any other premises or from any public right-of-way. If a relocated billboard constitutes a distraction to traffic based on evidence of complaints, the Chief Building Official shall review if the sign shall be dimmed or otherwise altered and provide for an appropriate remedy.

(Ord. O-12-743, passed 12-3-2012; Am. Ord. O-14-764, passed 8-4-2014; Am. Ord. O-15-791, passed 6-1-2015)

**§ 154.085 PERMANENT SIGNS CHART.**

PERMANENT SIGNS					
<i>TYPE OF SIGN</i>	<i>DISTRICTS PERMITTED</i>	<i>MAXIMUM AREA</i>	<i>MAXIMUM HEIGHT</i>	<i>NUMBER OF SIGNS</i>	<i>REQUIREMENTS</i>
Billboard (relocated from Original Town Square	All districts, subject to SUP	675 s.f.	42.5 ft.	1	See § 154.084(E)

Overlay District only)					
Primary wall (attached)	Non-residential C-O to I-H	10% of primary wall area, 200 s.f. maximum	Top of parapet wall or roof eave height	Not applicable. Signage area can be composed of multiple signs	Min. horizontal and/or vertical separation between signs twice height of taller sign box, 2-wall max. Also see setback bonus.
Secondary wall (attached)	Non-residential C-O to I-H	50% of allowed primary wall sign area, 100 s.f. maximum	Top of parapet wall or roof eave height	Not applicable. Signage area can be composed of multiple signs	Min. horizontal and/or vertical separation between signs twice height of taller sign box, 2-wall max.
Freestanding freeway pole (pylon)	Non-residential C-O to I-H	200 s.f.	50 ft.	1 freestanding (either pole or monument) sign per street frontage	Not allowed in or projecting into public R.O.W. Secondary sign may only be 50% of height and area of primary sign
Freestanding non-freeway pole (pylon)	Non-residential C-O to I-H	100 s.f.	25 ft.	1 freestanding (either pole or monument) sign per street frontage, 2 maximum	Not allowed in or projecting into public R.O.W. Secondary sign may only be 50% of height and area of primary sign
Message board	SUP in all districts	50 s.f.	7 ft.	1	See § 154.084(A)
				1 freestanding	

Freestanding monument	Non-residential C-O to I-H	75 s.f.	7 ft.	(either pole or monument) sign per street frontage, 2 maximum	Monument sign preferred over pole sign
Canopy (covering gas pumps, drive thru lanes or parking areas)	Non-residential C-O to I-H	50% of allowed Primary wall sign area of building, 100 s.f. max.	Top of canopy fascia	On 2 sides of canopy only	Canopies not considered separate buildings for signage purposes
Mural	Non-residential C-O to I-H	Not applicable	Not applicable	Not applicable	No name, logo, text or slogan. Murals are considered art, not advertising
Enclosed frame/changeable copy	Non-residential C-O to I-H	12 s.f. with no dimension greater than 4 ft.	Not applicable	2 per wall max., 4 per site max.	Enclosed frame permanently attached to wall
Multi-family entry monument	MF-18	50 s.f.	7 ft.	1 per street frontage	Lighting allowed
Name plate	All residential (Nonresidential see last column)	2 s.f.	Below eave	1 per lot	No restrictions in non-residential districts
Institutional	All residential (Nonresidential see last column)	30 s.f.	Below eave	1 per lot	No restrictions in non-residential districts
Subdivision entry	Residential: all R	75 s.f. each	7 ft.	1 pair per entrance	Lighting allowed



monument

All signs are subject to setback regulations.

(Ord. O-12-743, passed 12-3-2012; Am. Ord. O-14-764, passed 8-4-2014; Am. Ord. O-15-791, passed 6-1-2015)

**§ 154.086 TEMPORARY SIGNS.**

TEMPORARY SIGNS						
<i>TYPE OF SIGN</i>	<i>PERMIT REQUIRED</i>	<i>DISTRICT S PERMITTED</i>	<i>MAXIMUM AREA</i>	<i>MAXIMUM HEIGHT</i>	<i>TIME LIMIT</i>	<i>REQUIREMENTS</i>
Portable	Yes	Non-residential C-O to I-H	50 s.f.	6 ft.	4 times per calendar year, in 15 day periods	1 per business, on- premises only. No lighting. See § 154.084(B)
Horizontal banner	Yes	Non-residential C-O to I-H	50 s.f.	Highest point of roof. Attached to building	60 days per year, in 15 day periods	Only one allowed. No lighting, not used with portable sign
Vertical banner	Yes	Non-residential C-O to I-H	35 s.f. freeway frontage, 12 s.f. for non- freeway	35 ft. max., 6 ft. min. to bottom of vertical banner	Not applicable	50 ft. min. spacing, 100 ft. min. street frontage, 25' min. to side prop. line
New business "Now Open"	Yes	Non-residential C-O to I-H	50 s.f.	Highest point of roof. Attached to building	30 days from C.O.	Must be affixed to store front

Pennants	Yes	MF-18 & non-residential C-O to I-H	Not applicable	Highest point of roof	During event	Only during approved special events or grand openings
Balloons over 24" diameter	Yes	MF-18 & non-residential C-O to I-H	Not applicable	50 ft.	During event	Only during approved special events or grand openings
Inflatable objects or search lights	Yes	MF-18 & non-residential C-O to I-H	Not applicable	25 ft.	During event	Only during approved special events or grand openings
Window	No	Non-residential C-O to I-H	25% of window area	Not applicable	Not applicable	Enclosed frame/changeable copy signs encouraged
Vehicle	No	Not applicable	Not applicable	Not applicable	Not applicable	See § 154.084(C)
Weekend builders advertising (only available to builders currently building in the city limits)	Yes	All	6 s.f.	3 ft.	12 noon Friday until 12 noon Monday, except holidays	Maximum of 250 signs, minimum of 3 ft. from curb, with no lighting on signs
	Over 3 s.f.		Portable signs shall not exceed 80 s.f. and shall not be more		30 days of 24	On private property, not on R.O.W. No lighting. Removed 24 hrs. after election or runoff. Signs

Political	Yes, but no fee	All	than 6 ft. in height measured from the surface of the ground	6 ft.	hours after election	no larger than 2' X 2' may be placed in the R.O.W. at the polling place 12 hours prior to election (not early voting)
Church, charity and civic, on-premises	Yes, but no fee	All	50 s.f.	15 ft.	10 days prior to event and during event, 30 days max.	On private property, not on R.O.W. No lighting. Removed 24 hrs. after event
U.S., Texas or patriotic flag	No	All	12 s.f. res. 100 s.f. non-res.	35 ft. res. 75 ft. non- res.	Not applicable	1 per flag type. No spacing requirements
Decorative flag (color only, logo allowed, no text allowed)	No	All	6 s.f.	25 ft. max. 6 ft. min. to bottom of flag	Not applicable	Street frontage 0-150' 4 flags 151-200' 5 flags 201-250' 6 flags 251-300' 7 flags Over 300' 8 flags
Real estate land sale	Yes	All	100 s.f.	15 ft.	Remove prior to development	1 acre min., 2 sign max., 1 sign per frontage. No lighting
Residential	Yes	Residential : all R &	100 s.f.	15 ft.	Until project	1 sign per major existing street

construction		MF-18			80% complete	frontage. No lighting
Multi-family units for rent or lease banner	Yes	MF-18	50 s.f.	Highest point of roof on building, or 15 ft. max. for free-standing signs	60 days per year, in 10 day periods	1 per street frontage maximum 2 No lighting
Commercial complex sale or lease free-standing	Yes	Non-residential C-O to I-H	50 s.f.	6 ft.	Complex sold or leased	1 sign No lighting
Commercial unit(s) sale or lease wall sign	Yes	Non-residential C-O to I-H	12 s.f.	Highest point of roof	Unit sold or leased	1 sign per unit No lighting
New commercial building	Yes	Non-residential C-O to I-H	100 s.f.	15 ft.	Until 80% complete	1 sign per major ex. street frontage Lighting allowed
New commercial building on I- 45	Yes	Non-residential C-O to I-H	1 s.f. per 1 ft. of street frontage up to 400 s.f.	50 ft.	1 year	1 sign per complex or development

(Ord. O-12-743, passed 12-3-2012)

#### **§ 154.087 EXEMPTED SIGNS.**

The following types of signs are exempted from the sign regulations. These signs are not required to submit a sign application, are not required to be permitted and are not required to pay a permit or review fee.

(A) Traffic control signs erected by the city or state.

- (B) Directional signs less than 3 square feet in area and less than 3 feet in height.
  - (C) Menu board signs for drive-thru lanes at restaurants.
  - (D) Gasoline pricing signs less than 15 square feet.
  - (E) U.S., Texas or patriotic flags.
  - (F) Window signs as defined in § 154.081.
  - (G) Signs that are allowed by approval of the Board of Adjustment and Appeals for special events or for outside sales and storage of merchandise.
  - (H) Balloons less than 24 inches in diameter.
  - (I) Political signs under 3 square feet in area.
  - (J) Real estate signs, under 6 square feet in area for individual properties saying "For Sale," "For Rent," or "For Lease."
- (Ord. O-12-743, passed 12-3-2012)

### **§ 154.088 PROHIBITED SIGNS.**

- (A) Off-premises advertising sign (billboard).
  - (B) Roof signs, however, signs are allowed on building towers or other architectural features of the building.
  - (C) Projecting signs (signs projecting more than 12 inches from the wall to which it is attached).
  - (D) Searchlights or flashing lights (other than message board signs or searchlights for approved special events or grand openings).
  - (E) Signs on utility poles or in the right-of-way.
- (Ord. O-12-743, passed 12-3-2012)

## **SPECIAL USE AND OTHER PERMITS**

### **§ 154.100 SPECIAL USES.**

Certain types of land uses are classified as special uses and may be permitted in designated districts when specifically authorized by this section after recommendation of the Planning and Zoning Commission and approval by the City Council. Such special use may be granted in order that the city may develop in accordance with the intent and purpose of this chapter, that land may be fully utilized for a lawful purpose, and that substantial justice may be done.

(A) *Criteria for granting of special use.* In reaching a decision on any application for a special use, the City Council shall determine:

- (1) That the requested special use will establish only those uses permitted under this chapter;
- (2) That the location of proposed activities and improvements are clearly defined on a site plan filed by the application;
- (3) That the exception will be wholly compatible with the use and permitted development of adjacent properties either as filed or subject to such requirements as the Council may find necessary to protect and maintain the stability of adjacent properties.

(B) *Authorized special uses.* The following uses may be allowed as special uses in the districts specified, subject to full and complete compliance with all conditions herein provided, together with such other conditions as the Council may impose. Districts are listed in the order of most restrictive to least restrictive, reading from left to right as listed in § 154.010.

<i>Special Use</i>	<i>District Requiring</i>
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	<i>Approval</i>
Heliport	R-1 to I-H, PD
Ballpark, stadium, athletic field (private)	R-3 to C-N
Cemetery, mausoleum or crematorium	All districts
Gun club, skeet or target range	I-L to I-H, PD
Miniature golf course	C-N
Golf driving range, or other outdoor amusement (commercial)	C-C
Hospital, home/center for the care of acute or chronic ill	MF-18 to C-N
All non-profit organizations, fraternal organizations and clubs	R-1 to C-N
Public or semi-public utility shop and storage	C-C
Swimming pool (commercial)	C-C to I-L
Tennis or swim club	R-1 to R-MH
Used auto parts sales (retail) conditions: inside building no outside storage, display or dismantling	C-C
Any of the uses provided in § 154.010	I-H
Any use permitted in C-N, to a floor area per use in excess of 5,000 square feet	C-N
Canopy, portico or covered walkway in required yard: religious institutions, schools and institutional uses only	All districts
Ambulance stations	MF-18 to I-H and PD
New mobile home sales or pre-fab home sales	C-C
Recycling containers	C-C to I-H
Outdoor farmers market	C-C
Seasonal snow cone stands	C-C
Television, radio, microwave, telecommunication towers or facilities	I-H
Churches, schools (public or private)	All districts

(C) *Requirements for written record.*

(1) The notice of public hearing for a request for a special use permit to install wireless telecommunications facilities pursuant to § 154.049 may include a statement that the applicant, the city staff and interested members of the public may submit written comments to the Council regarding the remarks they intend to make to the City Council at the public hearing.

(2) A decision of the City Council to deny a request for permission to install a wireless telecommunications facility shall be in writing and shall be based on evidence in a written record before the City Council.

(D) *Application for special use.* Upon receipt of an application for a special use by the Planning and Zoning Commission, it shall be referred to the City Manager or his or her authorized representative for investigation as to the manner in which the proposed location and character of the special use will affect the master plan of the city. The City Manager shall report the results of its study of the application to the Planning and Zoning Commission for public hearing, review and recommendations. Thereafter the City Council

may, after public notice and hearing, according to law, grant the permit including the imposition of conditions of use which the Council may deem essential to ensure that the special use is consistent with the spirit, purpose and intent of this chapter, will not substantially and permanently injure the appropriate use of neighboring property, and will substantially serve the public convenience and welfare.

(E) *Fees.* Application fee shall be as prescribed by the most recently adopted city fee schedule.

(Ord. O-12-743, passed 12-3-2012)

**§ 154.101 TEMPORARY USES.**

Certain temporary uses of land are essential to the full development and utilization of the land for its lawful purpose. The temporary uses hereinafter enumerated shall not be deemed violations of this chapter when made under the conditions herein provided.

(A) *Permitted uses.* The permissible temporary uses, the conditions of use and the zoning districts wherein the same shall be permitted are:

<i>Temporary Use</i>	<i>Districts</i>
<i>Construction office.</i> Temporary field or construction offices and temporary building material storage areas to be used solely for construction purposes in connection with the property on which they are erected may be permitted for specific periods of time when approved by the Building Official. Such temporary uses shall be discontinued by the order of the Building Official and in no event shall such temporary uses continue to exist on the premises after the construction for which they were erected is completed.	R-3 to I-H, PD
<i>Real estate sales office.</i> Temporary field real estate sales offices may be permitted in single-family residential subdivisions for specific periods of time when approved by the Building Official. Such temporary uses may be located in a model home or a portable building within the subdivision, but shall be discontinued by the order of the Building Official, and in no event shall such temporary uses continue to exist after the subdivision or the increment of same in which the use is located shall have been substantially developed.	R-3 to MF-18
<i>Outdoor Christmas tree and pumpkin sales.</i> A 60-day temporary use permit can be issued by the Building Official provided that the lot to be utilized has adequate space for off-street parking, access to restroom facilities for employees, and means of ingress and egress are compatible with existing traffic flows. A trailer (for sales only) may be located on the lot for which the temporary use permit is issued to provide for office space.	C-C

(B) *Fees.* Application fee shall be as prescribed by the most recently adopted city fee schedule.

(Ord. O-12-743, passed 12-3-2012)

## § 154.102 SPECIAL EXCEPTIONS.

### (A) *Authorized special exceptions.*

#### (1) Attached carports in required yards in "R-1," "R-2," "R-3," "R-T" and "R-D."

(a) The City Manager or his or her designated representative shall determine that the proposed attached carport is compatible with the existing home and other homes in the neighborhood.

(b) The City Manager or his or her designated representative shall determine that the proposed encroachments are the minimum allowed in order to construct the proposed carport. Finished carport area shall not exceed 24 feet in width by 25 feet in length.

(c) The City Manager or his or her designated representative shall determine that the proposed carport will not drain water onto adjacent property and that adequate separation from existing structures is maintained for fire protection.

(d) The City Manager or his or her designated representative will determine whether there are substantial objections to the construction of the carport by property owners in the notification area. The staff will mail notice of the proposed carport to every property owner within the notification area.

(e) Carports allowed as special exceptions shall be used only to park motor vehicles, boats, recreational vehicles, and trailers. The carport shall remain open on 3 sides and shall not be allowed to be enclosed. No storage is allowed under carport.

(f) In the event a property owner within the notification area of the proposed special exception objects to the request, the person opposing must submit a petition with signatures of 35% of the property owners within the notification area showing their disapproval. The petition must be returned within 14 days from the date of a notification letter, and the notification must inform each property owner of the procedure and time limits for protest. Upon verification of signatures, and that a minimum of 35% of the property owners do object to the carport, a public hearing will be scheduled. The staff will mail notice of the public hearing and meeting of the Board to every property owner within the notification area at least 10 days prior to the meeting date. Notice of the hearing will also be published in the newspaper of record at least 10 days prior to the meeting. The concurring vote of 75% of the members of the Board will be required to grant the special exception.

(g) The staff shall mail notice of the public hearing and meeting of the Board to every property owner within the notification area at least 10 days prior to the meeting date. Notice of the meeting shall also be published in the newspaper of record at least 10 days prior to the meeting.

(h) The staff shall mail notice of the public hearing and meeting of the Board to every property owner within the notification area at least 10 days prior to the meeting date. Notice of the meeting shall also be published in the newspaper of record at least 10 days prior to the meeting. The notification area shall include those properties within 200 feet of the property for which a special exception is requested on the same side of the street and across the street therefrom.

(i) If less than 35% of the property owners within the notification area object to the application for a special exception for erection of a carport, then the request shall be deemed to be granted without need of a public hearing by the Board. The City Manager or his or her designated representative shall issue to the applicant appropriate documentation showing the grant of the special exception. Such documentation and grant may contain restrictions, use limitations, building requirements and other matters determined to be appropriate and/or necessary to meet the terms of this section.

(2) *Antenna facilities.* In considering whether to grant a special exception from the regulations specified in § 154.049, the Board of Adjustment shall consider the following:

(a) The effect on the value of the surrounding property;

(b) The potential for interference with the enjoyment of the use of surrounding properties;

(c) Aesthetics;

(d) The necessity of the special exception for the public health, safety and welfare of the citizens or for governmental purposes;

(e) The zoning district and the adjoining zoning districts of the property for which the special exception is sought;

(f) The provisions of 47 C.F.R. § 25.104 which preempt local zoning or other regulations that differentiate between satellite receive-only antennas and other types of antenna facilities unless such regulations:



1. Have a clearly defined health, safety or aesthetic objective; and
2. Furthers the stated health, safety or aesthetic objective without unnecessarily burdening the federal interest in ensuring access to satellite services and in promoting fair and effective competition among competing communications service providers.
3. The unique conditions that govern reasonable reception on any given lot.
4. To properly evaluate all applications to locate antennas or towers which do not comply with the regulations specified herein above the following information must be provided by the applicant.
  5. Describe the nature of the antenna site. Indicate whether the proposed structure is a monopole or mounted to a self-supporting structure. Indicate the proposed height.
  6. Provide photos or drawings of all equipment, structures and antenna.
  7. Describe why the antenna or tower is necessary.
  8. State the name(s) of the telecommunications providers or other users of the antenna or tower and describe the use to be made by each user.
  9. Indicate if this antenna or tower site be connected to other sites; and if so, describe how it will be connected and who will be the back haul provider.
  10. The applicant must address whether or not they have made an effort to co-locate the facilities proposed for this antenna or tower on existing towers or facilities in the same general area. Identify the location of these existing sites. If yes, describe in detail these efforts and explain in detail why these existing sites were not feasible. Attach all studies or tests performed which demonstrate why the existing sites will not provide sufficient signal coverage. Provide written documentation from existing sites owners and/or operators that confirm the statements provided. Indicate whether or not the existing sites allow/promote co-location and, if not, describe why not.
  11. Indicate whether or not co-location will be allowed to other telecommunications providers at the requested site. If they are not allowed, state every reason and the basis for each reason.
  12. If the requested location is in a residential district the applicant must address whether or not they have made an effort to locate the facility in a commercial or industrial district. Identify the location of these commercial and or industrial district sites. Describe in detail these efforts and explain in detail why these commercial or industrial district sites were not feasible. Attach all studies or tests performed which demonstrate why the commercial or industrial sites will not provide sufficient signal coverage. Provide written documentation from commercial or industrial district sites owners and/or operators which confirm the statements provided.
  13. Indicate the proposed provider's current coverage area for the city. Attach maps showing the areas the proposed providers existing antenna currently cover, the areas the applicant's existing sites and other existing sites would cover, and the areas the applicant's existing sites and the requested site would cover.
  14. Describe the applicant's master antenna and tower plan for the city. Attach maps and other related documentation. Provide information indicating each phase of the plan.
  15. Describe the applicant's plan to minimize the number of telecommunications antenna and towers needed to cover the city.

(Ord. O-12-743, passed 12-3-2012)

## **MUNICIPAL AGENTS**

### **§ 154.110 GENERAL POLICY.**

It is declared to be the general policy of the City of Ferris, unless otherwise expressly provided by this chapter, that its municipal planning functions and responsibilities are distributed and assigned as follows:

- (A) *Zoning Administrator*. Administration and enforcement.
- (B) *Planning and Zoning Commission*. Study and make recommendations on policy and amendments to this chapter.

(C) *Board of Adjustment.* Appeals and review.

(D) *Administrator.* An Administrative Official designated by the City Manager shall serve as the Zoning Administrator who shall administer and enforce this chapter. He or she may be provided with the assistance of such other persons as the City Manager may direct.

(Ord. O-12-743, passed 12-3-2012)

#### **§ 154.111 PLANNING AND ZONING COMMISSION.**

(A) *Commission created.* The Planning and Zoning Commission, as heretofore duly created by ordinance and now performing its authorized duties is hereby perpetuated.

(B) *Members.* Commission shall consist of 7 members, appointed by the City Council for 2 years staggered terms, who shall serve during their respective terms and until respective successors are appointed.

(C) *Organization and rules of procedure.* The members of the Commission shall organize and elect their own officers and shall hold meetings regularly and shall designate the time and place of such meetings. The Commission shall have the power to adopt its own rules of procedure insofar as the same are consistent with the statutes of the State of Texas and the ordinances of the City of Ferris, and shall keep a written record of all its proceedings. The Zoning Administrator shall have the duty of care, custody and control of all records of the Commission. Four members of the Commission shall constitute a quorum for the transaction of business.

(D) *Powers, jurisdiction and scope of activity of Commission.*

(1) The Commission shall procure information and make recommendations to the City Council on the creation or modification of zoning districts.

(2) The Commission shall serve as a recommending body to the City Council regarding the approval or disapproval of all preliminary, final, and revised plats of land.

(3) The Commission shall discharge all functions involving city planning and zoning by law or this chapter, and shall investigate, study, and submit reports and recommendations to the City Council on all such matters as it or the City Council shall deem appropriate and which have any relation to municipal planning or zoning.

(Ord. O-12-743, passed 12-3-2012)

#### **§ 154.112 BOARD OF ADJUSTMENTS.**

(A) *Board created.* The Board of Adjustments, as created by ordinance and now performing its authorized duties is hereby perpetuated.

(B) *Members.* The Board shall consist of 5 regular members and 2 alternates, appointed by the City Council for 2 years staggered terms, who shall serve during their respective terms and until respective successors are appointed.

(C) *Powers of the Board.* The Board shall have the following powers:

(1) To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by an Administrative Official in the enforcement of this chapter.

(2) To hear and decide special exceptions to the terms of this chapter upon which the Board is required to pass under this chapter.

(3) To authorize upon appeal in special cases such variances from the terms of this chapter as will not be contrary to the public interest, where, owing to special conditions, the literal enforcement of the provisions of this chapter will result in unnecessary hardship, so that the spirit of this chapter shall be observed and substantial justice done.

(4) To determine and designate substandard buildings.

(D) *Appeals to the Board of Adjustments.* Appeals to the Board can be taken by any person aggrieved or by any officer, board or department of the municipality affected by any decision of the administrative officer. Such appeal shall be taken within 15 days time after the decision has been rendered by the administrative officer by filing a notice of appeal specifying the grounds thereof with the

officer from whom the appeal is taken and with the Board. The officer from whom the appeal is taken shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from was taken.

(Ord. O-12-743, passed 12-3-2012)

## AMENDMENTS

### § 154.120 PROCEDURE FOR CHANGES AND AMENDMENTS.

(A) *Authority to amend.* The City Council may from time to time amend this chapter, including modification of the boundaries of the zoning districts.

(B) *Recommendation of Planning and Zoning Commission.* Any such proposed amendment or modification must be submitted to the Planning and Zoning Commission for public hearing, recommendation and report, before the same is acted on by the City Council. The Commission may undertake any such study and public hearing on its own motion, or on request from the City Council, from any citizen, or from any party having a proprietary interest in any affected property.

(C) *Public hearings and notices required.*

(1) A public hearing shall be held by the Planning and Zoning Commission on any proposed zoning change. Ten days' written notice in advance of the hearing shall be sent by ordinary mail, postage prepaid, to each taxpayer, as shown by the last approved city tax roll, who owns real property lying within 200 feet of the property on which the change is requested, in the manner required by law.

(2) The City Manager or designee shall have at least 1 sign erected on the property for which a zoning change has been requested. The sign shall have total area of at least 4 square feet and shall be located adjacent to streets, if possible. Such sign shall be erected on or before the first date of the first notice to property owners and shall be removed immediately after final action by the City Council, or when the applicant withdraws the request, whichever comes first. The sign shall contain a notice of hearing on a zoning change and the telephone number of the public official from whom dates of public hearing may be obtained. The erection or continued maintenance of signs shall not be deemed a condition precedent to the granting of any zoning change recommendation or approval or the holding of any public hearing.

(3) A public hearing on any proposed amendment shall be held by the City Council before its adoption. Fifteen days' published notice in advance of the hearing shall be given, by publication thereof in 1 issue of the official publication of the city, in the manner required by law.

(D) *Petition in opposition.* In all zoning cases where a valid petition in opposition to the change has been filed by the owners of 20% or more of the land located within 200 feet of the subject property in a timely manner, and in those cases where the requisite 75% of the Council has not approved the proposed change, then, in each such instance, no application for a rezoning of the same subject property to the same or a more liberal classification shall be filed or considered within a period of 6 months from the Council's action in denying the original application.

(E) *Waiting period for re-submittal of zoning request.* In all other cases where an application for rezoning has simply been denied and no petition in opposition filed in conjunction therewith, then, in such cases, there shall be no reapplication for the same or a more liberal zoning classification change filed, submitted, or considered within 90 days from the date of the Council's action in denying the original application.

(F) *Withdrawal of application for zoning change.* In the event that an applicant withdraws his or her application for a change in zoning on any subject property prior to the Council's action in either granting or denying the same, then, in such instance, no reapplication for any zoning change shall be made on the subject property for a period of 30 days from the date that the applicant withdraws his or her original application. An applicant shall have the absolute right to withdraw his or her application at any time prior to action thereon by the Council provided he or she does so in writing. However, in the event that at any stage of the rezoning process prior to action by the Council thereon, when a valid petition has been filed by the owners of 20% or more of the land within 200 feet of the subject property, then in such instance the applicant whether such application be withdrawn or not, shall be precluded for a period of 6 months from such withdrawal or action of denial by the Council thereon, from reapplying for the same or a more liberal zoning classification to that just applied for.

(G) *Modification of zoning district boundary.* All requests for amendments to this chapter requiring modification of the boundaries of the zoning districts shall be accompanied by a current plat of the property, verified by a registered surveyor, which accurately depicts the property in accordance with the City of Ferris subdivision regulations. All zoning change requests shall also be

accompanied by a current tax statement showing that there are no outstanding taxes or liens due on the property. Prior to final approval by the City Council, all rights-of-way and easements adjacent to and within the boundaries of the property under consideration will be dedicated in conformance with the standards as set forth in the City of Ferris subdivision regulations.

(Ord. O-12-743, passed 12-3-2012)

## **BUILDING PERMITS; CERTIFICATES OF OCCUPANCY**

### **§ 154.130 BUILDING PERMITS; CERTIFICATES OF OCCUPANCY.**

(A) *Building permit required.* No building or other structure shall be erected, moved, added to or structurally altered without a building permit issued by the Administrative Official. No building permit shall be issued for any building or structure except in conformity with the provisions of this chapter. No permit for the construction of a building or buildings upon any land shall be issued until a building site has been created by the land being a platted lot appearing on a plat properly approved by the city and filed in the records of the county clerk of Ellis County.

(1) *Application for building permit.* All applications for building permits shall be accompanied by plans in triplicate, drawn to scale, showing the actual dimensions and shape of the lot to be built upon; the exact sizes and locations on the lot of buildings already existing, if any; and the location and dimensions of the proposed building or alteration. The application shall include such other information as lawfully may be required by the Administrative Official, including existing or proposed building or alteration; existing or proposed uses of the building and land; housekeeping units or rental units the building is designed to accommodate; conditions existing on the lot; and such other matters as may be necessary to determine conformance with, and provide for the enforcement of this chapter. One copy of the plans shall be returned to the applicant by the Administrative Official, that has markings on the copy either as approved or disapproved and attested to same by his or her signature on such copy. The original and 1 copy of the plans, similarly marked, shall be retained by the Administrative Official.

(2) *Expiration of building permit.* If the work described in any building permit has not begun within 6 calendar months from the date of issuance thereof, the permit shall expire, and work shall not proceed until a new building permit has been obtained.

(B) *Certificate of occupancy required.* No tract of land or premises nor non-residential structure thereon shall be used, occupied or changed in use until a certificate of occupancy is issued by the Building Official stating that the tract of land, premises or structure, as case may be, complies with the provisions of this chapter and any other part of the city code applicable thereto.

(C) *Application for certificate of occupancy.* Certificates of occupancy shall be applied for coincident with the application for building permit, and will be issued within 5 days after the erection or structural alteration of such building shall have been completed in conformity with the provisions of pertinent statutes and ordinances.

(Ord. O-12-743, passed 12-3-2012)

### **§ 154.999 PENALTY.**

(A) *Misdemeanor.*

(1) *Penalty for violation of § 154.019.* Any person who violates any of the provisions of § 154.019 shall be guilty of a misdemeanor and each day the violation continues shall be a separate offense. Each offense shall be punishable by a fine not to exceed \$1,000.00.

(2) *Penalty for violation of § 150.044.* Any person, firm or corporation owning, claiming, occupying or having supervision or control of any lot, tract, parcel of land or portion thereof violating any of the provisions of § 154.044 shall, upon conviction, be guilty of a misdemeanor and shall be liable for a fine of not more than \$2,000, and each and every day the violation shall be permitted to exist shall constitute a separate offense and, upon conviction, shall be fined as herein provided.

(3) *General penalty.* Violation of any other provisions of this chapter or failure to comply with any of its requirements shall constitute a misdemeanor. Any person who violates any other provisions of this chapter or fails to comply with any of the requirements of such provisions shall, upon conviction thereof, be fined not more than \$2,000. Each day such violation continues shall be considered a separate offense.

(B) *Responsible party.* The owner or tenant of any building, structure, premises, or part thereof, and any architect, builder,

contractor, agent, or other person who commits, participates in, assists in or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided.

(C) *Legal right.* Nothing herein contained shall prevent the city from taking such other lawful action as necessary to prevent or remedy any violation.

(Ord. O-12-743, passed 12-3-2012)

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