

## ZONING ORDINANCE #2050

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*Editor's Note: Zoning Ordinance 2050 adopted June 5, 1990. Edited thru Ord. 2661(Sign Ord.)*

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### ZONING USE TABLE

ZONE	ALLOWABLE USES												
<b>AG</b>	AG	SF-10	SF-6										
<b>SF-10</b>		SF-10											
<b>SF-6</b>		SF-10	SF-6										
<b>2F</b>		SF-10	SF-6	2F									
<b>SF-A</b>		SF-10	SF-6	2F	SF-A								
<b>MF</b>		SF-10	SF-6	2F	SF-A	MF							
<b>PO</b>						MF	PO						
<b>CC</b>						MF	PO	CC					
<b>LC</b>						MF	PO		LC				
<b>HC</b>						MF	PO		LC	HC			
<b>LI</b>									LC	HC	LI		
<b>HI</b>									LC	HC	LI	HI	

## ZONING ORDINANCE #2050

### PREFACE

ZONING ORDINANCE #2050

CITY OF SULPHUR SPRINGS, TEXAS

An ordinance to regulate the location and use of buildings, structures, and land for trade industry, residence, and other specified uses; to regulate and limit the height and bulk of building hereafter erected and altered; to regulate and determine the size of yards, courts and other open spaces; to regulate and limit the density of population; for said purposes to divide the city into districts; to provide for a board of adjustment and defining its powers and duties; prescribing penalties for the violation of its provisions and providing for its enforcement; containing a savings clause and providing for interpretation, purpose and conflict

WHEREAS, by the provisions of Chapter 283, General Laws, passed by the regular session of the fortieth Legislature of the State of Texas in the year of 1927, authority is conferred upon the; City of Sulphur Springs, Texas, to establish districts or zones within its corporate limits for the purpose of regulating the use of land and controlling the density of population to the end that congestion upon the public streets may be lessened, the public health, safety, convenience and general welfare promoted; and

WHEREAS, the City Council has authorized the publication of this ordinance and has called a public hearing; and

WHEREAS, the City Planning and Zoning commission, created under the provisions of the general laws of the State of Texas and by order pursuant to the provisions of an ordinance of the City of Sulphur Springs, Texas, duly adopted has recommended boundaries of districts and appropriate regulations to be enforced therein and a public hearing will be held at which all owners of property affected will be given ample opportunity, after public notice by advertisement, to file their protests or criticism, if any, and official notice is hereby given for such public hearing discussions of said Ordinance, and;

WHEREAS, the passage, promulgation and enforcement of the provisions hereinafter contained are deemed to be necessary for the promotion of the health, safety, morals, and general welfare of the community, to carry out the governmental powers delegated to and possessed by the City of Sulphur Springs, Texas, for securing the objects herein before expressed;

NOW, THEREFORE BE IT ORDAINED BY THE CITY OF SULPHUR SPRINGS, TEXAS.

## **ZONING ORDINANCE #2050**

### **ARTICLE 1. ENACTING CLAUSE**

**1.100** That ordinance Numbers 374, 1017, and 1041, the Zoning Ordinance of the City of Sulphur Springs, Texas, adopted the 5th day of June, 1956, the 4th day of June 1985, and the 15th day of April 1986, respectively, together with all amendments thereto is amended in its entirety to be known as the Comprehensive Zoning Ordinance and to read as follows:

#### **1.200 Purpose:**

The Zoning Regulations and districts as herein established have been made in accordance with a comprehensive Plan for the purpose of promoting the health, safety, morals, and general welfare of the City. They have been designed to lessen the congestion in the 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 the population, to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements. They have been made with reasonable consideration among other things, for the character of the district and its peculiar suitability for the particular uses specified, and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the City consistent with a Comprehensive Plan.

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### ARTICLE 2. DEFINITIONS

**2.100** For the purpose of this Ordinance certain words and terms as used herein, are defined as follows:

**2.200** Words used in the present tense include the future; Words in the Singular number include the plural; Words in the Plural number include the singular; the word "building" includes the word "structure" the words "shall" and "must" are mandatory and not directory; and the term "used for" includes the meaning "designed for" and "intended for".

1. Accessory building or use: A subordinate building a portion of the main building, or a use customarily incident to and located on the lot occupied by the main building or use of the property.
2. Accessory Dwelling Unit (ADU) - is a smaller, secondary home on the same lot as a primary dwelling. ADUs are independently habitable and provide the basic requirements of shelter, heat, cooking and sanitation. They can be attached to the primary structure or detached units.
3. Alley: A public way which affords only a secondary means of access to abutting property.
4. Apartment: A room or suite of rooms within an apartment house arranged, intended, designed for, or used as the place of residence of a single family or group of individuals living together as a single family or group of individuals.
5. Apartment Hotel: An apartment house which furnishes for the use of its tenants services ordinarily furnished by hotels, but the privileges of which are not primarily available to the public.
6. Apartment House: A building arranged, intended, designed for, or occupied by more than two families.
7. Area of Lot: The area of the "lot" shall be the net area of the lot and shall not include portions of streets or alleys.
8. Basement: A story one-half or more of which is located below the average ground level. A basement will not be included as a story for purposes of height measurements.
9. Block: A piece or parcel of land entirely surrounded by public highways or streets, other than alleys. In cases where the platting is incomplete or disconnected, the Building Official shall determine the outline of the block.
10. Boardinghouse or Lodging house: A building other than a hotel, occupied as a single housekeeping unit, where lodging or means are provided for five or more persons for compensation, pursuant to previous arrangements, but not for the public or transients.
11. Building: Any structure built for the support, shelter and enclosure of person, animals, chattels or moveable property of any kind.
12. Cosmetic Tattoo/ Permanent Makeup: is a cosmetic technique which employs tattoos (permanent pigmentation of the dermis) as a means of producing designs that resemble makeup, such as eyeliner and other permanent enhancing colors to the skin of the face, lips, and eyelids. It is also used to produce artificial eyebrows, and to disguise scars and blemishes to the skin to provide a more natural appearance.
13. Curb level: The mean level of the curb in front of the lot or in case of a corner lot, along that abutting street where the mean curb level is the highest. Where no curb has been established the Building Official shall authorize and approve the establishment of such curb or its equivalent.
14. Depth of Lot: The mean horizontal distance between the front and rear lot lines.

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15. Dwelling: A building arranged, intended, designed for, or occupied by not more than two families.
16. Dwelling, Multiple: A building or portion thereof designed for or occupied as a home of three or more families or households living independently of each other, including apartment houses, tenements and apartment hotels.
17. Family: Any number of individuals living together as a single housekeeping unit as distinguished from a group occupying a boardinghouse, lodging house, hotel, fraternity or sorority houses.
18. Front Yard Depth: The minimum horizontal distance from the front line of the building to the front street line of the lot.
19. Garage, Private: An accessory building or portion thereof in which privately owned motor vehicles are stored by occupants of the premises.
20. Garage, Public: Any building or premises used for the storage, care or repair of motor vehicles, which is operated for commercial purposes.
21. Garage, Storage: Any building or portion thereof, other than a private garage, providing storage for motor vehicles with facilities for washing, but no other services.
22. Height of Buildings: the vertical distance measured from the highest of the following three levels:
  - a) From the street curb level.
  - b) From the established or mean street grade in case the curb has not been constructed.
  - c) From the average finished ground level adjoining the building where it sets back from the street line; to the level of the highest point of the roof beams of flat roofs or roofs inclining not more than one inch to the foot, and to the mean height level of the top of the main plate and highest level of the top of the main plate and highest ridge for other roofs.
23. Height of Court or Yard: The vertical distance from the lowest level of such yard or court to the highest point of any boundary wall.
24. Hotel: a building occupied or used as more or less temporary abiding place for individuals or groups of individuals who are lodged, with or without meals, and in which there are more than twelve sleeping rooms, and no provisions for cooking in individual rooms.
25. Lot: A parcel of land occupied or to be occupied by a building and its accessory buildings, and including such spaces as are required under this ordinance, and having its principal frontage upon a public street or place.
26. Lot, Corner: A lot abutting upon two or more streets as their intersections. A corner lot shall be deemed to front on that street on which it has its least dimension, unless otherwise specified by the Building Official.
27. Lot, Interior: A lot whose side lines do not abut upon any street.
28. Lot, Through: An interior lot having frontage on two streets.
29. Lot Lines: The lines bounding a lot as defined herein.
30. Nonconforming Use, Building or Yard: One that does not, by reason of design or use, conform to the regulation of the district in which it is situated.
31. Place: an open, unoccupied space other than a street or alley permanently established or dedicated as the principal means of access to property abutting thereon.
32. Rear Line: The boundary line which is opposite and most distant from the front street line; except that in the case of uncertainty the Building Official shall determine the rear line.

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33. Rear Yard: An open space, unoccupied (except as herein after provided) between the rear lot line and the rear line of the principal building and the side lot lines.
34. Rear Yard Depth: The minimum horizontal distance from the rear line of the principal building to the rear lot line.
35. Side Yard: Any open space unoccupied (except as hereinafter provided) between the main buildings and the adjacent side line of the lot, and extending through from the front yard to the rear yard.
36. Side Line: Any lot boundary line not a front or rear line on an alley or place, or a side street line.
37. Story: That portion of a building included between the surface of any floor and the surface of the floor next above it, then the space between the surface of such floor and the ceiling next above it.
38. Story, Half: That portion of a building having an average height of not more than eight feet and which covers a floor area of not more than 75% of the area of the floor next below.
39. Street: A public thoroughfare or place which affords principal means of access to property abutting thereon.
40. Structural alterations: Any change in the supporting members of a building, such as bearing walls, columns, beams or girders.
41. Tourist Cabin or Trailer Camps: a tract or parcel of land upon which two or more tourist cabins are located, or where temporary accommodations are provided for two or more automotive trailers tents or house cars, open to the public either or for a fee.
42. Child Day Care Establishment: An establishment where thirteen (13) or more children are left for care or training during the day or a portion thereof less than 24 hours per day. Any outside recreational area shall be fully enclosed from adjacent property with a solid fence minimum height of six (6) feet. List under multi-family. *Added by Ordinance 2227*
43. Mobile Home and/or Modular Sales Establishment: An establishment encompassing a sales office and an area for the display of model units. List under special use. *Added by Ordinance 2227*
44. Travel Center / Truck Stop Center: A business which combines two or more of the following uses:
  - a) Retail motor fuel sales
  - b) Restaurants or cafes
  - c) General retail sales
  - d) Parking for multiple trucks, truck tractors, and or trailers and or road tractors and or trailers.
  - e) Sleeping, bath, and other overnight facilities; and which offers such services in a manner designed to meet the needs not only of passenger car operators, but also the operators of trucks, truck tractors and trailers and or road tractors and trailers. Passenger car, truck tractor and truck road tractor and trailers are used herein shall have the meaning given such term in 541.201 of the Texas Transportation Code. List in Heavy Commercial. *Added by Ordinance 2227. Moved from Heavy Commercial to Light Industrial per Ordinance 2282.*
45. Recreational Community Center: A publicly owned/non-profit organization including but not limited to Boys & Girls Clubs, YMCA, YWCA, and other similar uses. *Added by Ordinance 2062*
46. Bed and Breakfast: *Listed under Special Use, Article 20 by Ordinance 2229*
  - (a) Bed and Breakfast Limited means:
    1. an establishment with seven or fewer rooms for rent;

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2. that serves only breakfast to overnight guests;
  3. the establishment is not a retail food establishment;
  4. and the owner or manager shall successfully complete a Food Manager's certification course accredited by the Texas Health Department.
- (b) Bed and Breakfast Extended means:
1. an establishment with more than seven rooms for rent; or
  2. that produces food service other than breakfast to overnight guests; and
  3. the establishment must meet the specific requirements as outlined in 229.174 of the Texas Department of Health Chapter 229 Subchapter "K" (relating to Bed and Breakfast Limited establishments).
- (c) Bed and Breakfast Food Establishment means:
1. an establishment that provides food service other than to its overnight guests; and
  2. the establishment must meet the rules and regulations applicable to Retail Food establishments.
47. Cargo or shipping containers: sealable shipping containers, designed for intermodal transportation, either with or without a permanent affixed chassis, used in intrastate and international commerce for the shipment of goods and merchandise. *Listed under Special Use, Article 20 Added by Ordinance 2399*
48. Sign Definitions- *Added by Ordinance 2247, Removed by Ordinances 2650 & 2661*
49. Masonry Fence. A fence made of brick, stone, concrete or similar material at a minimum height of six feet (6') that will restrict visibility and constructed for the purpose of dividing residential property from Heavy Commercial (HC) property.
50. Privacy Fence. A fence erected to divide residential property from Light Commercial (LC) property for the purpose of visual isolation, concealment and/or seclusion from things, places, or people, restricting observation by others.
51. HUD -Code Manufactured Home. A structure constructed on or after June 15, 1976, according to the rules of the United States Department of Housing and Urban Development, transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width or forty body feet in length, or, when erected on site, is 320 or more square feet, and which is built on 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. Anything less in length and/or width specified in this paragraph shall not be allowed in a HUD-Code Manufactured Home Park.
52. Mobile Home. A structure that was constructed before June 15, 1976, transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width or forty body feet in length, or, when erected on site, is 320 or more square feet, and which is built on 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. Mobile homes shall not be in a HUD-Code Manufactured Home Park.

*Editor's Note: Definitions for Child Day Care Establishment, Mobile Home and/or Modular Sales Establishment, and Travel Center / Truck Stop Center: **Added by Ordinance 2227**. Definitions for Recreational Community Center: **Added by Ordinance 2062**. Definition for Bed and Breakfast Refers to Texas Department of Health Chapter 229, Subchapter K. Definitions for Sign Regulations Added by Ordinance 2247, Repealed by Ordinance # 2650 and # 2661 April 7<sup>th</sup>, 2015. Definitions for Masonry Fence, Privacy Fence, HUD-Code Manufactured Home, and Mobile Home: **Added by Ordinance 2318**. Definition for Cargo or shipping container: **Added by Ordinance 2399**.*

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**ARTICLE 3. ZONING DISTRICTS ESTABLISHED**

**3.100** THE CITY OF SULPHUR SPRINGS, TEXAS IS HEREBY DIVIDED INTO TWELVE (12) ZONING DISTRICTS. THE USE, HEIGHT AND AREA REGULATIONS AS SET OUT HEREIN ARE UNIFORM IN EACH DISTRICT. THE TWELVE (12) DISTRICTS ESTABLISHED HEREIN SHALL BE KNOWN AS:

Abbreviated Designation	Zoning District Name
AG	Agricultural District
SF-10	Single-Family Dwelling District, 10,000 Sq. Ft. Min.
SF-6	Single-Family Dwelling District 6,000 Sq. Ft. Min.
2F	Two-Family Dwelling District
SF-A	Single-Family Attached Dwelling District
MF	Multiple-Family Dwelling District
PO	Professional Office District
CC	Central Commercial District
LC	Light Commercial District
HC	Heavy Commercial District
LI	Light Industrial District
HI	Heavy Industrial District

**3.200** The boundaries of the aforementioned districts are delineated upon the Zoning District Map, and which map, together with all notations, references and information thereon, is hereby adopted and made a part of this ordinance as though the same were fully copied herein.

**3.300** Original, official, and identical copies of the Zoning District Map are hereby adopted bearing the signature of the Mayor and the attestation of the Planning and Zoning Secretary and shall be filed and maintained as follows:

- a) One copy shall be filed with the Planning and Zoning Secretary and retained as the original record and shall not be changed in any manner.
- b) One copy shall be filed with the Director of Community Development and shall be maintained by posting thereon all changes and subsequent amendments no more than 90 days after their enactment for the use of the City Planning and Zoning Commission.
- c) One copy shall be filed with the Building Official and shall be maintained posting thereon all changes and subsequent amendments no more than 90 days after their enactment for observation in issuing building permits and certificates of occupancy.
- d) Such other sectional maps for interpretation purposes as should be approved by resolution by the City Council.
- e) Reproductions for information purposes may, from time to time, be made of the official Zoning District Map.

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**3.400** The district boundary lines shown on the zoning district map are usually along streets, alleys property lines or extensions thereof. Where uncertainty exists as to the boundaries of districts as shown on the official zoning map, the following rules shall apply:

**3.401** Boundaries indicated as approximately following the centerlines of rights-of-ways lines of streets or alleys shall be construed to follow such centerlines or right-of-way lines.

**3.402** Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines so as to eliminate a zoning division on any platted lot.

**3.403** Boundaries indicated as approximately following the city limits shall be construed as following the city limits.

**3.404** Boundaries indicated as following the centerlines of streams or rivers or the shoreline of lakes or ponds shall be construed as following such centerlines or shorelines as the case may be.

**3.405** Boundaries indicated as parallel to or extensions of features indicated above or as delineated in whatever manner shall be so construed. Distances not specifically indicated on the zoning District Map shall be determined by the scale of the map.

**3.406** Whenever any street, alley, or any other public way is vacated by official action of the City Council, or whenever such area is franchised for building purposes; the zoning district line adjoining each side of such street, alley, or other public way shall be automatically extended to the centerline of such vacated street, alley or way and all area so involved shall then and henceforth be subject to all regulations of extended districts.

**3.407** Where physical features of the ground are at variance with information shown on the official Zoning district map or when there arises a question as to how or whether a parcel of property is zoned and such question cannot be resolved by the application of Subsection 3.401 through 3.406 above, the property shall be considered as classified in the "AG", Agricultural District, temporarily in the same manner as provided for newly annexed territory, and the issuance of a Building Permit and the determination of permanent zoning shall be in accordance with the provisions provided in Section 3.500 for temporarily zoned areas.

**3.500** All territory hereinafter annexed to the City of Sulphur Springs shall be temporarily classified as "AG" Agricultural District, until permanent zoning is established by the City Council of the City of Sulphur Springs. The Planning and Zoning Commission shall study any property, with regard to current or proposed use when considering annexation of land into the city limits. The procedure for establishing permanent zoning on annexed territory shall conform to the procedure established by law for the adoption of original zoning regulations.

**3.501** In an area being considered for annexation, the City Council and Planning and Zoning Commission may hold public hearings on annexation and permanent zoning simultaneously, and the City Council may approve the permanent zoning of a newly annexed area at the time of final action or annexation.

**3.502** In an area temporarily classified as "AG" Agricultural District:

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- a) No person shall erect, construct, or proceed or continue with the erection or construction of any building or structure or cause the same to be done in any newly annexed territory to the City of Sulphur springs without first applying for and obtaining a Building Permit or Certificate of Occupancy from the Building Official.
- b) No permit for construction of a building or use of land shall be issued by the Building Official other than a permit which will allow the construction of a building permitted in the "AG" Agricultural district, unless and until such territory has been classified in a zoning district other than the "AG" Agricultural District, by the City Council in the manner prescribed by law.
- c) No parcel of land under single ownership or other legal form of ownership may be divided, traversed, bisected or sectioned by one or more zoning district boundaries. All parcels of land within the city shall reside in a single zoning district. Conflicts, where found, may be the subject of rezoning to permit corrections to the Zoning District Map.

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### ARTICLE 4. RESTRICTIONS (SIGN REGULATIONS)

**4.100** Other than as herein after provided, no building nor structure shall be erected, nor structurally altered, nor shall any building, structure, or land be used for any purposes other than that permitted in the district in which the same is located.

#### **4.101 Sign Regulation** (*Ordinance, #2650 April 7<sup>th</sup>. 2015*)

**a. Purpose and intent.**

Regulation of the location, size, placement and certain features of signs is necessary to enable the public to locate goods, services and facilities in the corporate limits of the city, to encourage the general attractiveness of the community and to protect property values therein. Accordingly, it is the intention of this chapter to establish regulations governing the display of signs and in part to achieve the following:

- (1) *Safety.* To promote the safety of persons and property by providing that signs:
  - a. Promote and protect the public health, safety, comfort, morals and convenience;
  - b. Do not obstruct firefighting or police surveillance; and
  - c. Do not overload the public's capacity to receive information or increase the probability of traffic congestion and accidents by distracting attention or obstructing vision.
- (2) *Communications Efficiency.* To enhance the economy and the business and industry of the city by promoting the reasonable, orderly and effective display of signs and thereby encourage increased communication with the public, so that:
  - a. Businesses and services may identify themselves;
  - b. Customers and other persons may locate a business or service;
  - c. Signs are compatible with their surroundings, are appropriate to the type of activity to which they pertain, and are expressive of the identity of proprietors and other persons displaying signs; and
  - d. Persons exposed to signs are not overwhelmed by the number of messages presented and are able to exercise freedom of choice to observe or ignore said messages, according to the observer's purpose.
- (3) *Environment quality and preservation.* To protect the public welfare and to enhance the appearance and economic value of the landscape by providing that signs:
  - a. Do not interfere with scenic views, and protect and preserve the unique and natural beauty and historic values of the city;
  - b. Do not create a nuisance to persons using the public rights-of-way;
  - c. Do not create a nuisance to the occupancy of adjacent and contiguous property by their brightness, size, height or movement; and
  - d. Are not detrimental to land or property values.

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**b. Administration.**

The provisions of this chapter shall be administered and enforced by the Sulphur Springs Director of Community Development (DCD) or designee.

**c. Permit; penalty for violation of chapter.**

- (1) *Required.* It shall be unlawful for any person to erect, conduct major repair of or relocate any sign within the city without first obtaining a permit to do so from the Director of Community Development or designated representative. Minor repair, however, is allowed without a permit, as defined herein.
- (2) *Application.* Application for a permit required by this chapter shall be made upon forms provided by the Director of Community Development.
- (3) *Refusal of permit for failure to pay costs.* The Director of Community Development may refuse to issue a permit under this chapter to any person who has refused or failed to pay any costs relating to signs.
- (4) *Approval of permit by electrical inspector.* The application for a permit for the erection of a sign in which electrical wiring and connections are to be used shall first be approved by the electrical inspector prior to submission of the application to the Director of Community Development for final approval.
- (5) *Permit fee schedule.* All attached, detached and nonpremises signs, except those exempted from the provisions of this chapter, shall be charged a permit fee calculated from the sign valuation based on the fee schedule established annually by the City Council of the City of Sulphur Springs, Texas .
- (6) *Issuance.* It shall be the duty of the Director of Community Development, upon the filing of an application for a permit under this chapter, to examine the plans and specifications and other data and the premises upon which the sign is proposed to be erected; and, if it shall appear that the proposed sign is in compliance with all the requirements of this chapter, the building code and all other laws and ordinances of the city, the permit shall then be issued.
- (7) *Time limit for completion of work.* If the work authorized by a permit issued under the provisions of this chapter has not been completed within 90 days after the date of issuance of the certificate of occupancy or the issuance of a sign permit, whichever is later, the permit shall become null and void.
- (8) ***Revocation. All rights and privileges acquired under the provisions of this chapter or any amendment hereto are mere licenses, revocable at any time by the city council, and all permits issued hereunder shall contain this provision.***
- (9) *Penalty.* Any person, firm, corporation, association, or other entity who shall violate any of the provisions of this chapter or cause or permit the same to be done in violation of this chapter shall be guilty of a class C misdemeanor and, upon

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conviction, shall be subject to a fine not to exceed the maximum permissible fine allowed by state law. It shall be presumed that a person, firm, corporation, association, or other entity is responsible for the violation if the person, firm, corporation, association, or other entity is:

- (a) The permit holder for the sign, or
- (b) The owner, operator, agent, or manager of an entity or business that, or a person who, is promoted by the sign or listed on the sign as responsible for the sign.

This presumption may be rebutted if the named violator provides the full name, date of birth, physical and mailing address, and telephone number or numbers for the person, firm, corporation, association, or other entity responsible for the violation.

### d. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Automobile dealership franchise* means franchises that are granted specifically by a motor vehicle manufacturer to an authorized dealer for sales only of a specific make of motor vehicle such as Ford or Chevrolet, and shall include, for purposes of this ordinance, dealers of motorcycles, all-terrain vehicles, tractors, farm equipment, construction equipment and implements.

*Building* means a structure that has a roof supported by columns, walls or air for the shelter, support or enclosure of persons, animals or chattel.

*Facade* means any separate face of a building, including parapet walls and omitted wall lines, or any part of a building which encloses or covers usable space. Where separate faces are oriented in the same direction or in directions within 45 degrees of one another, they are to be considered as a part of a single facade.

*Feather flag* means a wind device that contains a harpoon-style pole or staff driven into the ground for support.

*Frontage* or *property frontage* means the entire length of the boundary line of any one tract of real property adjacent to a public right-of-way, measured parallel to the right-of-way line in a horizontal manner.

*Grand opening* means a commemoration that promotes the opening of a new business. A grand opening shall be limited to one occurrence to be held within 90 days of the issuance of a certificate of occupancy from the building official and shall not exceed 15 consecutive days in length.

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*Nameplate sign* means any sign showing only the name and address of the owner or occupant of the premises on which it is erected.

*Premises* means a lot or unplatted tract that is recorded in the city.

*Repair, major*, means any repair, other than minor repair as defined below, of an existing sign, which through an act of God or other event has become damaged in excess of 60 percent of its replacement cost. Such repair work will require a permit and shall meet all provisions of this chapter. Verification of the percentage of damage will be supplied by the applicant to the permit office, and such verification shall be: two estimates from two different reputable sign companies, stating the total value of the sign and the total value of all costs to repair the sign to its original state. If the applicant agrees that the repair exceeds 60 percent of replacement cost, then the said estimates shall not be required.

*Repair, minor*, is limited to painting, replacement of defective parts, cleaning or other similar minor maintenance to a sign, which will keep said sign at an acceptable level and which does not change the total area of the sign, and which repair is less than 60 percent of the replacement cost of the sign.

*Sign* means and includes any writing, letter, word, numeral, pictorial representation, emblem, symbol, trademark, object, design or other identification that is designed or intended to identify, advertise, announce or inform. The term "sign" shall not include:

- (1) Works of art that in no way identify a product or business and that are not displayed in conjunction with a numerical for-profit enterprise;
- (2) Temporary decorations or displays directly incidental to and customary and commonly associated with national, local or religious holiday celebrations;  
or
- (3) Traffic and other official signs and devices of any public or governmental agency.

*Sign, abandoned*, means a sign that depicts or refers to a product, business, service, activity, condition or person, which has changed in such a manner that the sign no longer correctly identifies or describes him/it, or which no longer exists at the location referred to in the sign, or which no longer exists in any way or at any place.

*Sign, advertisement/identification flag*, means and includes flags or insignia that bear identification other than defined in "Sign, government flag."

*Sign, attached*, means any sign attached to, applied on or supported by any part of a building (such as a wall, roof, window, canopy, awning, arcade or marquee) that encloses or covers usable space and does not extend more than 12 inches from the building facade.

*Sign, billboard and/or nonpremises*, means a permanent structure sign erected for the purpose of the display of commercial or non-commercial messages which are not

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related to the products or services sold, manufactured or distributed on the premises on which the sign is located.

Sign, changeable or variable message sign (CVMS), by either mechanical methods or which emits light, which may be flashing or pulsating, to be turned on or off intermittently or which is operated in a way whereby light is turned on or off intermittently, including any illuminated sign on which such illumination is not kept stationary or constant in intensity and color at all time when such sign is in use, including an LED (light emitting diode) or digital sign, which may or may not vary in intensity or color.

*Sign, detached*, means any sign permanently placed on or anchored to the ground and structurally independent of any building or other structure.

*Sign, detached ground*, means a sign having a low profile, either made of or contained within stone, concrete, metal, wood, brick or similar material, which does not exceed six feet in height from the adjacent ground level.

*Sign, detached pole, or pole sign*, means any sign supported by one or two freestanding poles and having no guys or braces to the ground or to any structure.

*Sign, directory kiosk*, means a sign within a multi-tenant shopping center, office park or medical center that lists and provides direction to individual tenants within the development or commercial use.

*Sign, effective sign area measurement*, means the area enclosed by drawing one or more rectangles of horizontal and vertical lines that fully contain all extremities of the sign drawn to scale, exclusive of its supports. The measurement is to be calculated from the viewpoint that gives the largest rectangle of that kind as the viewpoint is rotated horizontally around the sign.

*Sign, government flag*, means flags or insignia of governments or fraternal, religious, civic or educational organizations and institutions.

*Sign, hanging*, means a sign that is attached beneath an awning of canopy of a building.

*Sign, human*, means a sign held by or attached to a human being who stands or walks on the premises or on adjacent right-of-way at a business location. A human sign includes a person dressed in costume, both for the purposes of advertising and/or otherwise drawing attention to an individual, business, commodity, service, activity or product.

*Sign, inflatable*, means a sign manufactured of plastic, cloth, canvas or other flexible or light fabric, inflated with air, secured to the ground, and does not exceed 30 feet in height. Inflatable signs are only permitted as part of a grand opening signage display.

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*Sign, mobile billboard*, means an operable vehicle with illuminated or non-illuminated panels, other devices or appendages whose primary purpose is to advertise, promote or draw attention to products, services, events or other similar purpose. A vehicle is operable for purposes of this ordinance if it is mechanically functioning as designed and manufactured and has all required registration or inspections.

*Sign, nonpremises temporary directional*, means a temporary sign, generally with a plastic, metal or cardboard back and a wooden or steel stake, used to promote the sale of property, lots or homes within a subdivision.

*Sign, on-site movement control*, means a sign that directs vehicular or pedestrian movement within or onto the premises on which the movement control sign is located.

*Sign, portable and/or display*, means a sign that is not permanently attached to the ground or building or designed to be permanently attached to the ground or building. Portable signs include signs on wheels or on portable or mobile structures, such as, among other things, trailers, skids, banners, tents or other portable structures, A-frame signs, T-shaped signs, airborne devices, or other devices used for temporary display or advertising.

*Sign, premises*, means any sign the content of which relates to the premises on which it is located, referring exclusively to the name, location, products, persons, accommodations, service or activities on those premises, or the sale, lease or construction of those premises.

*Sign, projecting*, means a sign attached to a building or extending, in whole or in part, 12 inches or more perpendicular to the surface of the building to which the sign is attached.

*Sign, protective*, means any sign that is commonly associated with safeguarding the permitted uses of the occupancy.

*Sign, roof*, means any sign erected upon, against or directly above a roof, or on top of or above the parapet of the building.

*Sign, special purpose*, means a sign temporarily supplementing the permanent signs on the premises.

*Sign support*, means any pole, post, strut, cable, or other structural fixture or framework necessary to hold and secure a sign, providing that said support is not used as a sign.

*Sign, temporary directional*, means a non-premises sign that is temporarily placed to direct potential customers to a place of business and shall include signs placed by homebuilders directing potential customers to a residential development.

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*Sign, temporary religious*, means a temporary sign used to provide the name of and direction to a location occupied by a religious organization or religious group that temporarily operates in a school or other facility. A temporary religious sign identifies the meeting location/address, website information, hours of service, and/or telephone number of a religious organization or group.

*Sign, vehicular*, means a sign that identifies a vehicle used for a particular business; however, not when the primary use of the vehicle is that of a sign.

*Sign, wind-driven*, means any sign consisting of one or a series of two or more banners, flags, pennants, ribbons, spinners, streamers, captive balloons, or other objects or material fastened in such a manner as to move upon being subjected to pressure by wind or breeze.

*Zoning district, agriculture*, means any zoning district designated by the comprehensive zoning ordinance of the city as an agricultural district.

*Zoning district, business*, means any zoning district designated by the comprehensive zoning ordinance of the city as a commercial and/or industrial district (PO, CCD, LC, HC, LI or HI), or any other business districts that should replace these or be added to them in the future.

*Zoning district, nonbusiness*, means any zoning district not designated as a business district in accordance with the definition of "Zoning district, business" (i.e., residential districts R1, R2, MF), or any nonbusiness district that should replace these or be added to them in the future.

### e. **Prohibited signage.**

The following signs are specifically prohibited, except as otherwise prescribed within this chapter:

- (1) *Certain illuminated signs*. No sign shall be illuminated to an intensity that causes glare or brightness to a degree that could constitute a hazard or nuisance. Moving, flashing, intermittently lighted, color changing, beacons, revolving or similarly constructed signs shall not be allowed.
- (2) *Signs containing obscene matter*. Signs containing statements, words or pictures of an obscene character.
- (3) *Signs interfering with traffic*. Signs that imitate an official traffic sign or signal, or which contain the words "stop," "go slow," "caution," "danger," "warning" or similar words used on official traffic signs or signals. Signs which are of a size, location, movement, content, coloring or manner of illumination which may be confused with or construed as a traffic control

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- device or which hide from view any traffic or street sign or signal, or which obstruct the view in any direction at a street or road intersection.
- (4) *Portable and/or display signs.* Portable and/or display signs, except as specifically authorized in this Code.
  - (5) *Painting, marking streets, sidewalks, buildings, utility poles, trees.* No person shall attach any sign, paper or other material to, or paint, stencil or write any name or number (except house numbers) on, or otherwise mark on any sidewalk, curb, gutter, street utility pole, tree, public building or structure unless authorized by this chapter.
  - (6) *Signs in, on or over public right-of-way, railroad right-of-way, public easements or designated fire lanes.* No person shall place, erect or allow to be placed or erected any sign in, on or over public rights-of-way and easements, railroad right-of-way or designated fire lanes. Detached signs shall maintain a setback as described in section 401-g(2)(a). (Editor's Note: reference 4.102(b))
  - (7) *Signs on fences, railings, etc.* No person shall paint a sign or attach a sign, other than a nameplate, to the outside of a fence or railing.
  - (8) *Searchlights.* Searchlights are prohibited, unless specially permitted through the Director of Community Development. An application for such permit shall be submitted to the Director of Community Development and shall indicate the number of searchlights, time of use, intended purpose, and location.
  - (9) *Roof signs.* Signs that are erected upon or applied to any roof are prohibited. A mansard-style roof shall be considered as part of the building facade and not the roof for the purpose of attached sign location. The term "sign" herein shall not apply to a religious symbol, unaccompanied by lettering, when applied to the cornice, tower or spire of a place of worship.
  - (10) *Wind driven signs.* Wind driven signs are prohibited in all zones except as permitted as part of a grand opening event as described in section 401-g(7). (Editor's note: reference 4.102f)
  - (11) *Handbills.* It shall be unlawful for any person to scatter, distribute, throw or attach handbills, circulars, cards, tear sheets, or any other advertising device of any description along or upon any street, sidewalk, or vehicle in the city.
  - (12) *Banners or pennants.* Banners or pennants, other than those described in section 401-g(3)(h)2 and 3(Editor's Note: reference 4.102e), are prohibited; provided, however, that banners and pennants may be permitted as part of a grand opening event as described in section 401-g (7) (Editor's Note: reference 4.102f).
  - (13) *Inflatable signs.* Inflatable signs are prohibited in all zones except as permitted as part of a grand opening event as described in section 401-g (7) (Editor's Note: reference 4.102f).
  - (14) *Temporary directional signs (off-premises).*

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- (15) *Signs* mounted on or painted on stationary or inoperable trailers, trucks, vans or vehicles of any character which are parked in the same location for more than any eight (8) hour period.

### **f. All zoning districts.**

The contents of this chapter are applicable to the corporate limits of the city only. The following general provisions apply to signs in all zoning districts:

- (1) Detached signs shall be engineered to withstand a wind load of 30 pounds per square foot.
- (2) Abandoned signs shall be removed within 30 days after such business ceases.
- (3) All illuminated signs shall bear the Underwriters' Laboratories, Inc., label or be built in conformance with the city's electrical code requirements, as may be amended. Additionally, illuminated signs shall comply with the following provisions:
  - a. Any light used for the illumination of a sign shall be shielded so that the beams or rays of light shine directly onto the sign and not into surrounding areas.
  - b. Neither the direct nor the reflected light from any light source shall create a traffic hazard or distraction to operators of motor vehicles on public thoroughfares.
  - c. External illumination is allowed on the following signs:
    1. Signs in the CCD;
    2. Detached signs on tracts 25 acres or greater in industrial zoning districts;
    3. Ground signs in business districts; and
    4. Institutional signs and apartment signs.
- (4) Any person having an interest in the sign for whom a permit is issued under this chapter shall maintain all parts and supports of the sign covered by such permit in good condition to prevent deterioration, oxidation, rust and other unsightly conditions.
- (5) *Items of information.* An item of information is defined as a symbol, a word, a logo, an initial, an abbreviation or a group of numbers. The amount of information that any attached or detached sign can contain shall be based on the following criteria:
  - a. No sign shall display more than ten items of information.
  - b. Lettering three inches in height or less is not included when determining an item of information.

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- c. Letters less than 19 inches high which are carved into the fabric of a building or decorative screening walls or attached securely to the wall are not counted as items of information; provided that they are not specially illuminated and are not constructed of a shiny material, or their color does not contrast sharply with that of the building surface, and they do not exceed two inches in thickness.
- (6) *Changeable or variable message signs.* A changeable copy or electronically activated sign shall be permitted subject to the applicable provisions within the zoning district in which the sign is located as well as the following:
- a. The size of a sign shall not exceed 50 square feet.
  - b. A sign shall display static images for a period of at least eight seconds.
  - c. Variable message signs shall not be animated, flash, travel, blink, fade, or scroll. Variable message signs shall transition instantaneously to another static image.
  - d. In all zoning districts, signs shall come equipped with automatic dimming technology, which automatically adjusts the sign's brightness based on ambient light. A sign existing prior to the adoption of this ordinance shall only be required to include automatic dimming technology upon any upgrade or retrofit of the existing sign.
  - e. A sign shall not exceed a brightness level of 0.3 footcandles above ambient light as measured by the guidelines below:
    - 1. At least 30 minutes past sunset, use a footcandle meter to record the ambient light reading for the area. This reading is performed while the digital sign is off or displaying all black copy.
    - 2. Take a reading using footcandle meter at five feet above grade and 45 feet from the sign.
    - 3. The meter shall be aimed directly at the digital sign.
    - 4. Turn the sign on and illuminate entirely in white or red.
    - 5. Take a reading using a meter at five feet above grade and 45 feet from the sign.
    - 6. The meter shall be aimed directly at the digital sign.
    - 7. If the difference between the two readings taken above is 0.3 footcandles or lower, then the sign is in compliance. If the result is greater than 0.3 footcandles, the sign is out of compliance and must be adjusted to meet standards or turned off until compliance can be met.
    - 8. All measurements shall be taken in foot candles.

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- f. *Exception.* Temporary signs required by government agencies for road and street repairs, public notifications, traffic control, and similar activities.
- (7) The Director of Community Development or designee shall inspect annually, or at such other times as deemed necessary, each sign regulated by this chapter for the purpose of ascertaining whether the same is secure or insecure, whether it still serves a useful purpose, and whether it is in need of removal or repair.

### **4.102 Regulation of On Premise Signs.**

#### **a. On-premises attached signs.**

- (1) *Sign allowance.* The total area per face of a sign shall not exceed 2 square feet of face area for each linear foot of building fascia length. Allowances for individual occupancies within a multiuse building shall be calculated on leased or occupied fascia length. If the lot on which the building is located has multiple right-of-way frontages, each street frontage shall be counted for purposes of determining attached sign allowance. Said signage is to be applied (distributed) on the sides of the building where facing directly adjacent to the public right-of-way. Alternate signage is allowed on sides of the building not adjacent to the public right-of-way not to exceed one-third of the allowance or 30 square feet, whichever is less.
- (2) *Sign location.* Attached signs may be located on a building wall; but, if any part of the sign projects above the ceiling line of the first floor, then no window or part of a window shall be situated within or blocked by the flat wall sign. No such sign shall extend above the roofline of the building or more than 12 inches from the building wall. Where such signs are located on mansard-style roofs, and the building fascia is not vertical, the bottom of such sign shall not project more than 12 inches from said roof and the sign can be oriented in a vertical manner. The staff shall promulgate such graphic to illustrate sign location and orientation.
- (3) *Sign and letter/logo height in relation to building height.*
  - a. For multistory structures, attached signage as described in subsection (b)(1) of this section is allowed between the ground levels to a height of 24 feet.

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- b. For multistory structures that are four stories in height or more, the following standards shall apply to letter/logo height in relation to building height:

- 1. Maximum height is as follows:

Height of sign, 4 stories or greater	Maximum letter/logo height
4 stories	36 inches
5 to 10 stories	48 inches

- 2. Additionally, the above table represents the maximum letter and/or logo height in each sign height category. When a sign is totally composed of individually mounted letters, either one letter or one logo may be 25 percent taller than the maximum letter/logo height.

- 3. Such signage shall be located between the floor level of the top floor and the top of the fascia wall.

- (4) *Projecting signs.* Projecting signs may project a maximum of five feet from the façade of the building and may extend into right-of-way or above a pedestrian walkway or sidewalk as long as the sign is a minimum five feet back from the back of curb. When projecting over a public or private sidewalk, a projecting sign shall have a minimum ground clearance of eight and one-half feet. Projecting signs shall be no more than 15 square feet in size.

b. **On-premises detached ground or pole signs.**

- (1) Except for signs located within a distance of 50 feet from the right-of-way lines of the linear segments of streets listed in this subsection and situated so as to be viewed from such streets, on-premises, detached advertisement and identification signs shall be restricted to ground signs only. Pole signs shall be allowed only along the following linear segments of streets (reference Table 1 - Pole Signs):

Gilmer St./South Broadway/State Highway 154 south of the intersection with Oak Street.

U.S. Interstate Highway 30/ Shannon Road/ Industrial Drive

Texas Highway 19 south of the intersection with Airline Road

Texas Loop 301 south of the intersection with Raintree Circle

Highway 11/Posey Lane/Wildcat Way

- a. Pole sign regulations. Where allowed, pole signs shall conform to the following restrictions and limitations (reference Table 1 - Pole Signs):

*Table 1 - Pole signs*

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	0-foot to 70-foot ROW width (feet)			71-foot to 99-foot ROW width (feet)			100-foot to 250-foot ROW width (feet)		Freeway width (feet)
Minimum width of lot frontage	50	100	150	50	80	100	100	200	125
Maximum square footage per side	20	30	40	50	60	70	80	100	150
Setback from street ROW line or any property line	5	5	10	10	10	15	15	15	15
Maximum height	*	8	10	20	20	20	24	24	40

\*Pole sign not allowed. See regulations for ground signs which follow.

- b. *Ground sign regulations.* Ground signs shall conform to the following restrictions and limitations (Table 2 - Ground Signs):

*Table 2 - Ground Signs*

	0-foot to 70-foot ROW (feet)			71-foot to 99-foot ROW <u>width</u> (feet)			100-foot to 250-foot ROW <u>width</u> (feet)		Freeway <u>width</u> (feet)
Minimum width of lot frontage	50	100	150	50	80	100	100	200	125
Maximum square footage per side	20	30	40	50	60	70	80	100	150
Setback from street ROW line	3.5	3.5	3.5	3.5	3.5	3.5	3.5	3.5	3.5

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Setback from any property line other than ROW	5	5	10	10	10	15	15	15	15
Maximum height	3.5	6	6	6	6	6	6	6	10

- c. *Multiuse signs.* A multiuse sign that identifies a coordinated development site of more than one use, such as a shopping center, office center, or industrial park, may have a sign area not larger than 1.5 times the area allowed for a single-use sign on the site, or a maximum of 200 square feet, whichever is less. A multiuse sign may contain a directory or listing of the occupants within a center or multiuse development. If a directory is utilized, the remainder of the sign area shall contain only the identification of the entire center or entire development. If a multiuse sign area exceeds that allowed for a single use, no detached ground or pole sign is allowed for any single use within the center or development, or for any use listed in a directory on such sign.
- (2) When determining requirements for allowable detached ground or pole signs under the above table, first determine the right-of-way width adjacent to the subject lot, then determine the lot frontage. Next, determine the maximum square footage per side, setback from adjacent rights-of-way and the maximum height by reading vertically below the applicable lot frontage. To calculate the height of a sign, measurement shall be made from the top of the curb adjacent of the street upon which a sign faces or from the natural ground level, if above curb level, to the top of the sign. Construction of a berm or earthen mound for the purpose of increasing height of signage is prohibited. For the purpose of calculating the distance from a street right-of-way line where the existing street right-of-way width is less than that required in the thoroughfare plan and subdivision ordinance, such distance shall be measured from the line of such right-of-way as required by such plan or ordinance (adding equal amounts to each side of the existing right-of-way) rather than from the existing right-of-way line.
- (3) No such pole sign, where permitted, shall be erected within 20 feet of the street intersection, unless the bottom of the sign exceeds 42 inches in height above ground level, and the sign is set back from the right-of-way as stated in the table above.

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- (4) If the lot on which a building or buildings are located has multiple right-of-way frontages and is three acres or greater, two detached ground or pole signs are permitted (one per frontage) based on sign allowances in subsection (a)(1) & (2) (Editors Note: reference (b)(1)&(2)) of this section. If such a building or buildings are located on a lot less than three acres, two detached ground or pole signs are permitted with a maximum of 60 square feet per side per sign and a maximum height of 20 feet. On lots located at the intersection of a major thoroughfare and a freeway, two detached ground or pole signs are permitted, the size to be based on subsection (a)(1) & (2) (Editors Note: reference (b)(1)&(2)) of this section. All detached signs shall have a minimum of 20 feet of separation from the largest permitted sign.
- (5) If two of the allowable detached signs are combined into one detached sign, then the signage may exceed by 50 percent the total allowable signage of the largest permitted sign up to a maximum of 200 square feet per side.
- (6) When electrical service is provided to detached signs, all such electrical service shall be underground.
- (7) All detached ground signs shall be framed, and finish materials used on the sign frame shall match or be complimentary to exterior finishing materials of the primary structure on the site.
- (8) Automobile dealership signs.
  - a. *Number per lot.*
    1. *Primary detached signs.* There shall not be more than one primary sign for each franchise up to a maximum of three primary signs per dealership. All primary detached signs shall conform to provisions within this section.
    2. *Secondary detached signs.* Secondary signs shall be permitted only if used for pre-owned automobiles and limited to one per dealership. Secondary signs shall be limited to one-half of the area of the primary detached sign and a maximum of 24 feet in height.
    3. *Minimum separation.* All signs shall be separated by a minimum distance of 100 feet.
  - b. *Banners and pennants.* Banners and pennants are allowed on light standards and poles, as long as signage does not exceed 20 square feet per pole or sign and is not strung or affixed in any manner other than from brackets on single poles.
  - c. *Streamers.* Streamers are allowed if affixed securely to light standards or poles located on the automobile dealership property.

### c. Development identification signs.

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- (1) Project information or identification detached ground signs are permitted at the entrances of major offices or industrial park developments located on more than one lot and bisected by one or more publicly dedicated streets. They shall be allowed under the following size restrictions:

Size	Maximum size (square feet)	Maximum height (feet)
Under 10 acres	36	6
10 acres and above	64	8

- (2) Signs may be located at each corner of the intersection of an entrance street.

**d. Real estate signs.**

- (1) *Generally.* One real estate sign, not exceeding 32 square feet in sign area and 12 feet in height, shall be permitted on tracts of 50 acres or less, and not exceeding 96 square feet in area and 16 feet in height for tracts of land over 50 acres. On tracts of 50 acres or greater with 1,000 feet of frontage adjacent to the public right-of-way, a sign not to exceed 200 square feet per side and 16 feet in height shall be permitted. The sign shall be removed no later than 30 days after the closing of the real estate conveyance. For setback requirements, refer to subsection (a)(1)&(2) (Editors Note: reference (b)(1)&(2)) of this section. Such signs shall not require a permit if they measure 32 square feet or less.
- (2) *Construction sites.* On building construction sites, one sign shall be permitted for all participating building contractors and subcontractors, one for all participating professional firms, one for all participating lending institutions and one for each property owner on the construction site, subject to a maximum of three signs for each construction site, each such sign to be 32 square feet in sign area or less, and that such signs must be removed prior to the issuance of a certificate of occupancy for said building.

**e. Temporary promotional banners, posters, and pennants.**

Temporary promotional signs, including, but not limited to, banners, posters and pennants, containing, but not limited to, the following verbiage: "Now Hiring," "Applications Here," "We Finance," "Open 24 Hours," "Sale," or "Price Special," shall be permitted, subject to the following guidelines:

- (1) *Food-service businesses.* For businesses whose primary purpose is the sale of food for immediate consumption, such signage shall be considered as part of the overall sign allowance and shall not be limited as to time of display; and the means of attachment shall not be visible from the public right-of-way at times when the temporary promotional banners, posters and pennants are not displayed.
- a. *New business.* For a new business, such signage shall not exceed 25 square feet and shall be included as part of the total allowable

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attached or detached signage. Such signage shall have a permanently affixed location, which is integrated and compatibly designed as a component of the building, canopy, fascia wall or detached sign. The fee for such signage shall be included as part of the original sign package, and no subsequent fees will apply if included as part of the permanent signage.

b. *Existing businesses.* For businesses that are existing at the time of the effective date of the ordinance from which this chapter is derived, such signage shall be permitted at a permanently designated location on the building, canopy or fascia wall and shall not exceed 25 square feet. There shall be a permit obtained for the manner of designation and affixing of temporary banners and a one-time permit fee as determined from time to time by city council shall be charged for each such location designation.

(2) *Non-food-service businesses.* For businesses other than food service, such signage shall be permitted four times per year, maximum 50 square feet for a maximum of a 30-day period. A permit fee as determined from time to time by city council shall be applicable per 30-day period, unless all four periods are scheduled in advance; then a permit fee as determined from time to time by city council will be applicable covering all four such periods. The means of attachment shall not be visible from the public right-of-way at times when the temporary promotional banners, posters and pennants are not displayed.

(3) *Signs in interior of windows.* For new and/or existing businesses that are food or non-food-service establishments, such signage is permitted in the interior of windows without a permit; provided that not more than 40 percent of the transparent area is occupied at one time.

**f. Grand opening signage.**

A permit for grand opening signage is allowed one time only for each new business. A change of ownership of less than 75 percent of the owners does not qualify as a new business. A permit for grand opening signage may include banners, balloons, pennants, feather flags and wind driven signs. Grand opening permits may only be issued within 90 days of the issuance of a certificate of occupancy and shall be limited to fifteen days. The fee for grand opening signage shall be as set forth in the fee schedule established annually by the city council.

(1) *Securing signs.* Banners, balloons, pennants and wind driven signs shall be securely tethered, fastened or affixed to the ground or structure.

(2) *Number of signs.* Feather flags used for a grand opening event shall be limited to two flags per site.

**g. Apartment signs.**

All apartment complex signs located in business zoning districts shall conform to the provisions as defined in section 4.101-f(5) generally.

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### **h. Temporary directional signs during street construction.**

During periods where City, TxDOT or county road construction alters drive approaches or entrances into commercial property, temporary signs may be permitted to alert the public of entrance locations. Such signs, if permitted, shall conform to the following standards:

- (1) Signs shall be limited to a total of 16 square feet in area and may not be more than six feet in height.
- (2) Only one sign is permitted per drive approach. Signs shall be attached to a temporary post and must be located on private property. Sign placement shall not block the line of sight for traffic and the sign shall be maintained by the property owner.
- (3) Signs shall consist of single color lettering on a single color background and verbiage is limited to directional information such as "Business Open Enter Here" or similar language, but cannot advertise the business name or logo.
- (4) An application for a directional sign, including a map showing the proposed location of the sign, must be completed by the property owner prior to sign placement. The city maintains the right to remove the sign without notice in the event there is a violation of any of the above-listed requirements.

### **i. Nonbusiness zoning districts.**

The following signs are permitted in nonbusiness zoning districts unless specifically stated within:

- (1) *Nameplates.* A nameplate affixed permanently to the structure, not exceeding two square feet in area, containing only the name of the resident, the title of the person conducting a permitted home occupation, the name of the building and the sign of the agent.
- (2) *Institutional signs.* An institutional sign, not exceeding 36 square feet per face, and eight feet in height, erected upon the premises of a church or other public or semipublic institution, for the purpose of displaying the name of the institution, and its activities or services. Such sign shall require a permit and may be illuminated according to the provisions contained within section 4.101-f(3).
- (3) *Real estate signs.* A real estate sign, non-illuminated, advertising the sale or development of a subdivision containing an area of not less than seven lots erected upon the property developed and advertised for sale; provided such sign is not in excess of 32 square feet in size, and eight feet in height, and not more than one such sign is placed per street frontage. Such signs shall be removed when the property is sold.
- (4) *Contractor's signs.* A contractor's sign, non-illuminated, advertising the development or improvement of a property by a builder, contractor or other person furnishing service, materials or labor to said premises during the

## ZONING ORDINANCE #2050

period of construction; provided any such sign is not in excess of 32 square feet in size and eight feet in height; and such sign shall be removed prior to the issuance of a certificate of occupancy for said property.

- (5) *Apartment signs.* One identification sign per multifamily development; provided such sign does not exceed 25 square feet in area at the primary entrance; and one sign per secondary entrance is not to exceed 16 square feet. Such sign shall require a permit and may be illuminated according to the provisions contained within section 4.101-f (3).
- (6) *Bed-and-breakfast.* One attached sign shall be permitted on the premises. Such sign shall not exceed four square feet in area and shall not include the word "hotel" or "motel."
- (7) *Development identification signs.* Project information or identification detached ground signs are permitted at the entrance of residential subdivisions that are bisected by one or more publicly dedicated streets. The maximum size shall be 32 square feet per sign with a maximum height of six feet. Signs may be located at each corner of the intersection of an entrance street.

**j. CCD – Downtown Sulphur Springs Central Commercial District.**

The Downtown Sulphur Springs Central Commercial District (CCD) is that area designated in the Official Zoning Map of the City of Sulphur Springs. All signs within this district shall adhere to the following criteria:

- (1) Signs must be designed and constructed in keeping with the historic character and pedestrian-oriented urban design of the district. Signs are subject to review by the City Director of Community Development or designee, and this approval is a prerequisite for the issuance of a sign permit.
- (2) Materials suggested for use for signs are finished hardwoods, softwoods, metals, glass, or neon. Materials not allowed include, but are not limited to, plastics, fluorescent materials, paper or fluorescent paints. Internally illuminated signs (three-dimensional cabinet, can, or box construction) with single-sided or double-sided face panels made of plastic or synthetic materials are also specifically not allowed. However, signs comprised of internally illuminated individual letters are allowed.
- (3) Hanging signs shall be allowed when such signs have a minimum clearance of seven feet from the sidewalk and do not extend beyond an awning or canopy projection.
- (4) Projecting signs shall have a minimum clearance from the sidewalk of 8.5 feet and shall not project more than five feet from the building or more than 50 percent of the width of the sidewalk adjacent to the building, whichever is less.
- (5) Maximum size shall be based on the following:

## ZONING ORDINANCE #2050

- a. For every one linear foot of building primary or entrance frontage, a maximum of two square feet of sign area shall be allowed.
  - b. Window signs shall cover no more than 40 percent of the total glass area, and this will count as one of the signs permitted.
  - c. Each face of a hanging sign shall be no more than five square feet.
  - d. Projecting signs shall be no more than 15 square feet in size.
- (6) Two signs are permitted per primary entrance, plus one additional hanging sign, if a canopy is used.
- (7) One secondary entrance sign is permitted.
- (8) Menu boards, portable signs or display signs are allowed, provided they adhere to the following criteria:
- a. One such sign shall be permitted per primary entrance.
  - b. Such signs may extend out a maximum of two feet from the building, with the maximum distance parallel to the right-of-way being four feet.
  - c. A maximum of six square feet shall be permitted in the area of the sign or the area of the sidewalk used.
  - d. Materials not allowed include plastics, fluorescent materials, paper or fluorescent paints. Such signs shall also not be illuminated or lighted.
  - e. Such signs shall be displayed during business hours only.

**k. Multiple-building lot coordinated signage.**

- (1) PD planned development *district*. If property is developed in a PD planned development district, all signs on such property may be reviewed and approved as part of the overall development plan. Total signage allowed for all sites in the development may be aggregated and the total allowance redistributed. Sign locations, types, materials, and sizes may be varied; however, they must be consistent with site and landscape planning principles and will be part of the review process.
- (2) Compatibility of design. All signs applied for under the provisions within this section are subject to the approval by the City Director of Community Development or designee. The following criteria shall be considered:
- a. The sign's compatibility with surrounding signage as related to location, height, size, setback, etc;
  - b. The sign's compatibility with aesthetics as related to color scheme, shapes, design, materials, etc;
  - c. The sign's compatibility with surrounding urban design and context; and
  - d. The sign's relationship to proposed or existing landscaping.

## ZONING ORDINANCE #2050

### I. Nonconforming signs; removal of signs by city; exceptions; variances.

#### (1) *Generally.*

- a. Signs existing at the time of the effective date of the ordinance from which this chapter is derived and in compliance with the then-current ordinance and not in compliance herewith shall be regarded as nonconforming signs, which may continue to exist until structurally altered, removed, or destroyed as an act of God or until the business which they are advertising is no longer in existence, except for non-premises signs (third-party outdoor advertising). Nonconforming signs that are structurally altered, relocated or replaced shall comply immediately with all provisions of this chapter.
- b. Any nonconforming sign which has been damaged by fire, wind or other cause in excess of 50 percent of its replacement cost shall not be restored except in conformance with the provisions of this chapter.

#### (2) *Removal of certain signs.*

- a. All of the following signs shall be considered unlawful.
  1. Any sign erected without a required permit, either prior to or after the adoption of this section;
  2. Any sign erected in violation of the provisions of this chapter; and
  3. Any sign which is dangerous due to being electrically or structurally defective.
- b. Said signs shall be removed from the property or premises in question, or such other defect as is specified shall be cured, upon written notification by the chief building official or his designated representative to the owner of the property on which the sign is located and/or the permittee of the sign. The notification required by this provision shall state that if the sign is not removed or the specified defect is not cured within the prescribed time frame from the date of the notice, a citation may be issued.

#### (3) *Removal of public nuisance/hazardous signs:*

- a. The chief building official or his designated representative shall, without the requirement of notification or impoundment, order the immediate removal and disposal of the following signs by designating such signs with a notice attached to a face of the sign that the sign will be impounded if not removed within 3 days of the placement of the notice.
  1. Any nonpermanent sign erected or existing that constitutes a traffic hazard; or

## ZONING ORDINANCE #2050

2. Any nonpermanent sign erected in, on or over a public right-of-way or easement or designated fire lane, either prior to or after the adoption of this section.
  - b. A person is responsible for the violation if the person is the permit holder, owner, agent or person having the beneficial use of the sign and a citation may be issued.
- (4) *Disposal of impounded signs.* Signs not removed within three (3) days after the placement of the notice provided for in paragraph K(3)(a) (Editors Note: l(3)(a)) above shall be removed and disposed of by the city in any manner it shall elect.
- (5) *Exemptions generally.* The following signs may be erected and maintained under the exceptions and conditions listed and shall not require a permit, provided all other provisions of this chapter are met:
- a. *Public signs.* Noncommercial signs erected by or at the direction of a public officer in furtherance of the public interest in the performance of his public duty.
  - b. *Public, charitable, educational or religious signs.* Temporary signs or feather flags announcing any noncommercial public, charitable, educational or religious event or function may be installed only on private property, with the consent of the property owner, for a period of not more than 21 days prior to the event and shall be removed within 24 hours following the event. The maximum sign area shall be limited to 32 square feet on each sign face.
  - c. *Integral signs.* Names of buildings, dates of erection, monumental citations and commemorative tablets that are carved into stone, concrete or similar permanent materials and constructed as an integral part of a structure.
  - d. *Nameplates.* One nameplate per public entrance per business, not exceeding three square feet of sign area per face.
  - e. *Private signs.* Signs not visible beyond the boundaries of the lot or series of contiguous lots under the same ownership on which they are located or that are not visible from any public right-of-way.
  - f. *Garage sale signs.* Garage sale signs may be installed only on private property with the consent of the property owner. Said signs shall not be installed earlier than 12:00 p.m. on the immediately preceding Thursday before the sale and must be removed within 12 hours following the sale. The maximum sign area shall be limited to six square feet on each sign face.
  - g. *Menu boards.* Eating establishments with drive-through service are permitted three menu board signs per premises, limited to 36 square feet in area and six feet in height.

## ZONING ORDINANCE #2050

- h. *Window signs.* Window signs are exempt from the provisions of this chapter, providing not more than 40 percent of the transparent window area is occupied at any one time.
- i. *Gasoline/service station signage.* Signs located beneath a canopy that do not advertise the premises are exempt, including, but not limited to, the following information: "Self-Service," "Full Service," "Unleaded Gasoline" and "Regular Gasoline." Governmentally mandated signage and signage contained within the individual pumps are also exempt. In addition, ten square feet of signage is permitted per side under the canopy per set of gasoline product dispensers. Signage located beneath the canopy that is intended to advertise to individuals using the gasoline product dispensers only, and not intended for advertisement to the public right-of-way, is exempt. Letters less than three inches in height shall not be counted as part of the sign allowance.
- j. *Government signs.* Government signs are allowed, provided that each such sign does not exceed 40 square feet. One advertisement/identification flag or three government flags are permitted with a maximum of three such signs per premises.
- k. *Political signs.* Such signs that primarily contain a political message that satisfy the requirements of V.T.C.A., Local Government Code § 216.903(d), as amended.
- l. *Real estate signs.* Such signs shall be non-illuminated, shall not exceed six square feet in area per face, and shall pertain to the sale or lease of the premises.
- m. *Agricultural signs.* One sign, advertising agricultural uses, not exceeding 32 square feet in area and eight feet in height, shall be allowed per owner. On large tracts that exceed 0.25 mile of public right-of-way frontage, said owner may have one sign per 0.25 mile or portion thereof.
- n. *Vehicular signs.* Vehicular signs are allowed for the purpose of identifying a vehicle used for a particular business (i.e., delivery service, professional and business, construction trailers, etc.), but not when the primary use of the vehicle is that of a sign. The vehicle shall be operable and currently registered and licensed to operate on public streets.
- o. *Protective signs.* The occupant of any premises may erect two protective signs in accordance with the following provisions:
  - 1. Each sign must not exceed two square feet in area.
  - 2. Detached signs must not exceed two feet in height.
  - 3. Letters must not exceed four inches in height.

## ZONING ORDINANCE #2050

- p. *On-site movement-control signs.* On-site movement-control signs may be erected at any occupancy or any premises, other than a single-family premises, may be attached or detached and may be erected without limit as to number; provided that such signs shall comply with all other applicable requirements of this chapter. The occupant of any premises who erects an on-site movement-control sign shall comply with the following requirements:
1. Each sign must not exceed four square feet in area and a maximum of six feet in height.
  2. If a sign is an attached sign, the letters must not exceed six inches in height.
  3. Each sign must convey a message which directs vehicular or pedestrian movement within or onto the premises on which the sign is located.
  4. Not more than 50 percent of such sign may be used for advertising or identification.
- q. *Human signs.* Human signs may be displayed from sunrise to sunset each and every day and shall comply with the following requirements:
1. Each sign shall be located on private property or adjacent right-of-way where a sale, event, promotion, or a similar limited-duration event is taking place.
  2. Human signs are not permitted in residential districts.
  3. A person acting as a human sign is not permitted to hold or carry wind devices, flags or balloons. Podiums, risers, stilts, vehicles, roofs, or other structures or devices shall not support a human sign.
  4. No more than one human sign per business location may be actively engaged per major thoroughfare.
- r. *Mobile billboards.* Mobile billboards shall be permitted as long as they are not parked, driven, stationed or moving in any manner on private property within the city limits for longer than 20 minutes per 24 hour day.
- s. *Open house residential sign.* Open house residential signs shall be in place only during the hours the house is open, plus one hour before and two hours after the event and shall comply with the following requirements:
1. Such sign shall be used only when a salesperson, homeowner or homeowner's agent is present during the time of the open house.
  2. One open house residential sign per open house may be placed off-premises at the entrance to the subdivision on

## ZONING ORDINANCE #2050

- private property (either individual homeowner property or HOA maintained common area) with the consent of the property owner and/or HOA.
3. Such signs shall not exceed four square feet in size.
  4. Such signs shall not be in place earlier than 8:00 a.m. and must be removed no later than 8:00 p.m. the same day.
- t. *Temporary religious sign.* A temporary religious sign may be erected during times of worship provided that the sign is placed no earlier than two hours prior to worship and removed no later than two hours after worship.
1. Such signs shall be placed on private property with consent of the property owner. Temporary religious signs shall be placed no closer than ten feet from the edge of any street pavement or dedicated roadway or right-of-way.
  2. The maximum area of a temporary religious sign shall not exceed six square feet. The maximum height of a temporary religious sign shall not exceed four feet. A temporary religious sign shall not contain balloons, streamers, flags, pennants, or wind devices.
- u. *Directional kiosk signs.* Directional kiosk signs located upon the property of multi-tenant shopping centers, office parks, industrial parks and medical centers located on private property within the development, not visible from the public right-of-way and listing only directions to individual businesses or departments within the overall development.
- (6) *Meritorious exceptions.*
- a. In the development of these criteria, a primary objective has been ensuring against the kind of signage that has led to low visual quality. On the other hand, an equally primary objective has been guarding against over regulation of signage.
  - b. It is not the intention of these criteria to discourage innovation. It is entirely conceivable that signage proposals could be made that, while clearly nonconforming to this chapter, and thus not allowable under these criteria, have obvious merit in not only being appropriate to the particular site or location, but also in making a positive contribution to the visual environment. Such proposals will be seriously and fairly considered by the Zoning Board of Adjustment during the application of the variance process.
- (7) *Variances.*

**ZONING ORDINANCE #2050**

The Zoning Board of Adjustment may hear appeals from the denial of a permit. Criteria for granting such a variance is as stated in this ordinance or in the state statute, V.T.C.A., Local Government Code § 211.008 et seq., as it may be amended. The fee of variances shall established annually by the City Council of the City of Sulphur Springs, Texas.

**SECTION 2.** All ordinances and parts of ordinances inconsistent with or in conflict with the provisions of this Ordinance shall be and the same are hereby expressly repealed.

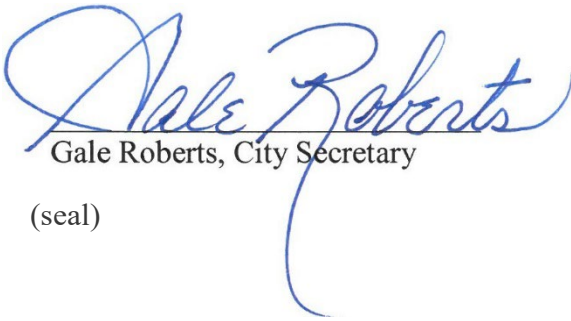
**SECTION 3.** If any section, subsection, word, sentence, or phrase of this ordinance is declared to be invalid it shall not affect the validity of this ordinance.

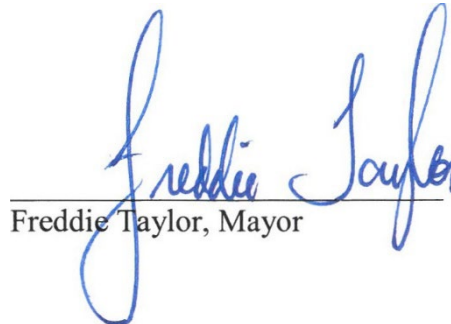
PASSED AND APPROVED on its FIRST READING at a regular meeting of the City Council of the City of Sulphur Springs, Texas on this the 1st day of July, 2014.

PASSED AND APPROVED on its SECOND READING at a regular meeting of the City Council of the City of Sulphur Springs, Texas on this the 7th day of April, 2015.

**ATTEST:**

**CITY OF SULPHUR SPRINGS, TEXAS:**

  
Gale Roberts, City Secretary  
(seal)

  
Freddie Taylor, Mayor

## ZONING ORDINANCE #2050

### 4.103 “Off Premise” Sign Regulation (*Ordinance #2661 April 7<sup>th</sup>, 2015*)

(a.) *Billboards.*

(1) *New and existing billboards.*

- A. New billboards, except those which front on U.S. Interstate Highway 30, State Highway 19/Hillcrest Avenue, State Highway 154/South Broadway south of the intersection with Interstate Highway 30, Loop 301 or State Highway 11/Wildcat Way/ Posey Lane, are prohibited.
- B. Existing billboards, except those located on U.S. Interstate Highway 30, State Highway 19/Hillcrest Avenue, State Highway 154/South Broadway south of the intersection with Interstate Highway 30, Loop 301 or on State Highway 11/Wildcat Way/ Posey Lane, shall be considered non-conforming signs and shall comply with Section 401(k), with the exception of billboards fronting on U.S. Interstate Highway 30, State Highway 19/Hillcrest Avenue, State Highway 154/South Broadway south of the intersection with Interstate Highway 30, Loop 301 or on State Highway 11/Wildcat Way/ Posey Lane, which may be structurally altered and/or replaced, but shall not exceed a height of 40 feet or an area of 300 square feet per side.
- C. Height shall be measured from the ground level of the street or road upon which the sign faces (including frontage roads), or from the ground level of the billboard location, if such ground level is above the street or road level. No new billboards, including digital billboards, shall be erected within 1000 feet of any City Park or within 2000 feet of any other Billboard sign.
- D. External illumination is allowed on Billboard signs with external illumination at the time of the passage of this ordinance and on Billboard signs fronting on U.S. Interstate Highway 30, State Highway 19/Hillcrest Avenue, State Highway 154/South Broadway south of the intersection with Interstate Highway 30, Loop 301 or on State Highway 11/Wildcat Way/ Posey Lane.

(2) *Billboard design and size.*

## **ZONING ORDINANCE #2050**

- A. All billboards permitted hereunder shall be of monopole design only.
  - B. Digital billboards shall not be allowed except on monopole designed standards located on and facing U.S. Interstate Highway 30, State Highway 19/Hillcrest Avenue, State Highway 154/South Broadway south of the intersection with Interstate Highway 30, Loop 301 or on State Highway 11/Wildcat Way/ Posey Lane. Non-monopole billboards, regardless of location, shall be considered as non-conforming.
  - C. Existing billboards which exceed the sign size limitations permitted herein shall be considered as non-conforming. If any non-conforming billboard is replaced, or is restored after sustaining damage in excess of fifty percent (50%) of its value, it may only be replaced with a monopole design signed which otherwise meets the requirements of this Ordinance.
  - D. All billboards and other signs permitted hereunder and located on any State or United States highway shall comply with all Texas Department of Transportation sign rules and regulations including, without limitation, rules and regulations regarding lighting, spacing, size, design and structural strength and integrity, except that new billboard signs, including digital billboard signs, may not be located nearer than 2000 feet from any existing billboard sign.
  - E. In the event that any conflict exists between the provisions of this Ordinance and any Texas Department of Transportation rule or regulation affecting signs, then the more restrictive provision shall apply.
- (b.) *Temporary directional signs.*
- (1) *Off premises directional signage.* Off premises directional signage shall be prohibited within the city limits except that signs no larger than 10 square feet per side may be displayed only between 12:00 noon on any Friday until 6:00 p.m. the next succeeding Sunday so long as said signs are placed entirely on private property with the consent of the property owner.
- (c.) *Mobile billboards.*

## ZONING ORDINANCE #2050

- (1) Mobile billboards shall be permitted as long as they are not parked, or stationed in any manner on the same tract of private property within the city limits for longer than 30 minutes per 24 hour day.

(d.) *Off premises real estate signs.*

- (1) Off premises real estate signs shall be permitted based on the following criteria:
  - A. One such sign shall be permitted per area between 100 acres and 249 acres;
  - B. Two such signs shall be permitted per area between 250 acres and 499 acres.
  - C. Three such signs shall be permitted for 500 acres and three additional signs shall be permitted for each 500 acres thereafter;
  - D. The allowable signage shall be based on the original size of the zoning area;
  - E. Real estate signs shall be allowed in all nonplatted zoning districts;
  - F. The size of such sign shall be a maximum of 32 square feet and eight feet in height unless adjacent to U.S. Interstate Highway 30, where 96 square feet and 16 feet in height is allowed; and
  - G. There shall be a minimum separation between each sign of 500feet.

(e.) *Human signs.*

- (1) Human signs may be displayed from sunrise to sunset each and every day and shall comply with the following requirements:
  - A. Each sign shall be located on private property or adjacent right-of-way where a sale, event, promotion, or a similar limited-duration event is taking place.
  - B. Human signs are not permitted in residential districts.
  - C. A person acting as a human sign is not permitted to hold or carry wind devices, flags or balloons. Podiums, risers, stilts, vehicles, roofs, or other structures or devices shall not support a human sign.
  - D. No more than one human sign per business location may be actively engaged per major thoroughfare.

SECTION 2. All ordinances and parts of ordinances inconsistent with or in conflict with the provisions of this Ordinance shall be and the same are hereby expressly repealed.

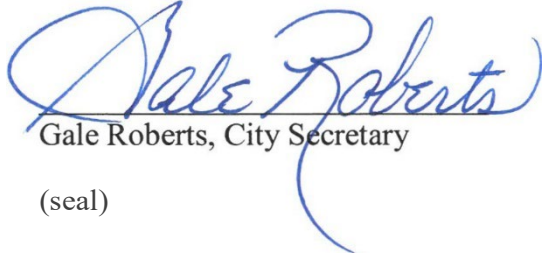
SECTION 3. If any section, subsection, word, sentence, or phrase of this ordinance is declared to be invalid it shall not affect the validity of this ordinance.

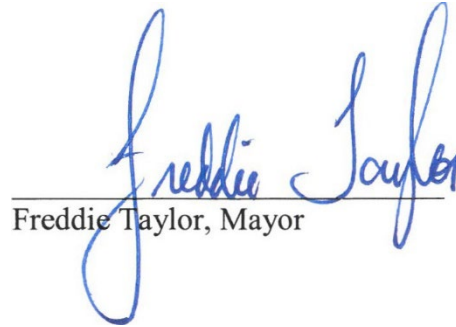
**ZONING ORDINANCE #2050**

PASSED AND APPROVED on its FIRST READING at a regular meeting of the City Council of the City of Sulphur Springs, Texas on this the 3<sup>rd</sup> day of February, 2015.

PASSED AND APPROVED on its SECOND READING at a regular meeting of the City Council of the City of Sulphur Springs, Texas on this the 7<sup>th</sup> day of April, 2015.

**ATTEST:**

  
Gale Roberts, City Secretary  
(seal)

  
Freddie Taylor, Mayor

## **ZONING ORDINANCE #2050**

### **4.200 Classification of new and unlisted uses**

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

**4.201** The Building Official may refer the question concerning any new or unlisted use to the City Planning and Zoning Commission requesting an interpretation as to the zoning classification into which such use should be placed. The referral of the use interpretation question shall be accompanied by a statement of facts listing the nature of the use and whether it involves dwelling activity, sales, processing, type of product, storage and amount and nature thereof, enclosed or open storage, anticipated employment, transportation requirements, the amount of noise, odor, fumes, dust, toxic material and vibration likely to be generated and the general requirements for public utilities such as water and sanitary sewer.

**4.202** The City Planning and Zoning commission shall consider the nature and described performance of the proposed use and its compatibility with the uses permitted in the various districts and determine the zoning district or districts within which such use should be permitted.

**4.203** The City Planning and Zoning commission shall transmit its findings and recommendations to the City Council as to the classification proposed for any new or unlisted use. The City Council shall by ordinance approve the recommendation of the commission or make such determination concerning the classification of such use as is determined appropriate.

## **ZONING ORDINANCE #2050**

### **ARTICLE 5. AG, AGRICULTURAL DISTRICT**

**5.100** There exists within and on the fringes of the City of Sulphur Springs land which is presently undeveloped and to which all urban services are not yet available and such land should be appropriately contained in an undeveloped district until needed for urban purposes in conformity with the orderly growth of the City. The AG, Agricultural District, is created to provide an appropriate zoning for those lands expected to remain in undeveloped use for several years. The uses permitted in the AG, Agricultural District, include normal farming, ranching and gardening activities except for any form of animal husbandry that may be specifically prohibited by ordinance. It is anticipated that all of the AG, Agricultural District, will be changed to urban uses and other zoning categories as the area within the corporate limits becomes fully developed. No platting or subdivision of land into multiple lots or parcels for development will be permitted in the AG, Agricultural district, unless simultaneous request for permanent zoning accompanies such request. Newly annexed territory is temporarily zoned as AG, Agricultural District, unless the City Council, at the time of annexation, designates other zoning categories for such areas as provided for by law.

**5.200** In the AG, Agricultural District, no building nor structure nor land shall be used, and no building nor structure shall be hereafter erected, nor structurally altered which is to be used for other than one or more of the following uses:

- a) Single-Family Detached Dwellings.
- b) Accessory uses customarily incidental to the permitted uses set forth herein and including all service and utility uses.

**5.300** Area Regulations - refer to Article 21.

**5.400** Height Regulations - refer to Article 22.

## **ZONING ORDINANCE #2050**

### **ARTICLE 6. SF-10, SINGLE FAMILY DWELLING DISTRICT, 10,000**

**6.100** Some residential development in the City consists of lots of 10,000 square feet or more and it is anticipated that additional development of about the same type and density will occur. The SF-10, Single-Family Dwelling District 10,000, which established a minimum lot size of 10,000 square feet, is provided. The application of the SF-10 district is initially limited but some new areas which will be added to the City in the future are expected to be suitable for the application of the District.

**6.200** In the SF-10, Single-Family Dwelling District 10,000, no building nor structure nor land shall be used, and no building nor structure shall be hereafter erected, nor structurally altered which is to be used for other than one or more of the following uses:

- a) Single-Family detached dwellings on a minimum lot size of 10,000 square feet.
- b) Accessory uses customarily incidental to the permitted uses set forth herein and including all service and utility uses.

**6.300** Area Regulations - refer to Article 21.

**6.400** Height Regulations - refer to Article 22.

## ZONING ORDINANCE #2050

### ARTICLE 7. SF-6 SINGLE FAMILY DWELLING DISTRICT 6,000

**7.100** The SF-6, Single-Family Dwelling District 6,000 provides for standards which are generally in accord with those of the existing lots platted and developed in the City. The SF-6 District may be the most extensively used residential classification in the City and will be appropriate for a substantial portion of the future residential development.

**7.200** In the SF-6, Single-Family Dwelling District 6,000, no building nor structure nor land shall be used, and no building nor structure shall be hereafter erected, nor structurally altered which is to be used for other than one or more of the following uses:

- a) One-family residences.
- b) Schools, churches, public museums and public libraries.
- c) Parks and playgrounds not used for athletic contests.
- d) Recreational community centers not including swimming pools.
- e) Truck gardens, orchards, nurseries provided no sales offices are maintained on the premises.
- f) Public administrative building, fire station, and police substations.
- g) Water pump stations and sewage lift stations.
- h) Residential accessory buildings, including private garages, servants quarters, wash houses and houses for storing gardening, farming and yard maintaining tools and equipment.
- i) The term "accessory use" shall include customary home occupations engaged in by the occupants of the building provided that said accessory use shall never be permitted as a primary use, but only as a secondary use when necessary to the enjoyment of the premises for any of the uses permitted by this section and actually made of the premises, but not otherwise.
- j) Accessory Dwelling Unit (ADU).
  1. **PURPOSE:**
    - 1.1. Increase the number of housing units while respecting the style and scale of single-dwelling development.
    - 1.2. Bolster the efficient use of existing housing stock and infrastructure.
    - 1.3. Provide housing that is affordable and respond to the needs of smaller, changing households.
    - 1.4. Serve as accessible housing for older adults and people with disabilities.
  2. **ELIGIBILITY:**
    - 2.1. An ADU can be placed on a residentially zoned, single-family lot. An ADU may be created through new construction, the conversion of an existing structure, as an addition to an existing structure or as a conversion of a qualifying existing house during the construction of a new primary dwelling on the site.
    - 2.2. One ADU is permitted per lot.
    - 2.3. Either the primary single-family home or ADU shall be owner occupied. A deed restriction shall be placed on the property with approval from the City.

## ZONING ORDINANCE #2050

- 2.4. ADU's shall be treated as a separate single-family home from a utility billing standpoint.
- 2.5. Any habitable existing accessory dwelling unit prior to the effective date of this ordinance shall be permitted as a non-conforming use that does not conform to these standards.

### 3. DESIGN STANDARDS:

- 3.1. Size and Height. An ADU shall be at least 320 square feet and shall not exceed 75% of the size of the primary dwelling. The maximum height for a detached ADU is the lesser of 25 feet at the peak of the roof or the height of the primary dwelling. An exception to this requirement would be a two-story garage apartment.
- 3.2. Parking. Additional parking shall be required if it displaces the primary dwelling's existing parking. Parking shall be on an improved or paved surface and shall not be allowed on grass areas of the lot.
- 3.3. Appearance. ADU's shall be site built or of construction to meet the current adopted residential building code and constructed on a permanent foundation. Mobile homes or manufactured homes are not permitted as an ADU.
  - 3.3.1. ADUs on lots less than two acres shall architecturally match the character of the primary dwelling.
  - 3.3.2. For lots greater than 2 acres, ADUs that do not match the appearance of the home may be permitted provided they are greater than 150 feet from the street curb.
- 3.4. Entrance and stairs. If the ADU is attached or part of the primary single family home, the entrance shall not face the street or appear on the same facade as the entrance to the primary dwelling unless the home had additional entrances before the ADU was created.
- 3.5. Building setbacks. Detached ADUs shall be placed behind the primary dwelling and be at least 10 feet from the dwelling. If located on a corner lot, the ADU may be closer to the side street than the principle home provided it architecturally matches the character of the primary dwelling.
- 3.6. Yard setbacks. ADUs shall meet the setbacks of the principle structure. An exception to this requirement would be the conversion of an existing structure into an ADU provided it can meet the setback requirements for an accessory building.

**7.201** Sign Regulations references by Ordinance 2247 repealed by Ordinance 2650 and 2661. Other allowances listed below;

- a) There shall be permitted, as an accessory use, a news or refreshment stand in connection with the operation of any public park, playground or community building.
- b) Temporary real estate sales offices may be located on the property being sold, but only during the period of the sale of such property or addition and in no event to exceed a period of two (2) years without special permit from the Board of Adjustment.

## **ZONING ORDINANCE #2050**

**7.300** Uses which are enumerated in the following Districts and Sections will also be permitted in the SF-6 District in accordance with Section 7.200:

- a) SF-10 District, Section 6.200.

**7.400** Area Regulations - refer to Article 21.

**7.500** Height Regulations refer to Article 22.

*Editor's Note: (d) Recreational Community Centers not including swimming pools Omitted by Ordinance 2062, now listed under Light Commercial, Article 14.*

### **ARTICLE 8. 2F, TWO-FAMILY DWELLING DISTRICT**

**8.100** Limited areas of two-family dwellings exist in the City, and the demand appears to be increasing as the district is used as a buffer between higher and lower density dwelling units. To provide a standard appropriate for the existing two-family dwellings and to encourage further development of two-family dwellings in the City, the 2-F, Two-Family Dwelling District, is provided.

**8.200** In the 2-F, Two-Family Dwelling District, no building nor structure nor land shall be used, and no building nor structure shall be hereafter erected, nor structurally altered which is to be used for other than one or more of the following uses:

- a) Duplex Housing. The term "duplex" is defined as follows: A building designed and/or used exclusively for residential purposes and containing a maximum of two (2) dwelling units separated by a common party wall or otherwise structurally attached.

**8.300** Uses which are enumerated in the following Districts and Sections will also be permitted in the 2-F district in accordance with Section 8.200:

- a) SF-10 District, Section 6.200.
- b) SF-6 District, Section 7.200.

**8.400** Area Regulations - refer to Article 21.

**8.500** Height Regulations - refer to Article 22.

## **ZONING ORDINANCE #2050**

### **ARTICLE 9. SF-A, SINGLE-FAMILY ATTACHED DWELLING DISTRICT**

**9.100** It is anticipated that a demand for single-family attached dwellings will occur in the City from time to time. The SF-A, Single-Family Attached District, is created in most cases, by map amendment where development interest arises and some intermixture of single-family attached, single-family detached and medium density dwellings are considered desirable. There is an increasing interest and demand for medium density housing in the City. The trend for this type housing commonly referred to as "townhouses", "Garden Homes", and "Zero-lot-line", will continue to grow as the City increases in size and population.

**9.200** In the SF-A, Single-Family Attached Dwelling District, no building nor structure nor land shall be used, and no building nor structure shall be hereafter erected, nor structurally altered which is to be hereafter erected, nor structurally altered which is to be used for other than one or more of the following uses:

- a) Single-Family attached Dwellings.
- b) Zero-lot-line Dwellings.

**9.300** Uses which are enumerated in the following Districts and Sections will also be permitted in the SF-A District in accordance with Section 9.200:

- a) SF-10 District, Section 6.200.
- b) SF-6 District, Section 7.200.
- c) 2-F District, Section 8.200.

**9.400** Area Regulations - refer to Article 21.

**9.500** Height Regulations - refer to Article 22.

## ZONING ORDINANCE #2050

### ARTICLE 10. MF, MULTIPLE-FAMILY DWELLING DISTRICT

**10.100** Several areas of two story apartment dwellings exist in the City, and it is anticipated that apartment dwellings will become a significant part of the City's housing inventory in the future. New Multiple-Family areas will be added by amendment to the map as the need arises. The MF, Multiple-Family Dwelling District, establishes standards appropriate for multiple-family dwellings up to three stories in height.

**10.101** Sign Regulations refer to Article 4.101 & 4.103.

**10.200** In the MF, Multiple-Family Dwelling District, no building or structure nor land shall be used, and no building nor structure shall be hereafter erected, nor structurally altered which is to be used for other than one or more of the following uses:

- a) Multiple dwellings and apartment houses.
- b) Private clubs, fraternities, sororities and lodges, except those whose chief activities are services ordinarily carried on as a business.
- c) Hospitals, sanitariums, and clinics, except those for alcoholic, narcotic, insane and feeble-minded patients.
- d) Institutions of a philanthropic nature except penal or correctional institutions.
- e) Beauty shops and cosmetic tattoo/ permanent makeup that are ancillary to the beauty shop use.
- f) Accessory buildings and uses originally incidental to the above uses if located on the same building site with the primary business and not involving a business other than the primary business.
- g) Accessory buildings and uses customarily incident to any of the above uses, when located on the same lot and not involving the conduct of a business other than private and storage garages; however, no such accessory building nor use shall be located less than ten (10) feet from any other street line.
- h) Private clubs not operated as a business.
- i) Child Day Care Establishment

**10.300** Uses which are enumerated in the following Districts and Sections will also be permitted in the MF District in accordance with Section 10.200:

- a) SF-10 District, Section 6.200.
- b) SF-6 District, Section 7.200.
- c) 2-F District, Section 8.200.
- d) SF-A District, Section 9.200.

**10.400** Area Regulations - refer to Article 21.

**10.500** Height Regulations - refer to Article 22.

*Editor's Note: Definition for Child Day Care Establishment-Added by Ordinance 2227*

**ZONING ORDINANCE #2050**

**ARTICLE 11. RESERVED**

## ZONING ORDINANCE #2050

### ARTICLE 12. PROFESSIONAL OFFICE DISTRICT

**12.100** The PO, Professional Office District, exists to foster the development of integrated, multiuse, commercial and professional development. It is intended to be applied to development proposals that would incorporate modern building design and construction, related parking, landscaping, open spaces, or a number of additional design elements not available in the more common, street-oriented commercial developments. The objective of the zone is to create professional atmosphere, promote greater attention to design, and to optimize the development of office space for professional service, government, and similar endeavors.

**12.101** Sign Regulations refer to Article 4.101 & 4.103.

**12.200** In the Professional Office District, no building, structure nor land shall be used and no building, nor structure shall be hereafter erected, nor used for other than one or more of the following uses:

- a) Municipal & Government offices.(\*)
- b) Banks & Business offices.(\*)
- c) Medical or Dental offices.(\*)

**12.201** Reserved for future use.

**12.300** Uses which are enumerated in the following Districts and Sections will be permitted in the Professional Office District in accordance with Section 13.200:

- a) MF District, Section 10.200.

**12.400** Area Regulations - refer to Article 21.

**12.500** Height Regulations - refer to Article 22.

*\*Editors notes- Added by Director of Community Development June 30, 2015; Revised to include intended uses included in Ordinance 1017 May 7<sup>th</sup>, 1985 but inadvertently omitted from Ordinance 2050 June 5<sup>th</sup>, 1990.*

## ZONING ORDINANCE #2050

### ARTICLE 13. CC, CENTRAL COMMERCIAL DISTRICT

**13.100** The original downtown area of Sulphur Springs is substantially developed in a dense pattern with high building coverage and most vehicle parking provided on the streets. The CC, Central Commercial District, regulations are designed for the specific and special conditions prevailing in the original downtown area. No off-street parking for individual buildings is required in the CC District on the basis that the prevailing conditions require a different approach to off-street parking than is appropriate in newer outlying retail and commercial areas.

**13.101** Sign Regulations refer to Article 4.101 & 4.103.

**13.200** In the CC, Central Commercial District, no building, structure nor land shall be used and no building, nor structure shall be hereafter erected, nor used for other than one or more of the following uses:

- a. Shops, Stores and other retail businesses which do not produce offensive noises, odors, smoke or gases.(\*)
- b. Restaurants & Cafes..(\*)
- c. Theatres (indoors).(\*)
- d. Cosmetic Tattoo/ Permanent Makeup

**13.201** Reserved for future use.

**13.300** Uses which are enumerated in the following Districts and Sections will be permitted in the CC District in accordance with Section 13.200:

- b) MF District, Section 10.200.
- c) Professional Office District, Section 12.200.

**13.400** Area Regulations - refer to Article 21.

**13.500** Height Regulations - refer to Article 22.

*\*Editors notes- Added by Director of Community Development June 30, 2015; Revised to include intended uses included in Ordinance 1017 May 7<sup>th</sup>, 1985 but inadvertently omitted from Ordinance 2050 June 5<sup>th</sup>, 1990.*

## ZONING ORDINANCE #2050

### ARTICLE 14. LC, LIGHT COMMERCIAL DISTRICT

**14.100** The LC, Light Commercial District, is hereby established to accommodate nearly all commercial and retailing uses to be found in the City. The LC district will include automobile sales and building material sales yards. The LC District will be generally located adjacent to major intersections or along highways where sufficient vehicular access is provided. LC District will be discouraged from locations adjacent or in close proximity to residential districts.

**14.101** Sign Regulations refer to Article 4.101 & 4.103.

**14.200** In the LC, Light commercial District, no building, structure nor land shall be used and no building, nor structure shall be hereafter erected, nor used for other than one or more of the following uses:

- a) Automobile painting and upholstery only.
- b) Barbershops, beauty parlors, cosmetic tattoo/ permanent makeup and shoe repair shop
- c) Retail bakeries.
- d) Billboards, advertising signs, electric shops and electric sign manufacturers.
- e) Bookbinding, envelope and stationary manufacturing, newspaper and job printing, publishing, electrotyping, engraving and blue printing.
- f) Bus terminals and taxi stands.
- g) Banks and business offices.
- h) Retail dry cleaners and laundries.
- i) Filling stations, parking lots, public garages without body repair, tire shops and used car lots.
- j) Florists, artificial flower manufacturing and millinery.
- k) Ice stations for storage and retail sales only, and frozen food lockers and quick freeze establishments where no animals are slaughtered on the premises.
- l) Lumber yards and mortuaries.
- m) Mattress renovation and upholstery manufacture and repair shops.
- n) Photographing and radio studios and shops.
- o) Optical goods manufacture, wholesale office, and sample rooms.
- p) Plumbing service shops.
- q) Shops, stores and other retail businesses which do not produce offensive noises, odors, smoke or gases.
- r) Restaurant, cafes, cafeterias, drive-inns and tourists courts.
- s) Shops for custom work such as welding, machine shops, etc.
- t) Theaters, open air theaters, miniature golf courses.
- u) Accessory buildings and uses ordinarily incidental to any of the businesses permitted above.
- v) Churches. (Passed and approved Oct. 4, 1988)
- w) Commercial laundry.
- x) Second-hand furniture.
- y) Recreational Community Center

## **ZONING ORDINANCE #2050**

**14.201** At time of development property that is zoned LC, Light Commercial District, will be required to install a privacy fence as a buffer to adjacent residential property. The owner of such lot shall maintain the fence in healthy condition and good repair.

**14.300** Uses which are enumerated in the following Districts and Sections will be permitted in the LC district in accordance with Section 14.200:

- a) MF District, Section 10.200.
- b) Professional Office District, Section 12.200.
- c) CC District, Section 13.200.

**14.400** Area Regulations - refer to Article 21.

**14.500** Height Regulations - refer to Article 22.

*Editor's Note: Permitted Use Recreational Community Center-Added by Ordinance 2062, Sign Information Added by Ordinance 2247, Section 14.201 Privacy Fence Added by Ordinance 2318*

## ZONING ORDINANCE #2050

### ARTICLE 15. HC HEAVY COMMERCIAL DISTRICT

**15.100** To accommodate all heavy and other general commercial activities, the HC, Heavy Commercial District is hereby established. The HC District shall be related to highways, some major thoroughfares and railroad locations. Great care is required in locating the HC District, in close proximity to residential areas because of the heavier nature of the uses and the vehicular traffic which they tend to generate.

**15.101** Sign Regulations refer to Article 4.101 & 4.103.

**15.200** In the HC, Heavy Commercial District, no building, structure nor land shall be used, and no building, nor structure shall be hereafter erected nor structurally altered that is to be used for other than one or more of the following uses:

- a) Artificial limb manufacture
- b) Automobile body work, automobile repair garages, automobile painting & upholstery, wholesale and retail automobile parts, and motorcycle and motor scooter repair shops.
- c) Bakeries and candy factories.
- d) Bowling alleys, skating rinks, dance halls and shooting galleries.
- e) Industrial laundry.
- f) Clothing and shoe manufacturing.
- g) Creameries, wholesale.
- h) Dry good, wholesale and storage.
- i) Feed and seed wholesale stores and wholesale grocery stores.
- j) Hauling, storage, and warehouses for express, baggage and household goods.
- k) Second-hand furniture stores.
- l) Any retail business or use not listed in the previous retail or commercial districts which does not produce offensive noises, vibrations, odors, smoke or gas.
- m) Hospitals and clinics for the treatment of alcoholic, narcotic, insane, feeble minded, and mental health patients, as specified in Article 20.100 Special Uses.
- n) Bus terminals and taxi stands.
- o) Tattoo/Body Piercing Parlors as specified in Article 20.100 Special Uses.
- p) Small animal clinic with no outdoor kennels.

#### **15.201** Masonry Fence Required

- a) **Adjacent Residential Property-** The owner of property that is zoned HC, Heavy Commercial District, which is adjacent to residential property shall at the time of development be required to install as a buffer to such adjacent residential property a six foot (6') tall masonry fence.
- b) **Non-Adjacent Residential Property-** The owner of property that is zoned HC, Heavy Commercial District, who erects a structure, makes improvements or engages in heavy commercial activity on any portion of this property which is within fifty feet of residential property shall be required to install as a buffer to such residential property a six foot (6') tall masonry fence. Nothing contained in this subsection (b) shall be interpreted to require a fence for buffer purposes where the residential property concerned is located across a public street or roadway in the city.

## **ZONING ORDINANCE #2050**

- c) Fence Maintenance- The owner of property who is required to install a fence pursuant to Subsection (a) or (b) above shall be required to maintain the fence in good condition and repair.

**15.300** Uses which are enumerated in the following Districts and Sections will be permitted in the HC District in accordance with Section 15.200:

- a) MF District, Section 10.200.
- b) Professional Office District, Section 12.100.
- c) CC District, Section 13.200.
- d) LC District, Section 14.200.

**15.400** Area Regulations - refer to Article 21.

**15.500** Height Regulations - refer to Article 22.

*Editor's Note: Permitted Use, Travel Center/Truck Stop Center-Added by Ordinance 2227, Travel Center/Truck Stop Center Removed by Ordinance 2282, Section 15.201 Masonry Fence Added by Ordinance 2318, 15.200 Tattoo/ Body Piercing Added by Ordinance 2354 on 10/1/2002, Section 15.201 Masonry Fence amended by Ordinance 2410 on 1/4/05*

## ZONING ORDINANCE #2050

### ARTICLE 16. LI, LIGHT INDUSTRIAL DISTRICT

**16.100** Industrial development, particularly of the distribution and light processing nature, represents a type of economic development appropriate for the diversification of the employment base of the City of Sulphur Springs. The range of industry which may be classified as Light Industrial is rapidly expanding as a result of developments in modern technology. To take full advantage of new industrial potential for clean compatible types of industry, performance standards are specified covering noise, smoke, and particulate matter, other air contaminants, hazardous materials, fire and explosive hazard, glare, and vibration. Any industrial or commercial use generally meeting the specified standards may locate in the LI, Light Industrial District.

**16.101** Sign Regulations refer to Article 4.101 & 4.103.

**16.200** In the LI, Light Industrial District, no building, structure nor land shall be used, and no building, nor structure shall be hereafter erected, nor structurally altered that is to be used for other than one or more of the following uses:

- a) Article flavor and drug manufacturing.
- b) Blacksmithing, welding, electroplating, galvanizing, sheet metal shops, and matching shops.
- c) Bottling works with dock face on private property.
- d) Broom factories, furniture and office equipment factories, trunk factories, cooperages, woodwork and cabinet making shops, and paint shops.
- e) Building materials and machinery supply and storage, including sand, gravel, tile, and cement.
- f) Canning factories, cheese factories, food processing, wholesale ice cream and milk plants, and poultry processing.
- g) Chicken hatcheries and small animal hospitals.
- h) Coal, coke, and wood yards.
- i) Cold storage plants, ice plants with ice.
- j) Commercial amusement parks, riding academies, and livery stables.
- k) Dyeing.
- l) Heavy trucks and dirt moving equipment, storage and repair.
- m) Light agricultural implement manufacture.
- n) Motor freight terminals and transfer and baggage establishments.
- o) Stone cutting and monument works.
- p) Tire retreading and recapping plants.
- q) Trade schools, mechanical and agricultural.
- r) Factories or any similar character provided they do not produce any offensive or obnoxious odors, dust, smoke or gases.
- s) Travel centers and truck stop centers.
  1. A business tailored for heavy truck traffic which includes overnight parking for multiple trucks, truck tractors or road tractors or trailers and includes but is not limited to general retail sales, fuel sales, restaurants or cafes, as well as providing sleeping, bath, and other overnight facilities. Passenger car, truck tractor and truck road tractor and trailers are used herein shall have the meaning given such term in 541.201 of the Texas Transportation Code. List in Light Industrial.

**16.300** Uses which are enumerated in the following District and Sections will be permitted in the LI District in accordance with Section 16.200:

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- a) LC District, Section 14.200.
- b) HC District, Section 15.200.

**16.400** Area Regulations - refer to Article 21.

**16.500** Height Regulations - refer to Article 22.

*Editors Note: Permitted use for Travel Centers/Truck Stop Centers - Added by Ordinance 2282*

## **ZONING ORDINANCE #2050**

### **ARTICLE 17. HI, HEAVY INDUSTRIAL DISTRICT**

**17.100** While little industry of the heavy classification exists in the City, provision is made for such uses in the HI, Heavy Industrial District. Performance Standards applicable to heavier types of industrial use and more liberal in technical requirements are the basis of the Heavy Industrial District classification. Housing is generally excluded from the HI District to prevent unregulated encroachment of residential development into industrial areas where the transportation, school, park, and other residentially oriented improvement requirements could be costly and unsatisfactorily conflict with industrial development.

**17.101** Sign Regulations refer to Article 4.101 & 4.103.

**17.200** In the HI, Heavy Industrial District, no building, structure nor land shall be used, and no building nor structure shall be hereafter erected, nor structurally altered that is to be used for other than one or more of the following uses:

- a) Automobile wrecking yards.
- b) Broiler and laying houses for more than 500 fowls.
- c) Cereal mills, feed mills, flour mills, and grain elevators.
- d) Gasoline, butane, propane, and kerosene, wholesale storage.
- e) Lumber mills, and rock wool manufacturers.
- f) Railway passenger depots, freight depots, roundhouses, shops and yards.
- g) Soap, fertilizer, and detergent manufacture.
- h) Textile manufacture.
- i) Creosoting plants, tar roofing factories, and tar waterproofing plants.
- j) Disinfectant factories, dye factories, and ink factories.
- k) Glue factories, slaughterhouses, stockyards, and rendering plants.
- l) Junk yards and sewage treatment plants.
- m) Petroleum tank farms.
- n) Other factories and processing plants which omit unpleasant odors and/or gases, but are not so offensive as to be public nuisances.

**17.300** Uses which are enumerated in the following Districts and Sections will be permitted in the HI District in accordance with Section 17.200:

- a) LC District, Section 14.200.
- b) HC District, Section 15.200.
- c) LI district, Section 16.200.

**17.400** Area Regulations – refer to Article 21.

**17.500** Height Regulations – refer to Article 22.

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**ARTICLE 18. RESERVED FOR MOBILE HOME OVERLAY DISTRICT**

**ZONING ORDINANCE #2050**

**ARTICLE 19. RESERVED FOR FLOOD PLAIN OVERLAY DISTRICT**

## ZONING ORDINANCE #2050

### ARTICLE 20. SPECIAL USES

#### 20.100

- a) **Applicability.** The special use permit (“SUP”) provides a means to develop certain uses in a manner that is compatible with adjacent property and consistent with the character of the neighborhood. When allowed in Section 20.200, a person may petition the planning and zoning commission and city council to approve a special use permit for such use on a property in which the person has a proprietary interest in accordance with the requirements and procedures set forth in this section. A petition for a special use permit may also be initiated by the planning and zoning commission or the city council.
  
- b) **Procedure.** Any property owner wishing to use their property for a land use that is allowed only with the approval of a special use permit may make an application to the community development department in the following manner:
  - 1) All requests for a special use permit shall be submitted together with the required fees set out in the fee schedule adopted by the city council.
  - 2) The community development department shall cause public notices to be sent by United States mail as required by Texas law and the application placed on the planning and zoning commission agenda for a public hearing on the matter.
  - 3) Following the public hearing the planning and zoning commission shall make a recommendation to the city council to approve, conditionally approve, or deny the application for a special use permit (SUP). The recommendation of the planning and zoning commission shall be forwarded to the city council, and the community development department shall cause public notices to be published in an official newspaper or a newspaper of general circulation in the City, and if necessary, sent by United States Mail, as required by Texas law and the application placed on the city council agenda for a public hearing.
  - 4) The city council has final authority to adopt or deny any proposed special use permit (SUP) application. Before taking any action on a special use permit (SUP) application, the city council shall receive and review the planning and zoning commission recommendation and final report and hold a public hearing on the matter.
  - 5) As noted above, all requests for a special use permit (SUP) shall include an application fee for processing the request and hearings before the city planning and zoning commission and the city council. These fees shall be in an amount set forth in the fee schedule adopted by the city council. In addition to the required fee, each application shall contain the following information:

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- i. Accurate legal description of the subject property which description is either a lot and block number to a named plat of record on file with Hopkins County or a metes and bounds description, which will close within a reasonable degree of engineering certainty, and properly identify the property together with the nearest cross street and project area (size in acres);
- ii. Location and street address of subject property;
- iii. Name, address, and telephone number of the present owner(s) of the property, together with proof of ownership. Proof of ownership may be made with the original of a deed or other instrument of conveyance or by certified copy of such instrument or by owner's or mortgagee's policy of title insurance or by an attorney's opinion of title executed by any attorney licensed to practice law in the State of Texas;
- iv. Current zoning classification;
- v. Current status of development of subject property including general statement of its development and description of all existing improvements;
- vi. Applicant's reasons for desiring special use permit (SUP);
- vii. Existing deed restrictions and proposed deed restrictions, if any;
- viii. Current status of planning and proposed development and time required for proposed development;
- ix. A site plan drawn at a recognized engineering scale, not greater than one-inch equals 100 feet, on a minimum 8.5 x 11 inch sheet and providing the following information:
  1. The date, scale, north arrow, zoning district, title of project, name of owner and name of person preparing the site plan.
  2. The location and dimensions of boundary lines, easements and required yards and setbacks of all existing and proposed buildings and land improvements.
  3. The location, height, and intended use of existing and proposed buildings on the site, and the approximate location of proposed buildings and land improvements.
  4. The location of existing and proposed site improvements, including parking and loading areas, pedestrian and vehicular access, utility or service areas, dumpsters, outdoor storage, landscaping, fencing/ screening and lighting.

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5. The centerline of existing watercourses, drainage features and flow patterns, location and size of existing and proposed streets and alleys, and the limits and elevation of the 100-year floodplain.
  6. The number of existing and proposed off-street parking and loading spaces, and a calculation of applicable minimum requirements.
  7. The approximate location and size of proposed signs, if known.
- x. Surveyor's map or plat of the proposed property if deemed necessary by the community development director; and
- xi. Each application must be signed by the owner(s), or owner's(s') agent, giving the applicant's mailing address and their proprietary status with reference to the property. In addition, each application shall contain a certificate signed and sworn by the applicant stating that the applicant is the owner(s) or legally authorized agent(s) of the owner(s) of the subject property and therefore authorized to make such application.
- 6) The application fee will entitle the applicant to have his/her application processed to allow a special use permit (SUP) for a single contiguous parcel of property. When in the opinion of the community development director or designee, the property requesting the special use permit (SUP) is so large that the expenses of the city will exceed the application fee, the community development director or designee may require a fee to be paid equal to the city's expense in sending out and publishing the notice required by state law for the consideration of a special use permit (SUP).
- c) **Standards for approval.** The planning and zoning commission and the city council shall consider the following when reviewing an application for a special use permit (SUP) on a property:
- 1) **Conformance:** compliments or is compatible with existing or permitted uses on neighboring properties in terms of building height, bulk, scale, setbacks, open spaces, landscaping, parking, access and circulation capacity unless the neighboring properties are nonconforming and/or not in compliance with the comprehensive plan and approval of the special use permit (SUP) will bring the subject property in compliance with this chapter and the city's comprehensive plan.
  - 2) **Traffic:** safety and convenience of vehicular and pedestrian circulation generated by the proposed special use on the premises and in the area immediately surrounding the site, and the effect of traffic reasonably expected to be generated by the proposed special use and other uses reasonably anticipated in the area considering existing

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- zoning and proposed land uses in the area and the ability of the city's existing transportation network to handle the traffic.
- 3) **Impact on Surrounding Properties:** assess how the proposed special use will affect neighboring properties, considering factors including but not limited to noise, lighting, traffic, drainage, nuisance factors, or other specific concerns.
  - 4) **Public Safety:** evaluate the potential impact of the special use on public safety, including fire and emergency services, and whether the proposed special use complies with safety regulations and provides adequate access onto the site for fire, public safety, and EMS services.
  - 5) **Environmental Impact:** Special use permits may be subject to environmental studies to determine their potentially negative impacts on the natural environment including water quality, air quality, noise, stormwater management, scenic resources, wildlife habitat, soils, and native vegetation as well as other health or environmental factors.
  - 6) **Aesthetic and Design Considerations:** The design of the structure or development may be evaluated to ensure it fits in with the character of the surrounding area.
  - 7) **Historical and Cultural Preservation:** If the special use involves a historic site or culturally significant area, the city may evaluate the impact on the preservation of such assets.
  - 8) **Hours of Operation:** The proposed operating hours may be reviewed and regulated to ensure they do not disrupt the peace and tranquility of the neighborhood.
  - 9) **Adequate Infrastructure:** The city may examine whether the existing infrastructure, such as water, sewage, and utilities, can support the proposed special use without overburdening the system.
  - 10) **Impact on Schools and Services:** If the special use is expected to affect local schools or municipal services this impact may be considered.
  - 11) **Mitigation Measures:** The applicant may be required to propose and implement mitigation measures to address any negative impacts, which mitigation might include items like noise barriers, landscaping, improved traffic management, or other considerations.
  - 12) **Special Requirements:** Some special use permits may require specific reasonable conditions or requirements, such as noise limits or operating restrictions as deemed necessary by the Planning Commission and/or City Council.

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- d) **Effect of denial or withdrawal.** In order that specific use permits may promote the stability and well-being of the community and offer certainty to the citizens of the city with respect to the use and development of property, the following requirements govern the filing of reapplications that are initiated by interested property owners:
- 1) A reapplication within 12 months of the latter date of the rejection or application for the same specific use permit (SUP) will not be heard if:
    - i. Within 12 months prior to the date of the application a specific use permit or similar application was denied by the city council, or a zoning case was withdrawn after the giving of public notice; and
    - ii. The application currently under consideration includes property which was all or a part of the previously denied or withdrawn case;
    - iii. The application currently under consideration is for the same or a more intense land use as defined in this Code than the use requested in the previous application.
  - 2) The City Council, for good cause involving changed conditions, may waive any limitation period for refiling contained in this section.
- e) **Validity.** Approval of a special use permit will run with the land. A special use permit (SUP) shall automatically expire in any of the following situations:
- 1) The time period specified in the special use permit (SUP) ordinance, if included, has expired; or
  - 2) A change is requested in the zoning classification on the property; or
  - 3) There is a change in use on the property; or
  - 4) The use is relocated; or
  - 5) The use ceases for a period of six (6) consecutive months or more.
- f) **Approval.** Every special use permit granted under the provisions of this article shall be considered as an amendment to the zoning ordinance on the subject property and may impose development standards and safeguards over and above those contained in these regulations. In granting a special use permit (SUP) the city council may impose reasonable conditions on the operation, location, arrangement, type, and manner of construction of any use for which a special use permit (SUP) is authorized. Consideration is given based on the existing conditions and location with regard to the welfare and protection of adjacent property from noise, vibration, dust, dirt, smoke, fumes, gas, odor, explosion, glare,

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offensive view, traffic, or other undesirable or hazardous conditions which city council imposed conditions shall be complied with by the applicant before a certificate of occupancy may be issued by the building official for the use of the buildings on such property pursuant to said special use permit (SUP). Such conditions shall not be construed as conditions precedent to the granting of special use permit (SUP) for the change in zoning of such property, but shall be construed as conditions precedent to the granting of the certificate of occupancy for the use of any structures and/or the property.

- 1) No building, premises, or land used under a special use permit (SUP) may be enlarged, modified, structurally altered, or otherwise significantly changed unless a separate or amended special use permit (SUP) is granted for such enlargement, modification, structural alterations, or change. Minor changes or alterations may be approved by the director, which do not alter the basic relationship of the proposed development to adjacent property, the uses permitted, building height, or area regulations authorized by the special use permit (SUP) provided such changes are not contrary to the approved conditions.
- 2) A building permit shall be applied for and secured within one year from the time of granting the special use permit (SUP), provided, however, that the city council may authorize an extension of this time upon recommendation by the planning and zoning commission. If an extension is not granted, the special use permit (SUP) expires and is no longer valid at the end of such one-year period.
- g) **Non-conformities.** Any existing use that would be newly classified as a special use that was in existence on or before May 7, 2024, prior to the adoption of these new regulations shall be grandfathered and allowed to continue as a non-conforming use in accordance with the immediately preceding version of Zoning Ordinance Article 20 “Special Uses” and be subject to State law guidelines under Chapter 211 of the Local Government Code. Any new or expanding non-conforming use shall be subject to the Special Use Permit (SUP) guidelines and requirements listed within this Article 20 now entitled “Special Use Permits.”

**20.200 Uses Allowed Only With Approval of a Special Use Permit**

Any of the following special uses may be located in a specified zoning district following approval of a special use permit (SUP) by the city council after a public hearing and recommendation by the city planning and zoning commission. Such uses may be granted with a time limitation and unless specifically provided otherwise by the city council must comply with the height and area regulations of the district in which the special use permit (SUP) may be located.

Use	Minimum Zoning District	Other Requirements
Amusement Park	LC	
Athletic Field	N/A	
Race Track	N/A	

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Use	Minimum Zoning District	Other Requirements
Carnivals	N/A	Temporary events are excluded on public property
Fair Ground	N/A	
Golf Driving Range	N/A	
Group Homes Class 1	LC	
Group Homes Class 2	LC	
Residential Treatment	HC	
Transitional Housing	HC	
Hotels and Motels	LC	
Penal and correctional institutions	HC	State Requirements
Radio Towers	N/A	Federal preemptions
Refuse and Landfill	HI	TCEQ requirements
Sand, Gravel, Clay Pits	N/A	State Requirements
Wastewater Plants	N/A	State Requirements
Skeet club and target ranges	N/A	NRA guidelines for design
Mobile, Manufactured, and/or RV Parks	N/A	
Temporary Manufactured Home outside Park	N/A	12–18-month duration depending on the project.
Manufactured Home Sales Establishments	LC	
Buildings or the use of premises for public utility purposes or public service corporations	N/A	
Bed & Breakfast	N/A	
Cargo & Shipping Containers	N/A	Permitted by right in LI & HI as accessory storage. May be used as temporary storage during construction projects for 180 days without a Special Use Permit. Temporary storage for construction projects may be extended up to an additional 180 days at the discretion of the community development director for projects that are steadily making progress. All other requests require SUP in commercial or residential districts for a time limited duration.
Cemetery and mausoleum	N/A	

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Use	Minimum Zoning District	Other Requirements
Tattoo and body piercing parlor	LI	
Truck Stop and Travel Center	LI	
Wind or Solar Farms		Permitted by right in LI Zoning District and above.
Sexually Oriented Businesses	LC	Must be in compliance with Chapter 20 of the Code of Ordinances.
Daycare Centers greater than 13 or more children	MF	Permitted by right in LC Zoning District and above.

**SECTION II. AMENDMENT OF CITY OF SULPHUR SPRINGS ZONING ORDINANCE ARTICLE 2 “DEFINITIONS” TO ADD THE FOLLOWING DEFINITIONS AS FOLLOWS:**

**GROUP HOME, CLASS I** use is the use of a site for the provision of a family-based facility providing 24-hour care in a protected living arrangement for more than 6 but not more than 15 residents and not more than 3 supervisory personnel. This use includes foster homes, homes for the physically and mentally impaired, homes for the developmentally disabled, congregate living facilities for persons 60 years of age or older, maternity homes, emergency shelters for victims of crime, abuse, or neglect, and residential rehabilitation facilities for alcohol and chemical dependence.

**GROUP HOME, CLASS II** use is the use of a site for the provision of a family-based facility providing 24-hour care in a protected living arrangement for not more than 15 residents and not more than 3 supervisory personnel. This use includes homes for juvenile delinquents, halfway houses providing residence instead of institutional sentencing, and halfway houses providing residence to those needing correctional and mental institutionalization.

**GROUP HOME, COMMUNITY** use is the use of a site in any residential district for the provision of a family-based facility providing 24-hour care in a protected living arrangement for not more than six (6) persons and not more than two (2) supervisory personnel. This use includes homes for persons with disabilities that are licensed by the State of Texas pursuant to Texas Human Resources Code Chapter 123. A Community Home may not be established within one-half mile of an existing Community Home. In addition, the residents of a Community Home may not keep for the use of the residents of the home, either on the premises or on an adjacent public right-of-way, motor vehicles in numbers that exceed the number of bedrooms in the home.

**RESIDENTIAL TREATMENT** use is 24-hour supervision, counseling, or treatment for more than 15 residents not needing regular medical attention. This use includes alcohol and chemical dependency rehabilitation facilities, facilities to which persons convicted of alcohol or drug-related offenses are ordered to remain under custodial supervision as a condition of probation or parole, and residential care facilities and halfway houses for the emotionally ill.

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**TRANSITIONAL HOUSING** use is the use of a site for the supervision or detention of more than 15 residents who are making the transition from institutional to community living. This use includes pre-parole detention facilities and halfway houses for juvenile delinquents and adult offenders, and overnight shelters for the homeless.

*Editor's Note: (n) Mobile Home and/or Sales Establishment Added by Ordinance 2227 (o) Bed and Breakfast Added by Ordinance 2229, (p) HUD-Code Manufactured Home Added by Ordinance 2318, (q) Tattoo and body piercing parlors Added by Ordinance 2354 (r) Cargo and shipping containers Added by Ordinance 2399*

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### **20.200 SPECIFIC USE PERMIT -- PRIVATE BEVERAGE CLUB**

This section deemed null and void by the November 6<sup>th</sup>, 2012 election (canvassed at City Council meeting Nov. 16<sup>th</sup>, 2012)

The election established by Resolutions 1040 and 1041 on August 7<sup>th</sup>, 2012, Legalized: *“The legal sale of beer and wine for off premise consumption only”* and legalized, *“The legal sale of mixed beverages in restaurants by Food and Beverage certificate holders only”* within the current City Limits.

Please refer to Chapter 4 of the Code of Ordinances.

*Editor's Note: 20.905, 20.909, and 20.999 deleted by City Council June 5, 1999 when Zoning ordinance 2050 was approved. Editors Note: 20.300 Central Commercial District Added by Ordinance 2533.*

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### ARTICLE 21. AREA REGULATIONS

**21.100** 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 it is in conformity with all the minimum regulations herein specified for lot area, lot width, lot depth, lot coverage and front, side and rear yards

\*An appropriate single-family side yard may be utilized when constructing such structures in any residential zone. (See Editor's Note.)

#### MINIMUM AREA REGULATIONS

DIST	LOT AREA	LOT WIDTH	LOT DEPTH	LOT COVERAGE	FRONT YARD	SIDE YARD*	REAR YARD
AG	3 AC.	150'	200'	NONE	25'	10'/15%	10'
SF-10	10,000 S.F.	65'	100'	NONE	25'	8'/10%	10'
SF-6	6,000 S.F.	50'	90'	NONE	25'	6'/10%	10'
2F	7,000 S.F.	35'	80'	NONE	25'	5'/10%	10'
SFA	2500 SF	25'	80'	NONE	25'	5'/1 SIDE	10'
MF	27/ACRES	60'	100'	40%	25'	10'/15%	10'
PO	NONE	NONE	NONE	NONE	25'	NONE	NONE
CC	NONE	NONE	NONE	NONE	25'	NONE	NONE
LC	NONE	NONE	NONE	NONE	25'	NONE	NONE
HC	NONE	NONE	NONE	NONE	25'	NONE	NONE
LI	NONE	NONE	NONE	NONE	25'	NONE	NONE
HI	NONE	NONE	NONE	NONE	25'	NONE	NONE

\*FEET/ PERCENT OF LOT WIDTH, WHICHEVER IS LESS

#### 21.500 SPECIAL FRONT YARD REGULATIONS

1. In all districts except the "AG", Agricultural District, where the frontage on one side of the street between two intersecting streets is divided by two or more zoning districts, the front yard shall comply with the requirements of the most restrictive district for the entire frontage from one intersecting street to the other.
2. Where a building line has been established by plat or ordinance and such line requires a front yard setback greater or lesser in depth than is prescribed by this Ordinance for the district in which the building line is located, the required front yard shall comply with the building line established by such ordinance or plat.
3. The front yard shall be measured from the property line to the front face of the building, covered porch, covered terrace or attached accessory building. Eave and roof extensions may project into the required front yard for a distance not to exceed four (4) feet.

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*\*Editor's Note: Paragraph added by Ordinance 2079, May 1, 1992*

4. Where lots have double frontage, running through from one street to another, a required front yard shall be provided on both streets unless a building line for accessory buildings has been established along one frontage on the plat or by ordinance, in which event only one required front yard need be observed.
5. If buildings along the frontage of any street between two intersecting streets in any residential district have observed an average setback which is greater or lesser in dimension than the minimum front yard or setback established for the district in which the street frontage is located, then the average setback of all buildings fronting upon such street between two intersecting streets shall establish the minimum front yard requirement. All vacant lots shall be assumed to have a minimum front yard specified for the district in computing the average front yard. These provisions shall not be interpreted as requiring a setback or front yard greater than fifty (50) feet nor shall they be interpreted as requiring any building to observe a front yard of more than ten (10) feet greater than the front setback observed by any building on a contiguous lot. These provisions shall be superseded on any lot where a minimum building line has been established by plat or ordinance and the front yard or setback provisions of such plat or ordinance shall be observed.
6. Gasoline service station pump-island may not be located nearer than eighteen (18) feet to the front property line and the outer edge of the canopy shall not be nearer than ten (10) feet to the front property line.
7. In the CC District, no front yard is required except that no structure may be erected nearer than thirty (30) feet to the centerline of any street on which such structure fronts.

### 21.600 SPECIAL SIDE YARD REGULATIONS

1. Every part of a required side yard shall be open and unobstructed except for accessory buildings as permitted herein and the ordinary projections of window sills, belt course, cornices, and other architectural features projecting not to exceed twelve (12) inches into the required side yard, and roof eaves projecting not to exceed thirty-six (36) inches into the required side yard.
2. Multiple-Family dwellings shall provide a minimum side yard of fifteen (15) feet between any building wall containing openings for windows, light, and air and any side lot line except that any such building face or wall not exceeding thirty-five (35) feet in width may provide a minimum side yard of ten (10) feet. Where a building wall contains no openings for windows, light, or air, a minimum side yard of ten (10) feet shall be provided between such wall and the side lot line.
3. On a corner lot, a side yard adjacent to a street entering a multiple-family dwelling development not exceeding three feet (3) and no balcony or porch or any portion of the building may extend into such required side yard except that a roof may overhang such side yard not to exceed four (4) feet.

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4. On a corner lot used for one-family or two-family dwellings, both street exposures shall be treated as front yards on all lots platted after the effective date of this ordinance, except that where one street exposure is designated as a side yard by a building line shown on a plat approved by the City Planning and Zoning Commission containing a side yard of ten (10) feet or more, the building line provisions on that plat shall be observed. On lots which were official lots of record prior to the effective date of this Ordinance, the minimum side yard adjacent to a side street shall comply with the required side yard for the respective district.
5. A one-family attached dwelling shall provide a minimum required side yard adjacent to a side street of ten (10) feet and no complex of attached one-family dwellings shall exceed three hundred (300) feet in length. A minimum required side yard of five (5) feet shall be provided at the end of each one-family attached dwelling complex so that the end of any two adjacent building complexes shall be at least ten (10) feet apart. Zero lot line homes are permitted but are required to have all of minimum side yard in remaining side yard as specified on the approved plat.
6. No side yard is specified for nonresidential use in the NR, CC, LC, HC., LI, or HI Districts except where a commercial, retail, or industrial or other nonresidential use abuts upon a district boundary line dividing such districts from a residential district in which event a minimum side yard of ten (10) feet shall be provided on the side adjacent to such residential district.

### **21.800 SPECIAL AREA AND ACCESSORY BUILDING REGULATIONS**

#### **21.801 COURT STANDARDS**

THE MINIMUM DIMENSION AND AREA OF OUTER OR INNER COURTS PROVIDED IN MULTIPLE-FAMILY RESIDENTIAL BUILDINGS SHALL BE IN ACCORDANCE WITH THE FOLLOWING PROVISIONS.

1. For multiple-family structures, any outer court which is used for access of light or air and which has doors or windows or which may be used for emergency access purposes shall have a minimum width equal to the depth of the court up to twenty (20) feet, but the width of any such outer court need not exceed twenty (20) feet even though the depth of the court may exceed such dimension.
2. For multiple-family structures, any inner court which is used for access or light or air or which has doors or windows or which may be used for emergency access purposes shall have minimum dimensions in the length and in the width of its base equal to the height of the roof or eave at the top of the wall enclosing such court, but neither the width nor the length of the base of such inner court need exceed twenty-five (25) feet even though the height of the enclosing walls may exceed such dimension.

#### **21.810 ACCESSORY BUILDING AND STRUCTURE REGULATIONS**

Area Regulations for accessory buildings or buildings or accessory structures in residential and apartment districts shall be as follows:

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### **21.811 FRONT YARD**

Attached accessory buildings or structures shall have a front yard not less than the main building. Detached accessory buildings or structures shall be located in the area defined as the rear yard.

### **21.812 SIDE YARD**

There shall be a side yard for any accessory buildings or structures located in a residential area of not less than three (3) feet as measured from any side lot line, alley line or easement line, except that adjacent to a side street the accessory building side yard shall never be less than ten (10) feet and any garage or carport entered from the side and opening directly thereto shall provide a side yard of not less than twenty (20) feet.

### **21.813 REAR YARD**

There shall be a rear yard for accessory buildings or structures of not less than three (3) feet measured from any lot line, alley line or easement line, in residential districts, the main building and all accessory buildings shall not cover more than fifty (50) percent of that portion of the lot lying to the rear of a line erected joining the midpoint of one side lot line with the midpoint of the opposite side lot line. Detached carports, garages, or other detached accessory buildings located within the rear portion of the lot as heretofore described shall not be located closer than ten (10) feet to the main building or nearer than three (3) feet to any side lot line.

Where a garage or carport is designed and constructed to be entered from an alley or side street, such garage or carport shall be set back from the side street or alley a minimum distance of twenty (20) feet or shall be arranged to permit the parking of one (1) vehicle in front of such garage or carport clear of the street or alley right-of-way to facilities access without interference with the use of the street or alley by other vehicles or persons.

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### ARTICLE 22. HEIGHT REGULATIONS

**22.100** NO BUILDING OR STRUCTURE SHALL BE LOCATED, ERECTED OR ALTERED SO AS TO EXCEED THE HEIGHT LIMIT HEREINAFTER SPECIFIED FOR THE DISTRICT IN WHICH THE BUILDING IS LOCATED.

#### 22.101 MAXIMUM HEIGHT TABLE

	In the following zoning districts	The maximum height of buildings and structures shall be:
<b>1</b>	AG Agricultural	Three (3) stories except as noted in 22.102 following
<b>2</b>	SF-10, Single-Family Dwelling District 10,000 sq. ft.	Two and one half (2 1/2) except as noted 22.102 following.
<b>3</b>	SF-6, Single-Family Dwelling District 6,000 sq. ft.	Two and one half (2 1/2) except as noted 22.102 following.
<b>4</b>	2-F, Two Family Dwelling District	Two and one half (2 1/2) except as noted 22.102 following.
<b>5</b>	SF-A, Single Family Attached Dwelling District	Two and one half (2 1/2) except as noted 22.102 following.
<b>6</b>	MF, Multiple-Family Dwelling District	Three (3) stories as noted in 22.102
<b>7</b>	Professional Office	Single Story, (see *Editor's Note).
<b>8</b>	CC, Central Commercial District	To any legal height not prohibited by other laws or Ordinances.
<b>9</b>	LC, Light Commercial District	To any legal height not prohibited by other laws or Ordinances.
<b>10</b>	HC, Heavy Commercial District	To any legal height not prohibited by other laws or Ordinances.
<b>11</b>	LI, Light Industrial District	To any legal height not prohibited by other laws or Ordinances.
<b>12</b>	HI, Light Industrial District	To any legal height not prohibited by other laws or Ordinances.

#### 22.102 SPECIAL HEIGHT REGULATIONS

In the districts where the height of the buildings is restricted to two and one half (2 1/2) or three (3) stories, cooling towers, roof gables, chimneys, and vent stacks may extend for an additional height not to exceed forty (40) feet above the average grade line of the building. Water stand pipes and tanks, church steeples, domes and spires and school buildings and institutional buildings may be erected to exceed three (3) stories in height in residential area restricted to two (2) or three (3) stories in height, provided that one (1) additional foot shall be added to the width and depth of side and rear yards for each foot that such structure exceed three (3) stories in height.

*\*Editor's Note: Height restriction defined as Single Story. See Ordinance No. 2237*

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### **ARTICLE 23. NONCONFORMING USES**

**23.100** The lawful use of land existing at the time of the adoption of this ordinance may be continued, except as hereinafter provided, although such use does not conform to the provisions hereof, provided, however, that if such nonconforming use be discontinued that any future use of said premises shall be in conformity with the provisions of this Ordinance.

**23.200** The lawful use of a building existing at the time of the adoption of this Ordinance may be continued although such use does not conform to the provisions hereof. Such use may be extended throughout the building, provided that no structural alteration except those required by law or ordinance are made therein. If no structural alterations are made, a nonconforming use of a building may be changed to any use permitted in the same district as that which the use existing at the time of the adoption of this ordinance is permitted, according to the provisions of this ordinance. Whenever a use district shall be hereafter changed any then existing nonconforming or changed to a use permitted in the same use district as that in which the existing use is permitted, provided all other regulations governing the new use are complied with. Whenever a nonconforming use of a building has been changed to a more restricted use or a conforming one, such use shall not thereafter be changed to a less restricted use.

**23.400** In residential districts any nonconforming use not conducted within a building shall be discontinued within two years from the effective date of this Ordinance.

**23.500** All signs and bill boards not conforming with this Ordinance shall be removed within a period of two years from the effective date of this Ordinance.

**23.600** From the effective date of this Ordinance forward, a single-family detached home will be permitted as a legal nonconforming use in all districts. This shall include any existing home, expansion thereof, or new construction in conformance with all building codes for the City of Sulphur Springs.

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### **ARTICLE 24. ZONING BOARD OF ADJUSTMENT**

**24.100** A Board of Adjustment is hereby created. The word "Board" when used in this Ordinance shall be construed to mean the Zoning Board of Adjustment.

**24.200** The Board of Adjustment shall consist of five members appointed by the City Council, two for a term of one year and three for a term of two years, and thereafter for terms of two years. Any vacancies shall be immediately filled for the unexpired term by appointment by the City Council. The Board shall elect its own chairman who shall serve for a period of one year or until his successor is elected. Meetings of the Board shall be held at the call of the Chairman or at such other time as the Board may determine. All meetings shall be open to the public. The Board shall adopt its own rules of procedure and keep a record of its proceedings showing the action of the Board and the vote upon each question considered.

**24.300** Appeals to the Board may be taken by any person aggrieved or by any officer, department, board or bureau of the municipality, affected by any decision of the Building Official concerning the enforcement of the provisions "of a development" Ordinance. Such appeals shall be taken within such time as provided by the rules of the Board by filing with the Building Official and with the Board, a notice of appeal specifying the grounds thereof. The Building Official shall forthwith transmit to the Board all papers constituting the record upon which the action appealed from was taken.

**24.400** The Board shall fix a reasonable time for the hearing of appeal, give the public notice by posting such notice in the mail addressed to all owners of real property located within two hundred (200) feet of the property on which the appeal is made. The notice shall be given at least ten (10) days prior to the date set for the hearing. The notice of same shall also be placed in a publication of general circulation in the City of Sulphur Springs at least fifteen (15) days prior to the date set for the hearing. At the hearing any party may appear in person or by attorney or agent.

**24.500** 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 and determination made by the Building Official in the enforcement of a development ordinance.
2. To hear and decide special exceptions to the terms of this Ordinance upon which said Board is required to pass.
3. To authorize in special cases such variance from the terms of any development Ordinance as will not be contrary to the public interest where owing to special conditions a literal enforcement of the provisions of this Ordinance will result in unnecessary hardship, and in such a manner that the spirit and purpose of this Ordinance will be observed.

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4. To grant a permit for the temporary building for commerce, or industry in a residential district which is incidental to the residential development. Said permit to be issued by the Board not to exceed two years.
5. To grant a permit for the extension of a use, height or area regulation into an adjoining district for a distance of not more than twenty-five (25) feet where the boundary line of the district divides a lot in single ownership at the time of the adoption of this Ordinance.
6. To grant a permit for the reconstruction within 12 months of a building permitted in a district restricted against its use which building has been destroyed by fire or other calamity to an extent of not more than seventy-five percent (75%) of its reasonable value.
7. To grant a permit for the alteration or enlargement of an existing building located in a district restricted against its use where such alteration or enlargement is necessarily incident of a use existing at the time of the adoption of this Ordinance, provided further that in no case shall any such enlargement be more than 50 feet from the existing structure at the time of the passage of this Ordinance.
8. It shall have all other powers and duties as are provided for such Board of Adjustment in the State Zoning Enabling Act under which Ordinance is authorized.

**24.600** The concurring vote of four members of the Board shall be necessary to reverse any order, requirement, decision or determination by the Building Official, or to effect any variation in this Ordinance.

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**ARTICLE 25. VEHICLE PARKING REGULATIONS AND OFF STREET LOADING REQUIREMENTS**

**25.100** 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 tract or --an immediately contiguous lot or tract, or on a lot or tract within 150 feet of such building or structure, vehicle parking in the following ration of vehicle spaces for the uses specified in the designated districts, except that an established use lawfully existing at the effective date of this ordinance need not provide vehicle parking as hereinafter set forth provided such use is not expanded and that no existing vehicle parking in connection with said uses at the effective date of this ordinance may be reduced below the minimum number of spaces as hereinafter required.

**25.101** IN THE FOLLOWING ZONING DISTRICTS THE MINIMUM OFF-STREET PARKING SPACES FOR RESIDENTIAL USES SHALL BE:

1.	AG, Agricultural	Two (2) spaces for each dwelling unit.
2.	SF-10, Single-Family Dwelling District – 10	Two (2) spaces for each dwelling unit.
3.	SF-6, Single-Family Dwelling District – 6	One (1) spaces for each dwelling unit.
4.	SF-A, Single-Family Attached Dwelling District	One (1) spaces for each dwelling unit.
5.	2F, Two-Family Dwelling District	One (1) spaces for each dwelling unit.
6.	MF, Multiple-Family Dwelling District	One and one half (1 1/2) spaces for each dwelling plus one additional space for each bedroom in the dwelling unit over three.

**25.102** Parking space schedule non-residential uses applicable to all districts (where fractional parking spaces result from the computation of requirements, the requirement shall be construed to be that the fractional space will be treated as another full parking space required) the following parking space schedule shall not apply to cc, central commercial district.

1. Banks, Savings and Loan or similar financial establishment - One (1) space for each three hundred (300) square feet of total floor area.
2. Bowling Alley - Six (6) spaces for each lane.
3. Clinics or Doctor's Offices - One (1) space for each two hundred (200) square feet of total floor area.
4. Churches - One (1) space for each four (4) seats in the main sanctuary.
5. Commercial Amusement - Ten (10) spaces plus one (1) space for each one hundred (100) square feet of total floor area one thousand (1,000) square feet.

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6. Convalescent Home, Hospital (Chronic Care) or Home for the Aged - One (1) space for each six (6) beds.
7. Gasoline Service Station - Minimum of six (6) spaces.
8. Golf Course - Minimum of thirty (30) spaces.
9. High School, College or University - One (1) space for each classroom, laboratory or instruction area plus one (1) space for each three (3) students accommodated in the institution.
10. Hospital (Acute Care) - One (1) space for each two (2) beds.
11. Hotel or Motel - One (1) space for each room, unit or guest accommodation plus specified requirements for restaurants and related facilities.
12. Institutions of a Philanthropic Nature - Ten (10) spaces plus one (1) space for each employee.
13. Library or Museum - Ten (10) spaces plus one (1) space for each three hundred (300) square feet of total floor area.
14. Manufacturing, Processing, or Repairing - One (1) space for each two (2) employees or one (1) space for each one thousand (1,000) square feet of total floor area whichever is greater.
15. Offices, General - One (1) space for each two hundred (200) square feet of total floor area.
16. Recreational, private, or commercial area or building (other than listed) - One (1) space for each four (4) persons to be normally accommodated in the establishment.
17. Restaurant or Cafeteria - One (1) space for every three (3) seats under maximum seating arrangement.
18. Retail or Personal Service - One (1) space for each two hundred (200) square feet of total floor area. Furniture stores and appliance stores - One (1) space for each five hundred (500) square feet of total floor space.
19. Schools, Elementary, or Junior High - One (1) space for each classroom plus one (1) space for each four (4) seats in any auditorium, gymnasium or other place of assembly.
20. Storage or Warehousing - One (1) space for each two (2) employees or one (1) space for each thousand (1,000) square feet of total floor area, whichever is greater.
21. Theaters, meeting rooms, and places of public assembly - One (1) space for each three (3) seats.

## **ZONING ORDINANCE #2050**

22. Shopping Center or Mall - A shopping center or mall is a structure built or converted to provide three (3) or more individual spaces (for rent, for lease, or for sale) that is intended for a non residential use. One (1) space for each three hundred (300) square feet of total floor area. If two (2) or less, then the parking requirements of 25.102 (1) thru 25.102 (24) would apply to the individual use per business space.
23. Motor Vehicle Service Repair or Garage - Four (4) spaces per service bay.
24. Beauty and Barber Shops - One (1) space for each one hundred (100) square feet of total floor area.

### **25.200 SPECIAL OFF - STREET PARKING REQUIREMENTS**

1. In the SF-10, SF-6, SFA, 2F and MF Districts, no parking space, garage or carport or other automobile storage space or structure shall be used for the storage of any truck, truck trailer, or van exceeding one (1) ton capacity.
2. In the SF-10, SF-6, SF-A, 2F, MF Districts, a boat or recreational vehicle may be parked or stored on the residential premises of the owner provided that such boat or recreational vehicle at least ten (10) feet from any curb line and not in the required front or side yard.
3. Floor area of structures devoted to off-street parking of vehicles shall be excluded in the computing of off street parking requirements.
4. Private access drives to parking lots to serve non-residential uses shall not be through residential districts.

### **25.300 PARKING REQUIREMENTS FOR NEW OR UNLISTED USES**

1. Where questions arise concerning the minimum off-street parking requirements for any use not specifically listed, the requirements may be interpreted as those of a similar use.
2. Where a determination of the minimum parking requirements cannot be readily ascertained for new or unlisted uses according to 24.102 or where uncertainty exists, the minimum off-street parking requirements shall be established by the same process as provided in 4.200 for classifying new and unlisted uses.

### **25.400 OFF -STREET LOADING REGULATIONS**

Except in the CC district, all retail, commercial, industrial, and service structures shall provide and maintain off-street facilities for receiving and loading merchandise, supplies, and materials within a building or on the lot or tract. Such off-street loading space may be adjacent to a public alley or private service drive or may consist of a truck berth within the structure. Such off-street loading space or truck berth shall consist of a minimum area of ten (10) by forty-five (45) feet and such spaces or berths shall be provided in accordance with the following schedule:

## ZONING ORDINANCE #2050

SQUARE FEET OF  
GROSS FLOOR AREA  
IN STRUCTURE

MINIMUM REQUIRED  
SPACES OR BERTHS

0 to 5,000	None
5,000 to 15,000	1
15,000 to 40,000	2
40,000 to 65,000	3
65,000 to 100,000	4

Note: The existence of a twenty (20) foot alley adjacent to the property shall be the equivalent of one berth.

## ZONING ORDINANCE #2050

### ARTICLE 26. PERMITS

**26.100** No permit for the erection, alteration, construction, reconstruction, use or maintenance of any building, or the use of any premises shall be issued by the Building Official unless there shall first be filed in this office by the applicant therefore a plan in duplicate, drawn to scale, correctly showing the location and actual dimensions of the lot to be occupied, the dimensions and location on the lot of the building to be erected, constructed, reconstructed, altered, used or maintained with measurements of the building, together with a true statement, in writing, signed by the applicant showing the use for which such building or premises is arranged, intended, or designed, and the location and dimensions of all accessory buildings or structures and no permit shall be issued by said Building Official unless such plan shall show in all details that such building or structure is to be erected, constructed, reconstructed, use or maintained, and such premises are to be used in conformity with all the provisions of this Ordinance. A record of such applications and plans shall be kept in the office of the Building Official. Failure of any applicant or his agent, servants or employees to erect, construct, reconstruct, alter, use or maintain any building structure or premises in conformance with such plans on which such permit is issued, when such failure constitutes a violation of any provisions of this Ordinance, shall render such permit void, and the City Building Official is hereby authorized and directed to revoke any such permit by giving written notice to the applicant, or his agents, servants or employees and all work upon such building, structures of premises shall be immediately discontinued on the serving of such notice until such buildings, structures or premises shall be changed so as to comply with such plans and permits.

**26.200** No person firm or corporation shall construct, place or maintain or cause to be constructed, placed or maintained any type or kind of fence or screen, including one made up of shrubbery, bushes or trees, without having first procured from the City of Sulphur Springs a written fence permit. Before issuing any such permit, the City shall approve the plan for the construction of same and be satisfied that said fence or screen and its location will not constitute a violation of any of the ordinances of said City, including but not limited to building lines, side yard lines, and traffic hazards not a menace to persons or to the property of others.

## **ZONING ORDINANCE #2050**

### **ARTICLE 27. CERTIFICATE OF OCCUPANCY AND COMPLIANCE**

**27.100** No building hereafter erected, converted or structurally altered shall be used, occupied or changed in use and no land may be used until a Certificate of Occupancy and Compliance shall have been issued by the Building Official of the City of Sulphur Springs stating that the building or proposed use of land or building complies with the provisions of this Ordinance and other building laws of the City of Sulphur Springs.

**27.101** A Certificate of Occupancy and Compliance shall be applied for coincident with the application for a Building Permit and will be issued within ten (10) days after the completion of the erection, alteration or conversion of such building or land provided such construction or change has been made in complete conformity to the provisions of this Ordinance. An Occupancy Permit shall be considered evidence of the legal existence of a nonconforming use as contrasted to an illegal use and violation of this Ordinance.

**27.102** A Certificate of Occupancy and Compliance shall state that the building or proposed use of a building or land complies with all the building ordinances and with the provisions of these regulations. A record of all certificates shall be kept on file in the office of the Building Official and copies shall be furnished, on request, to any person having a proprietary or tenancy interest in the land or building affected.

**27.103** Whenever a change of occupancy from one nonconforming use to another nonconforming use is proposed, an application for a Certificate of Occupancy shall be made to the Building Official.

## ZONING ORDINANCE #2050

### ARTICLE 28. AMENDMENTS

**28.100** Any person or corporation having proprietary interest in any property may petition the City Council for a change or amendment to the provisions of this Ordinance, or the City Planning and Zoning Commission may, on its own motions or on requests from the City Council, institute study and proposal for changes and amendments in the public interest.

#### **28.101** PROCEDURE

1. The City Council may, from time to time, amend, supplement or change by Ordinance, the boundaries of the districts or the regulations herein established as provided by the Statutes of the State of Texas.
2. Before taking action on any proposed amendment, supplement or change, the governing body shall submit the same to the City Planning and Zoning Commission for its recommendation and report.
3. The City Planning and Zoning Commission shall hold a public hearing on any application for any amendment or change. When any such amendment or change relates to a change in classification or boundary of a zoning district, written notice of public hearing before the City Planning and Zoning Commission on the proposed amendment or change shall be sent to all owners of real property lying within two hundred (200) feet of the property on which the change is requested. Such notice shall be given not less than ten (10) days before the date set for hearing by posting such notice properly addressed and postage paid to each taxpayer as the ownership appears on the last approved City tax roll. Notice shall also be posted along with the agenda for all Hearings and related meetings in accordance with the applicable Laws of the State of Texas. When any such amendment relates to a change of a zoning regulation or to the text of this Ordinance not affecting specific property, notice of the public hearing of the City Planning and Zoning Commission shall be given by publication in a newspaper of general circulation in the City of Sulphur Springs without the necessity of notifying property owners by mail. Such notice shall state the time and place of such hearing and the nature of the subject to be considered, which time shall not be earlier than ten (10) days from the date of publication.
4. A public hearing shall be held by the governing body before adopting any proposed amendment, supplement or change. Notice of such hearing shall be given by publication in a newspaper of general circulation in the City of Sulphur Springs stating the time and place of such hearing, which time shall not be earlier than fifteen (15) days from the date of publication.
5. Unless a proposed amendment, supplement or change has been approved by the City Planning and Zoning Commission, or if a protest against such proposed amendment, supplement or change has been filed with the City Secretary, duly signed and acknowledged by the owners of twenty (20) percent or more, of the area of the lots or land included in such a proposed change or of the lots or land immediately adjoining the same and extending two hundred (200) feet there from including Public Right-of-Way, such amendments shall not become effective except by a three-fourths (3/4's) vote of the City Council.

## ZONING ORDINANCE #2050

### Article 29. PLANNED UNIT DEVELOPMENTS

#### 29.100 "PUD" Planned Unit Development District

1. General Purpose and Description: The "PUD" Planned Unit Development District is a district which accommodates coordinated development that provides a more flexible means than the zoning districts outlined in this ordinance. A PUD District may be used to permit new or innovative concepts in land utilization or diversification that could not be achieved under conventional zoning approaches. While great flexibility is given to provide special restrictions which will allow development not otherwise permitted, procedures are established herein to ensure against misuse of the increased flexibility. Overall, PUDs should be designed to create more vibrant, livable communities with a high quality of life within a well planned and integrated environment. PUDs typically include specific design and development standards that guide the layout, appearance, and functionality of the community. These standards can include but not be limited to architectural guidelines, landscaping requirements, and infrastructure specifications.

(a) The PUD District designation shall be used for the following purpose(s):

(i) Master planning;

(ii) To carry out specific goals of:

(A) The Comprehensive Plan;

(B) The City;

(C) Public/private partnered special projects; and/or

(D) City Council strategic focus areas;

(iii) Development of mixed use, transit-oriented or traditional neighborhoods with a variety of uses and housing types; and/or

(iv) To preserve natural features, open space and other topographical features of the land.

2. Permitted Uses: Any use specified in the ordinance granting a PUD District shall be permitted in that district. The size, location, appearance and method of operation may be specified to the extent necessary to ensure compliance with the purpose of this ordinance. Unless specified in the amending ordinance, all buildings and uses shall comply with all City development requirements

#### 29.101 Planned Unit Development requirements.

1. Modified development requirements. Development requirements for each PUD district shall be set forth in the amending ordinance granting the PUD district and shall include, but may not be limited to standards listed in the following documents:

a. Zoning ordinance;

b. Subdivision ordinance;

c. Other requirements as the city council and planning and zoning commission may deem appropriate.

## ZONING ORDINANCE #2050

2. Reference base zoning district. When referencing a base zoning district, the PUD ordinance will not have to provide any of the references listed above unless they vary from the zoning district requirements.

3. Different standards list.

a. All applications to the city for PUD zoning shall list all requested standards differing from the normal requirements set forth throughout this chapter and related city development requirements.

b. All applications without this list will be considered incomplete.

c. The list shall be provided in the form of a comparison table that lists all current standards and the corresponding proposed standards for the PUD district.

d. The applicant shall provide written justification for the PUD request and associated standards, including a statement of impact on public health, safety, and welfare.

4. Two PUD types. Two types of PUDs can be requested, an overlay PUD and a freestanding PUD, described below.

a. Overlay PUD district: In the overlay PUD district, uses shall conform to the standards and regulations of the base zoning district.

1. The particular zoning district must be stated in the granting ordinance.

b. Freestanding PUD district: In the freestanding PUD district, any use may be allowed for any district that is listed in this chapter.

1. All standards and uses shall be outlined within the granting ordinance and the PUD shall be in conformance with the purpose and intent of the comprehensive plan, public/private partnered special projects, and/or City Council strategic focus areas.

2. A base zoning district shall be assigned and stated within the granting ordinance at the time of city council approval of the ordinance.

3. This base zoning district will be used when any specific regulations are not listed in the granting ordinance.

4. PUD application materials submitted. An applicant for a PUD district shall submit all materials required by this zoning ordinance.

a. The Director or designated representative shall send written notice, within 14 calendar days after the date the application is filed, to any applicant that has submitted incomplete materials stating the remaining documents or other information needed to make the application complete.

## ZONING ORDINANCE #2050

b. The application for a PUD district shall expire on the forty-fifth calendar day after the date the application was filed if the applicant fails to submit the remaining documents or other information needed to make the application complete on or before such forty-fifth calendar day.

c. In addition, the applicant is encouraged to conduct a neighborhood meeting with area homeowners within the vicinity of the request prior to appearing before the planning and zoning commission. The applicant shall notify the Director or designated representative of any scheduled neighborhood meetings at least seven calendar days prior the meeting.

5. PUD district map (zoning exhibit "A"). The PUD district map shall include all lands within the PUD district and adjacent properties.

a. The Director or designated representative shall establish all dimensional requirements for PUD district maps.

6. Development schedule. A development schedule may be requested by staff, the planning and zoning commission, or the city council at any time during the PUD request process.

7. Conformity. The PUD district standards shall conform to all other sections of this chapter unless specifically excluded or modified in the granting ordinance.

8. Minimum net acreage. The minimum net acreage for a PUD request shall be two acres unless a specific finding is made by the city council that the establishment of the district is required to implement the Comprehensive Plan, a strategic focus area, a special project, or any other purpose.

**29.102** Appropriate plans and standards for Planned Unit Developments (zoning exhibits "B" and "C"). In establishing a PUD district in accordance with this section, the city council shall approve and file as part of the amending ordinance appropriate plans and standards for each PUD district, which shall be attached as zoning exhibit "B" to the PUD ordinance.

1. Proposed standards. Zoning exhibit "B" shall outline the list of proposed standards for the PUD.

2. Different standards for different tracts. If different standards will be applied to different tracts within the PUD, then separate regulations for each tract shall be specified.

3. Additional requirements (zoning exhibit "C").

a. If the proposed PUD is amending uses only, nothing additional is required unless supplemental information is necessary to clarify the request.

b. If the proposed PUD amends any other standards, a zoning exhibit of the proposed PUD will be required (which shall be attached as zoning exhibit "C" to the PUD ordinance), unless otherwise determined by the director or designated representative.

## **ZONING ORDINANCE #2050**

- c. Zoning exhibit "C" shall facilitate understanding of the request during the review and public hearing process, and will serve as a guide for future development within the PUD district.
- d. If required, the zoning exhibit "C" shall reflect the overall layout of the entire development.
- e. If the PUD is nonresidential and/or mixed use in nature, the zoning exhibit "C" shall also include but not be limited to building dimensions and location, structure height, uses, parking specifications, floor area ratio and lot coverage, open space specifications, drainage features, landscaping and trees, floodplain/riparian details, and architectural style or elevations for illustrative purposes.
- f. The city may require further written documentation that describes and explains the exhibit "C" layout.
- g. The exhibit "C" shall in no way vest rights for the property that are outside the regulations of the zoning ordinance and other applicable city ordinances, as they currently exist or shall be amended.

**29.103** Zoning map and PUD list. All PUD districts approved in accordance with the provisions of this chapter in its original form, or by subsequent amendments thereto, shall be referenced on the zoning district map, and a list of such Planned Unit Development districts, together with the category of uses permitted.

**29.104** PUD process, public hearing and notice. The procedure for establishing a Planned Unit Development district shall follow the procedure for zoning amendments as set forth in Article 28, section 28.101.

**ZONING ORDINANCE #2050**

**ARTICLE 30. RESERVED**

**ZONING ORDINANCE #2050**

**ARTICLE 31. RESERVED**

**ZONING ORDINANCE #2050**

**ARTICLE 32. RESERVED**

**ZONING ORDINANCE #2050**

**ARTICLE 33. RESERVED**

## **ZONING ORDINANCE #2050**

### **ARTICLE 34. ENFORCEMENT**

**34.100** It shall be the duty of the Building Official to enforce the provisions of this Ordinance and to institute any appropriate action or proceedings to restrain, correct or prevent the violation of the terms of this Ordinance.

**34.200** Appeals from the action of the City Building Official may be made to the Board of Adjustment.

## **ZONING ORDINANCE #2050**

### **ARTICLE 35. PENALTY FOR VIOLATIONS**

**35.100** Any person violating or failing to comply with any of the provisions of this Ordinance shall be fined upon conviction not less than One Dollar (\$1.00) nor more than One Thousand (\$1,000) and each day any violation or non-compliance continues shall constitute a separate and distinct offense.

**35.200** The penalty provided herein shall be cumulative of other remedies provided by State Law and the power of injunction as provided in Texas Revised Civil Statutes, Article 1011-h and as may be amended, may be exercised in enforcing this Ordinance whether or not there has been a criminal complaint filed.

## **ZONING ORDINANCE #2050**

### **ARTICLE 36. SAVINGS CLAUSE**

**36.100** It is hereby declared to be the intention of the City Council of the City of Sulphur Springs that the sections, paragraphs, sentences, clauses and phrases of this Ordinance are severable, and if any phrase, clause, sentence, paragraph, or section of this Ordinance shall be declared unconstitutional, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs, or sections of this Ordinance, since the same would have been enacted by the City Council without the incorporation in this Ordinance of any such unconstitutional or invalid phrase, clause, sentence, paragraph, or section.

**36.101** This Ordinance shall be in full force and effective from and after the date of its passage and publication of the descriptive caption as required by Article 1013 of the Statutes of the State of Texas.

## **ZONING ORDINANCE #2050**

### **ARTICLE 37. ADOPTION CLAUSE**

This Ordinance, upon its adoption, shall hereby expressly replace the existing Zoning Ordinance of the City of Sulphur Springs as adopted on the 5th day of June, 1956, and the 4th day of June, 1985, respectively, together with all amendments thereto. All Ordinances and parts of Ordinances inconsistent with or in conflict with the provisions of this Ordinance shall be and are hereby expressly repealed unless otherwise noted herein. This Ordinance shall be in full force and effect from and after its passage and publication as provided by law.

## **ZONING ORDINANCE #2050**

### **ARTICLE 38. INTERPRETATION, PURPOSE AND CONFLICT**

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

## **ZONING ORDINANCE #2050**

### **ARTICLE 39. PRESERVING RIGHTS IN PENDING LITIGATION AND VIOLATIONS UNDER EXISTING ORDINANCES**

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

## **ZONING ORDINANCE #2050**

### **ARTICLE 40. EFFECTIVE DATE**

This amended ordinance shall become effective from and after the date of its approval and adoption as provided by law.

ZONING ORDINANCE #2050

CITY OF SULPHUR SPRINGS, TEXAS

ORDINANCE NO. 2050

WHEREAS, that Ordinance Numbers 374, 1017, and 1041, the Zoning Ordinance of the City of Sulphur Springs, Texas, adopted the 5th day of June, 1956, the 4th day of June 1985, and the 15th day of April, 1986, respectively, together with all amendments thereto is amended in its entirety;

WHEREAS, the Zoning Regulations and Districts as herein established have been made in accordance with a Comprehensive Plan for the purpose of promoting the health, safety, morals, and general welfare of the City. They have been designed to lessen the congestion in the 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, sewerage, schools, parks, and other public requirements. They have been made with the reasonable consideration among other things, for the character of the district and its peculiar suitability for the particular uses specified, and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the City consistent with a Comprehensive Plan.

WHEREAS, due to the length of the Zoning Ordinance text, it is not being printed in its entirety. Copies are available for inspection at the City Secretary's Office, City Hall, 125 South Davis Street, during office hours.

IT IS SO ORDAINED.

PASSED AND APPROVED on first reading on this the 1st day of May, 1990.

PASSED AND APPROVED on second and final reading on this the 5th day of June, 1990.

M. M. S. Latman
Margin Latman, Mayor

ATTEST:

Sharon Ricketson
Sharon Ricketson, City Secretary

## **ZONING ORDINANCE #2050**

### APPENDIX A

#### 1986 COMPREHENSIVE ZONING ORDINANCE

CITY OF SULPHUR SPRINGS, TEXAS

ORDINANCE NO. 1041

AN ORDINANCE TO REGULATE THE LOCATION AND USE OF BUILDINGS, STRUCTURES, AND LAND FOR TRADE INDUSTRY, RESIDENCE, AND OTHER SPECIFIED USES; TO REGULATE AND LIMIT THE HEIGHT AND BULK OF BUILDINGS HEREAFTER ERECTED AND ALTERED; TO REGULATE AND DETERMINE THE SIZE OF YARDS, COURTS AND OTHER OPEN SPACES; TO REGULATE AND LIMIT THE DENSITY OF POPULATION; FOR SAID PURPOSES TO DIVIDE THE CITY INTO DISTRICTS; TO PROVIDE FOR A BOARD OF ADJUSTMENT AND DEFINING ITS POWERS AND DUTIES; PRESCRIBING PENALTIES FOR THE VIOLATION OF ITS PROVISIONS AND PROVIDING FOR ITS ENFORCEMENT; CONTAINING A SAVINGS CLAUSE AND PROVIDING FOR INTERPRETATION, PURPOSE AND CONFLICT.

WHEREAS, by the provisions of Chapter 283, General Laws, passed by the regular session of the fortieth Legislature of the State of Texas in the year of 1927, authority is conferred upon the City of Sulphur Springs, Texas, to establish districts or zones within its corporate limits for the purpose of better regulating the use of land and controlling the density of population to the end that congestion upon the public streets may be lessened, the public health, safety, convenience and general welfare promoted; and

WHEREAS, the City Council has authorized the publication of this ordinance and has called a public hearing to be held at the regular session of the Council on April 15, 1986; and

WHEREAS, the City Planning and Zoning Commission, created under the provisions of the general laws of the State of Texas and by order pursuant to the provisions of an ordinance of the City of Sulphur Springs, Texas, duly adopted has recommended boundaries of districts and appropriate regulations to be enforced therein and a public hearing will be held at which all owners of property affected will be given ample opportunity, after public notice by advertisement, to file their protests or criticisms, if any, and official notice is hereby given for such public hearing discussions of said Ordinance, on April 15, 1986, at 7:00 o'clock p.m. at the Council Chambers of the City Hall in Sulphur Springs, Texas;

WHEREAS, the passage, promulgation and enforcement of the provisions hereinafter contained are deemed to be necessary for the promotion of the health, safety, morals, and general welfare of the community, to carry out the governmental powers delegated to and possessed by the City of Sulphur Springs, Texas, for securing the objects herein before expressed;

NOW, THEREFORE BE IT ORDAINED BY THE CITY OF SULPHUR SPRINGS, TEXAS.

## ZONING ORDINANCE #2050

### ARTICLE I

#### ENACTING CLAUSE

1.100 That Ordinance Number 374, and Number 1016 the Zoning Ordinance of the City of Sulphur Springs, Texas, adopted the 5th day of June, 1956, and the 4th day of June 1985, respectively, together with all amendments thereto is amended in its entirety to be known as the Comprehensive Zoning Ordinance and to read as follows:

1.200 Purpose

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

**ZONING ORDINANCE #2050**

ARTICLE 40 EFFECTIVE DATE

40.100 This amended Ordinance shall become effective from and after the date of its approval and adoption as provided by law.

PASSED AND APPROVED this the 15th day of April, 1986.

  
\_\_\_\_\_  
Mayor

ATTEST:

  
\_\_\_\_\_  
City Secretary

First Reading March 18, 1986

Second Reading April 15, 1986

ZONING ORDINANCE #2050

CITY OF SULPHUR SPRINGS, TEXAS

ORDINANCE No. 1017

WHEREAS, that Ordinance No. 374, the Zoning Ordinance of the City of Sulphur Springs, Texas, adopted the 5th day of June 1956, together with all amendments thereto is amended in its entirety;

WHEREAS, the Zoning Regulations and Districts as herein established have been made in accordance with a Comprehensive Plan for the purpose of promoting the health, safety, morals, and general welfare of the City. They have been designed to lessen the congestion in the 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, sewerage, schools, parks, and other public requirements. They have been made with reasonable consideration among other things, for the character of the district and its peculiar suitability for the particular uses specified, and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the City consistent with a Comprehensive Plan.

WHEREAS, due to the length of the Zoning Ordinance text, it is not being printed in its entirety. Copies are available for inspection at the City Secretary's Office, City Hall, 125 South Davis.

IT IS SO ORDAINED.

PASSED AND APPROVED on first reading on this the 7th day of May, 1985.

PASSED AND APPROVED on second and final reading on this the 4th day of June, 1985.

David Baucom, Mayor

ATTEST:

Sharon Ricketson, City Secretary