

## Chapter 5. Supplemental Use Standards

### *Article 1. Standards for Selected Uses*

#### 5.100 General

**A. Relationship to Use Tables**

The supplemental use standards of this Article shall apply only to uses that are so designated in the use tables in Chapter 4, Articles 6 and 8. Where the use tables do not indicate that supplemental use standards apply, the conditions set forth in this Article shall not apply.

**B. Additional Conditions**

Nothing in this Article shall prevent the City from imposing additional conditions during either the special exception or planned unit development review process.

**C. Distance Measurements**

Unless otherwise noted, all measurements are in a straight line (ignoring intervening structures) from the property line of the specified use to the boundary of the designated district. (Ord. No. 13896, Eff. 10/12/99)

#### 5.101 Ambulance Dispatch Station

An ambulance dispatch station may be permitted in accordance with the use tables in Chapter 4, Articles 6 and 8, provided that permits shall be for a limited period of time as specified by the Board of Adjustment. (Ord. No. 13896, Eff. 10/12/99)

#### 5.102 Appliance Sales

Electrical, gas, plumbing and heating appliances and supply sales; and electrical, gas, plumbing and heating repair and installation services may be permitted in accordance with the use tables in Chapter 4, Articles 6 and 8, provided that the use is limited to shops that serve the immediate adjacent neighborhood. (Ord. No. 13896, Eff. 10/12/99)

#### 5.103 Assaying

No assaying of gold or silver shall be permitted in the "I" or "J" District. (Ord. No. 13896, Eff. 10/12/99)

#### 5.104 Automotive Repair; Paint and Body Shop

Automotive repair and lubrication, oil changes, paint and bodywork, and other maintenance services, are permitted in accordance with the use tables in Chapter 4, Articles 6 and 8, subject to the following conditions.

1. All repairs must be conducted within an enclosed building.
2. A. Vehicle storage requirements for Automotive Repair; Paint and Body Shops near one or two-family residential use.
  - 1) Automotive Repair; Paint and Body Shops located on property adjacent to a one- or two-family residential use must screen all vehicles that have been accepted for repairs from view from such residential use by parking/storing the vehicles within a building or by providing a six-foot solid screening fence or six-foot solid screen evergreen hedge along the property line adjacent to, or across an alley from, the one or two-family residential use. The solid screen evergreen hedge shall planted be in accordance with the Zoning Ordinance landscaping and buffer requirements.

- 2) All other Automotive Repair; Paint and Body Shops within 200 feet from any one or two-family residential use must screen all vehicles that have been accepted for repairs from view from such residential use by parking/storing the vehicles within a building or by providing a six-foot solid screening fence or six-foot solid screen evergreen hedge on all property lines facing the residential use. The measurement of the distance between the automotive repair or paint and body shop and the one or two-family residential use shall be along the nearest property line of the one or two-family residential use to the nearest property line of the automotive repair or paint and body shop, along street lines and in a direct line across intersections. The solid screen evergreen hedge shall be planted in accordance with the Zoning Ordinance landscaping and buffer requirements.
- B. Overnight vehicle storage requirements.  
No more than two vehicles per bay or repair/inspection station that have been accepted for repairs by the repair, paint or body shop may be stored/parked outside after regular business hours unless the vehicles in excess of two per bay or repair/inspection station are completely enclosed:
  - 1) Behind a minimum six-foot solid screening fence in accordance with Section 5.104;
  - 2) Behind a minimum six-foot solid screen evergreen hedge; or
  - 3) Within a building.  
The solid screen evergreen hedge shall be planted in accordance with the Zoning Ordinance landscaping and buffer requirements.
- C. Vehicle storage requirements for wrecked or dismantled vehicles.  
All wrecked or dismantled vehicles must be stored in an enclosed building or completely enclosed behind a minimum six-foot solid screening fence or a minimum six-foot solid screen evergreen hedge. The solid screen evergreen hedge shall be planted in accordance with the Zoning Ordinance landscaping and buffer requirements.
3. No repairs shall be conducted on any premises that adjoin any residential district boundary.
4. No automobile repair or service facility shall be permitted to have bay doors facing a one-or two-family district.
5. No vehicle retained for repairs may be stored for more than sixty (60) days from the date the vehicle is accepted for repair. The sixty-day time limit may be extended to a total of one hundred eighty (180) days from the date the vehicle is accepted for repair if the automotive repair or paint and body shop has begun the process to obtain a lien on the vehicle pursuant to state law. Extension beyond this time shall be considered a change in use of the property and the Board of Adjustment shall not have jurisdiction to grant any variance to extend the 60-day or the 180-day period.
  - a. The time limit in Subsection 5A shall not apply to the repair and/or conditioning of antique vehicles and racecar fabrication if the automotive repair or paint and body shop is located in an industrially zoned district.
  - b. The time limit in Subsection 5A shall not apply to any vehicle ordered by a court or mandated by arbitration or mediation to be stored by the automotive repair or paint and body shop.
6. Any property used as an automotive repair, paint or body shop located in a "MU-2", "MU-2G", "I", "J" or "K" District must comply with subsections 2 and 5 above. Further, such facilities located in an "MU-2" or "MU-2G" District must also comply with Section 9.101.D.7 (Fences and Gates) of the respective districts. Ordinance 17093 Eff. 8/28/06

Note: All automotive repair, paint & body shops shall comply with Section 5.104 (2) no later than January 1, 2003.

Amended by Ordinance 14911 Eff. 12/18/2001 and Ordinance 15166 Eff. 7/30/2002

### 5.105 Bakery

Repealed by Ordinance No. 14624.

### 5.106 Bed and Breakfast Home

Bed and Breakfast Homes may be permitted in accordance with the use tables in Chapter 4, Articles 6 and 8, subject to the following conditions.

1. A site plan to scale shall be presented to the Board of Adjustment when application is made for a Bed and Breakfast Home special exception showing required off-street parking spaces, driveways, sidewalks, and any other paving, and the floor plan of the residence showing bedrooms to be used for public accommodation. Applicant shall submit three photographs of the existing residence; a picture of the front of the property showing the property from the street to the front of the residence; and a view from each side property line showing the property from the property line to the residence. The Board of Adjustment will have no authority to waive the site plan.
2. Provisions must be made for one off-street parking space per guest room, plus two off-street parking spaces for the owner. The parking area must be a hard surface, and dust free. The Board of Adjustment shall have no authority to grant variances to this requirement.
3. All overnight parking shall be in designated parking spaces, as provided on the site plan.
  - a. Other than driveways and sidewalks, the front yard (which means the property from the front of the building to the street) may not be paved. The Board of Adjustment shall have no authority to issue variances to this Paragraph.
  - b. All parking areas on property (except driveways) shall be behind any building lines and must be screened from the view of adjacent residences to a height of six feet by a solid screening fence, or dense shrubs and vegetation. The Board of Adjustment shall have no authority to grant variances to this requirement.
4. Stacked parking is permitted in driveways for a maximum of four vehicles. The Board of Adjustment shall have no authority to issue variances to this Paragraph.
5. Recreational vehicles, trailer homes, campers, and utility trucks exceeding seven-foot height, seven-foot width, or 20 foot length may not be parked by the owners or occupants of a Bed and Breakfast Home on the premises or the street.
6. A maximum of three guest rooms is allowed with no more than three occupants per guest room up to a maximum total of nine guests per night. The Board of Adjustment shall have no authority to issue variances to this Paragraph.
7. The maximum length of stay is limited to 14 consecutive days for each individual guest. No guest shall stay more than 60 days in a 12-month period.
8. Signage is limited to one square foot, attached to building or mailbox, non-illuminated, and shall display only the name of the Bed and Breakfast Home on it. No additional outdoor advertising of any kind is allowed. The Board of Adjustment will have no authority to issue variances to this Paragraph.
9. The floor plan of a Bed and Breakfast Home cannot be altered or changed without approval by the Board of Adjustment.
10. Basements, garage apartments, guest houses and attic rooms can be rented under these guidelines. Existing garages cannot be converted.
11. A Bed and Breakfast Home must comply with all applicable state and city health and safety laws.
12. No weddings, receptions, events, or parties may be held at a Bed and Breakfast Home.
13. No alcoholic beverage may be sold to Bed and Breakfast guests on the premises.
14. No cooking is permitted in bedrooms.
15. No vending machines are allowed.
16. Souvenirs, clothing or miscellaneous items can be sold only to registered guests by the owner.
17. No trash dumpsters are allowed.
18. Owner must secure an annual Operator's License and obtain a Certificate of Occupancy before operating a Bed and Breakfast Home.
19. If a Bed and Breakfast Home is also in a Historic and Cultural Landmark ("HC") Overlay District, the strictest guidelines will be enforced.

20. Guests must register on arrival. A guest must provide name, permanent home address and telephone number, vehicle license number and date(s) of occupancy. Registration records must be maintained for five years and are subject to review by City officials at any time.
21. A Bed and Breakfast Home may not be located within 400 feet of another Bed and Breakfast Home or Inn or a boarding/lodging house. The distance will be determined by a straight line from the closest property line of the lot on which the Home is located to the closest property line of the lot on which the other Home or Inn or boarding/lodging house is located.
22. A special exception can only be granted for a maximum period of five years and is not transferable to a subsequent owner or to another property.
23. Violation of this Section or any other city ordinance may result in revocation of Operator's License. (Ord. No. 13896, Eff. 10/12/99; Ord. No. 14911, 12/18/01; Ord. No. 15166, 07/23/02; Ord. 17093, Eff. 08/21/06 deletes from commercial & industrial districts)

### 5.107 Bed and Breakfast Inn

Bed and Breakfast Inns may be permitted in accordance with the use tables in Chapter 4, Articles 6 and 8, subject to the following conditions.

1. A site plan to scale shall be presented to the Board of Adjustment when application is made for a Bed and Breakfast Inn special exception showing required off-street parking spaces, driveways, sidewalks, and any other paving, and the floor plan of the residence showing bedrooms to be used for public accommodation. The burden of proof regarding all conditions is on the applicant. Such site plan and floor plan will become part of the approval of the special exception. Applicant shall submit three photographs of the existing residence; a picture of the front of the property showing the property from the street to the front of the residence; and a view from each side property line showing the property from the property line to the residence. The Board of Adjustment will have no authority to waive the site plan.
2. A Bed and Breakfast Inn shall have a manager on site at all times when occupied by guests.
3. Provisions must be made for adequate off-street parking in accordance with Section 6.201. The parking area must be a hard surface, and dust free.
4. In residential districts "D", "D-HR1", and "D-HR2", no parking shall be permitted in the front yard (from the front of the building to the street) other than on a driveway.
  - a. Other than driveways and sidewalks, the front yard (meaning the property from the front of the building to the street) may not be paved. The Board of Adjustment shall have no authority to issue variances to this Paragraph.
  - b. All parking areas (except driveways) on a property adjacent to any one- or two-family district must be screened from the view of adjacent residences to a height of six feet by a solid screening fence or dense shrubs and vegetation. The Board of Adjustment will have no authority to issue variances to this Paragraph.
  - c. All overnight parking shall be in designated parking spaces, as provided on the site plan.
5. Stacked parking is permitted in driveways.
6. Off-site parking may be provided within 200 feet of a Bed and Breakfast Inn provided the property is properly zoned or a special exception for auxiliary parking in compliance with Section 6.202F is granted. In addition, all off-site parking must comply with Chapter 6, Article 3 relative to screening fence and bufferyard requirements if adjacent property is in a one- or two-family district. A fence may not extend into the front or side yard past any building line.
7. A maximum of five guest rooms is allowed with no more than three occupants per guest room up to a maximum of 15 guests per night. The Board of Adjustment will have no authority to issue variances to this Paragraph.
8. The maximum length of stay is limited to 14 consecutive days for each individual guest. No guest shall stay more than 60 days in a 12-month period.
9. In any "D", "D-HR1" or "D-HR2" District, signage is limited to one square foot, displaying only the name and/or address of the Bed and Breakfast Inn on it. No additional outdoor advertising of any kind is allowed. In all other Districts, compliance with Chapter 6, Article 4, Signs, is required.

10. Recreational vehicles, trailer homes, campers, and commercial trucks of at least seven-foot height, seven-foot width, and 20-foot length may not be parked by the owners or occupants of a Bed and Breakfast Inn on the premises or the street in a residential district.
11. The floor plan of a Bed and Breakfast Inn cannot be altered or changed without approval by the Board of Adjustment.
12. Cooking is not permitted in bedrooms.
13. No vending machines are allowed.
14. Souvenirs, clothing or miscellaneous items can be sold only to registered guests by the owner/operator.
15. Owner must secure an annual Operator's License and obtain a Certificate of Occupancy before operating a Bed and Breakfast Inn.
16. If a Bed and Breakfast Inn is also in a Historic and Cultural Landmark ("HC") Overlay District, the strictest guidelines will be enforced.
17. Guests must register on arrival. A guest must provide name, permanent home address and telephone number, vehicle license number and date of occupancy. Registration records must be maintained for five years and are subject to review by City officials at any time.
18. Violation of this Ordinance or any other city ordinance may result in revocation of Operator's License.
19. A special exception can only be granted for a maximum period of five years and is not transferable to a subsequent owner or to another property. (Ord. No. 13896, Eff. 10/12/99; Ord. 17093, Eff. 8/21/06 permits use in commercial and industrial districts)

### **5.107A Boarding Houses**

Boarding Houses may be permitted in accordance with the use tables in Chapter 4, Articles 6 and 8, subject to the following conditions.

- a. No more than one boarding house per individual tract, parcel or platted lot is allowed.
- b. All sleeping rooms shall be a minimum size of 70 square feet for one occupant and 120 square feet per two occupants, plus 50 square feet for each additional occupant.
- c. Public ingress and egress to the boarding house shall be through one common exterior entrance. Ingress and egress for boarders shall be through common exterior entrances.
- d. Entry access to all sleeping rooms shall be through the interior of the building. No exit doors from individual sleeping rooms shall lead directly to the exterior of the building.
- e. Residents must have access on-site to shared common areas for cooking and eating. A common kitchen facility equipped for cooking meals located on-site must be available to the residents, or daily meals must be provided on-site for the residents of the boarding house.
- f. No cooking is permitted in any sleeping room. No cooking facilities are permitted in any sleeping room.
- g. Each floor must contain at least one fully-equipped bathroom for each five residents that is accessible from a common hallway.
- h. Each resident must execute a lease before occupancy.
- i. Parking spaces shall be provided as follows: one space per leased sleeping room; and one space per four employees.
- j. Owner of the boardinghouse must obtain a certificate of occupancy and register with the multi-family inspection program before operating a boardinghouse.

(Ord. No. 21946, Eff. 10/17/15; 15286, Eff. 10/18/02)

### **5.108 Car Wash**

Self-service and full-service car wash facilities may be permitted in accordance with the Use Table in Chapter 4, Articles 6 and 8, subject to the following conditions.

1. All washing facilities shall occur under a roofed area with at least two walls.
2. Vacuuming facilities may be outside the building but shall not be in the front yard and shall not be closer than 25 feet from any residential district.

3. The building surfaces shall be faced with masonry, porcelainized steel, baked enamel steel or other material equal in durability and appearance.
4. The building shall not be less than 100 feet from any residential district.
5. The building shall set back not less than 25 feet from the front property line.
6. Off-street parking shall be provided on the property in the ratio of not less than three parking spaces for each washing stall, or five parking spaces for each automobile that may be accommodated on the washing line within a full-service building.
7. All off-street parking areas shall be hard-surfaced and dust-free.
8. Any lights used to illuminate the area shall be directed away from adjacent residential properties.
9. A permanent screening fence or wall not less than six feet in height shall be constructed along any site property line which abuts a residential district. (Ord. No. 13896, Eff. 10/12/99; Ord. No. 17093, Eff. 08/08/06, requires SE in Commercial districts)

### 5.109 Cold Storage Plant

A cold storage plant located in any commercial district shall provide services to individuals and families only, not including processing, except for cutting or wrapping. (Repealed by Ordinance No. 17093, 08/21/06)

### 5.110 Community Home

A Community Home may be permitted in accordance with the use tables in Chapter 4, Articles 6 and 8, subject to the following conditions.

**A. Conditions**

A Community Home must meet all applicable licensing requirements of Chapter 123.001, Human Resources Code.

**B. Spacing Requirements**

A Community Home may not be established within one-half mile of a previously existing community home.

**C. Motor Vehicles on Premises**

Residents of a Community Home may not keep, on the premises of a home or on the public rights-of-way adjacent to the home, more than one motor vehicle per bedroom for the use of residents of the home. (Ord. No. 13896, Eff. 10/12/99)

### 5.111 Day Care Center

Day care centers and kindergartens may be permitted as a special exception by the Board of Adjustment in accordance with the use tables in Chapter 4, Articles 6 and 8, provided they meet the following conditions.

1. Permits shall be for a limited period of time to be specified by the Board of Adjustment, but not to exceed five years. Upon application, time may be extended for successive periods of five years or less, provided that there shall be new notice and hearing before each extension.
2. Prior to deciding upon any application, the Board of Adjustment may require a report from the Health Department, Fire Department, Traffic Engineering Department and Planning and Development Department, and such other agencies as the Board of Adjustment may specify, and shall verify or require that such day care center or kindergarten shall comply with state statutes and other applicable City of Fort Worth ordinances.
3. Outdoor play area of not less than 100 square feet shall be furnished for each child authorized by State license to be cared for on the premises. Such play area shall be located in the side or rear yards and shall be completely enclosed by a fence or wall that meets the requirements of Section 5.305. When the Board of Adjustment finds that additional fencing or screening is necessary or desirable to protect the children cared for and the adjacent properties, it shall require such fencing or screening as a condition of approval.
4. Off-street parking shall be furnished in the minimum amounts required in Chapter 6, Article 2.

5. Hours of operation are limited to 6:00 a.m. to 8:00 p.m. (Ord. No. 13896, Eff. 10/12/99; Ord. No. 17025, 06/26/06)

### 5.112 Drive-In Business

Drive-in business may be permitted in accordance with the use tables in Chapter 4, Articles 6 and 8, provided that no such use shall be permitted to sell alcoholic beverages for consumption on the premises. In the MU-1 and MU-2 districts, the following requirements shall apply:

1. Drive-through windows and stacking lanes are not located along facades of buildings that face a street, and where possible are located to the rear of buildings;
2. Driveways are not located within the front yard setback between the building front and the street;
3. The design and location of the facility does not impede vehicular traffic flow and does not impede pedestrian movement and safety. To minimize conflicts with vehicular and pedestrian circulation, shared driveways and/or driveways located off of non-arterial streets should be used, where possible;
4. Architectural elements, landscaping, and/or other screening elements minimize the visual impacts of the drive-through facility; and
5. The design and location of the facility are consistent with any design standards or guidelines that may be applicable to the pertinent district.

A site plan demonstrating compliance with these drive-in restaurant or business development standards shall be submitted to the Planning and Development Director or his designee for review and approval. (Ord. No. 13896, Eff. 10/12/99; Ord. No. 15112, 05/21/02; Ord. No. 17522, 04/24/07)

### 5.113 Firewood Sales

Firewood sales may be permitted in accordance with the use tables of Chapter 4, Articles 6 and 8, when conducted entirely indoors. (Ord. No. 13896, Eff. 10/12/99)

### 5.114 Greenhouse or Plant Nursery

A greenhouse or plant nursery may be permitted in accordance with the use tables in Chapter 4, Articles 6 and 8, provided they meet the following conditions.

1. If located in an "A" through "ER" District, the use is operated for retail purposes and includes the sale of plant material and products intended for use in connection with home gardening activities.
2. If located in the "E" through "H" Districts, all incidental equipment and supplies, including fertilizer and empty containers, are kept within a building. (Ord. No. 13896, Eff. 10/12/99)

### 5.115 Group Home I or II

A group home I or II may be permitted in accordance with the use tables of Chapter 4, Articles 6 and 8. (Ord. No. 13896, Eff. 10/12/99)

### 5.116 Hotel, Motel or Inn

#### A. Location Adjacent to Residential District

Where a motel, hotel or inn is less than 1,000 feet from any One or Two-Family District other than "MU-2" High Intensity Mixed-Use, a Planned Development District shall be created for such use. Provided however, this regulation shall not be required when the property in the One or Two-Family District is used for utilities, waterways, public parks, railroads or other nonresidential public use or separated from the hotel, motel or inn by a public right-of-way of at least 300 feet.

#### B. Planned Development Hotel Use

The following criteria shall be applicable to any Planned Development hotel use:

1. Ingress/egress should be taken from the major street furthest from the residential district.

2. No screening fence shall be erected along the perimeter of the hotel property adjacent to a street, alley or right-of-way; provided, however that a screening fence shall be permitted around swimming pools, tennis courts and other recreational facilities; and a screening fence shall be permitted along property lines adjacent to other lots.
3. Incidental businesses may be conducted within the hotel, provided that the principal entrance to the business shall be from the inside of the building.
4. A secondary entrance to the hotel may be provided from a court or from the principal frontage but from no other street and shall not face any residential district. Exception: Emergency egress only when required by the Building Code and only when no other emergency egress can be designed.
5. Any other conditions required by the City Council as a condition of site plan approval. (Ord. No. 13896, Eff. 10/12/99; 15622, 07/15/03; 20453, 11/02/12)

### 5.116A Home Occupations

- A. Home Occupations may be permitted in accordance with the Use Table in Chapter 4, Article 6, subject to the following conditions.
  1. The use is conducted entirely within:
    - a. The principal dwelling unit and attached garage and/or
    - b. One accessory building.  
Such use is limited to the members of the family or other residents residing in the dwelling unit and one additional employee. Employees that do not visit the home as part of their job are excluded from this provision.
    - c. Up to five employees may be permitted if approved by the City Council. In reviewing such a request, the City Council may consider the following:
      1. The reason for the request;
      2. The impact on the character of the neighborhood;
      3. Availability of the on—site parking and number of employee vehicles;
      4. Hours when employees will be located on-site;
      5. Whether the home occupation business is conducted entirely inside the dwelling unit; and
      6. The consent of the majority of property owners of the one or two-family residential property along both sides of the block face.
  2. No vehicular traffic shall be generated by the home occupation business in greater volumes than would be reasonably be expected in the residential neighborhood or create unreasonable parking or traffic congestion for the abutting or adjoining neighbors or for the immediate neighborhood. Any parking of vehicles must be consistent with city ordinances. Any parking or traffic of such character, intensity and continued duration, which substantially interferes with the comfortable enjoyment of private homes by persons of ordinary sensibilities, shall be considered unreasonable. It shall be a defense to prosecution under4 this subsection that the parking or traffic created was reasonable under the totality of the circumstances existing in the neighborhood. Upon request of the residents of the neighborhood, a representative from the Transportation and Public Works Department shall review the traffic impacts to the neighborhood and, if applicable, refer the review to the traffic management program
  3. The use must be clearly incidental and secondary to the residential use of the dwelling and may not alter the existing residential character of the principal dwelling or the garage/accessory building. A home occupation that requires structural alteration of the principal dwelling or garage/accessory building to comply with nonresidential construction code is prohibited, except for accessibility requirements.
  4. A change in the outside appearance of the dwelling unit or lot indicating the use or conduct of a home occupation, including advertising signs or displays is prohibited. All equipment, goods, wares, merchandise, or materials associated with home occupation, including equipment, goods wares, merchandise, or materials located in or on vehicles,

must not be visible from any public street or public right-of-way or from other locations off the premises.

5. The direct sale of commodities, goods, wares, materials, merchandise or products to the general public is prohibited, however orders may be filled on the premises to persons by prior individual oral or written invitation or if placed earlier by a customer by phone, mail, internet, or off-site sales parties. Products from a cottage food production operation as defined in the Texas Health and Safety Code Section 437.001.(2-b) may be sold directly to the consumer. (Ord. No. 20900, Eff. 09/25/13)
  6. All on-site advertising that is visible from any public street or public right-of-way or from other locations off the premises, other than advertising located on vehicles, is prohibited. For the purposes of this section "vehicle" is defined as a passenger automobile, passenger van, motorcycle, or pick-up truck. All advertising on vehicles shall be mounted flat against or painted on the vehicle and shall not refer to the street address of the home occupation business.
  7. All off-site advertising, including signs, displays, billboards, television, radio, and/or any other advertising medium uses that refers to the street address is prohibited, other than business stationary, business cards, the home occupation business website, newsletters, and applicable trade directories.
  8. No mechanical equipment shall be used which will be obnoxious or offensive by reason of vibrations, noise, odor, dust, smoke, or fumes. No combustible materials shall be permitted on the premises that are in violation of the city's fire code.
  9. A person who engages in a home occupation may not conduct outdoor activities between the hours of 10:00 p.m. and 7:00 a.m.
- B. The operation of detail, auto repair, paint or body shop business, including but not limited to, a boat, motorcycle, trailer, or auto shop business, shall not be permitted as a home occupation.
- C. A Home School shall not be considered a home occupation and shall not be subject to the regulations of this Section.
- D. A home occupation is permitted as an incidental use and is secondary to the use of a dwelling. The City Council may, at any time, amend this ordinance to terminate any or all home based business uses without creating nonconforming rights to the continuance of a home based business. (Ord. No. 16183, Eff. 10/19/04)

### 5.116B Industrialized Housing

- A. Industrialized Housing may be permitted in accordance with the Use Table in Chapter 4, Article 6, subject to the following conditions.
1. All single-family or duplex industrialized housing must have a value equal to or greater than the median taxable value for each single-family dwelling located within 500 feet of the lot on which the industrialized housing is proposed to be located, as determined by the most recent certified tax appraisal roll for each county in which the properties are located;
  2. All single-family or duplex industrialized housing must have exterior siding, roofing, roof pitch, foundation fascia and fenestration compatible with the single-family dwellings located within 500 feet of the lot on which the industrialized housing is proposed to be located;
  3. All single-family or duplex industrialized housing must comply with all building setbacks and site requirements of the applicable zoning district; and
  4. All single-family or duplex industrialized housing must be securely fixed to a permanent foundation.
  5. A minimum horizontal dimension of 15 feet shall be required.
- B. For purposes of this Section, "value" shall mean the taxable value of the industrialized housing and the lot after the installation of the housing.
- C. For purposes of this Section, "compatible" shall mean that the exterior siding, roofing, roof pitch, foundation fascia, and fenestration of the proposed industrialized housing must match or be

indistinguishable from the majority single-family dwellings located within 500 feet of the lot on which the industrialized housing is proposed to be located.

- D. Any owner or authorized agent who intends to construct, erect, install, or move any industrialized housing into the City shall first make application to the building official and obtain the required permits. In addition to any other information otherwise required for said permits, the application shall:
1. Identify each single-family dwelling located within 500 feet of the lot on which the industrialized housing is to be located by address, lot and block number and show the taxable value for each such dwelling as determined by the most recent certified tax appraisal roll for the county in which the properties are located;
  2. Describe and provide front view photographs of the exterior siding, roofing, roof pitch, foundation fascia, and fenestration for each single-family dwelling located within 500 feet of the lot on which the industrialized housing is to be located;
  3. Describe the permanent foundation and method of attachment proposed for the industrialized housing;
  4. State the taxable value of the industrialized housing and the lot after installation of the industrialized housing; and
  5. Indicate the deed restrictions otherwise applicable to the real property on which the industrialized housing is to be located.
- E. A person is in violation of this section if the person:
1. Fails to make an application for permit as required by this section; or
  2. Constructs, erects, installs or moves any industrialized housing into the City which does not comply with this section. (Ord. No.15831, Eff. 01/13/04; Ord. No. 18823, 09/15/09)

### 5.117 Kennel

Dog kennels are permitted in accordance with the use tables in Chapter 4, Articles 6 and 8, subject to the following conditions.

1. The kennel shall be located not less than 300 feet from a residential structure that is located on any property in separate ownership.
2. For the purpose of this Section, measurement of the 300-foot distance shall be made in a straight line, without regard to intervening structures or objects, from the nearest portion of an existing habitation to the nearest portion of the kennel. (Ord. No. 13896, Eff. 10/12/99)

### 5.118 Kindergarten

The standards in Section 5.111, Day Care Center shall apply to any Kindergarten approved as a special exception in accordance with the use tables in Chapter 4, Articles 6 and 8. (Ord. No. 13896, Eff. 10/12/99)

### 5.119 Laundry or Dry Cleaner

(Repealed by Ordinance No. 14624, Eff. 05/15/01)

### 5.120 Manufacturing

Manufacturing is permitted in the "I" District in accordance with the use table in Chapter 4, Article 8, provided power not in excess of 50 HP motor is employed in the operation of any one machine. The term "manufacturing" shall not include other uses expressly permitted only in the "J" or "K" Districts. (Ord. No. 13896, Eff. 10/12/99)

### 5.121 Metal Casting

Metal casting is permitted in the "J" District, provided that the capacity of any one melting pot or ladle shall not exceed 300 pounds. (Ord. No. 13896, Eff. 10/12/99)

### 5.122 Metal Foundry or Fabrication Plant

No riveting is permitted within 500 feet of any more restrictive district. (Ord. No. 13896, Eff. 10/12/99)

### 5.123 Metal Stamping, Dyeing, Shearing or Punching

Shops stamping, dyeing, shearing or punching metal not exceeding 1/8" in thickness. (Ord. No. 13896, Eff. 10/12/99)

### 5.124 Newspaper Distribution Center

Newspaper distribution centers may be permitted in accordance with the use tables in Chapter 4, Articles 6 and 8, subject to the following conditions.

1. Maximum size of 20,000 square feet.
2. Must be screened from adjacent residential district or properties with a minimum six-foot high screening fence. (Ord. No. 13896, Eff. 10/12/99)

### 5.125 Pawnshop

#### A. Distance Restrictions

Regardless of the zoning district in which it is located, a pawnshop shall be subject to the following distance restrictions:

1. No pawnshop shall be located within 500 feet of any one- or two-family district.
2. No pawnshop shall be located within 500 feet of any other pawnshop.

#### B. Special Exception by Board of Adjustment

The Board of Adjustment may grant a special exception to the above distance restrictions in accordance with the requirements set forth for special exceptions in Chapter 3, Article 3 provided, however, that in granting any such special exception the Board of Adjustment shall place such reasonable conditions on the location, use and operation of the pawnshop as are necessary to protect and maintain nearby one- and two-family residential districts. (Ord. No. 13896, Eff. 10/12/99; Ord. No. 17093, Eff. 08/21/06 removed from E and MU-1 districts)

### 5.126 Print Center, Commercial

A commercial print center with off-set printing in any commercial district shall be limited to small jobs, such as business cards, invitations, stationery, and similar personal and business needs only. (Ord. No. 13896, Eff. 10/12/99; Ord. No 17093, Eff. 08/21/06 changed to duplicating service, added to E district)

### 5.127 Probation or Parole Office

Probation or parole offices may be permitted in accordance with the use tables in Chapter 4, Articles 6 and 8, subject to the following.

1. Unless located in a building, other structure, or land under the control, administration or jurisdiction of a state or federal agency, parole or probation offices shall be permitted only in the "FR" District and less restrictive zoning districts.
2. Regardless of the zoning, parole or probation offices shall not be located within 500 feet of any one- or two-family residential district.

3. Nonconforming parole or probation offices located in leased facilities shall be permitted to continue in operation only during the term of the existing lease. Upon expiration of the existing lease, the nonconforming use shall no longer be permitted. (Ord. No. 13896, Eff. 10/12/99)

### 5.128 Recording Studio

Recording studios may be permitted in accordance with the use tables in Chapter 4, Articles 6 and 8, subject to the following conditions.

1. Internal noise shall not be audible from outside the building.
2. External activity or noise generation shall not be greater than the existing background noise level of the surrounding area.
3. Mass reproduction, duplication or storage of recorded material for distribution, sale or promotion is prohibited.
4. Parking requirements shall be the same as for a commercial building. (Ord. No. 13896, Eff. 10/12/99; Ord. No. 14624, 05/15/01)

### 5.129 Recreational Vehicle Park

Recreational vehicle parks are permitted in accordance with the use tables in Chapter 4, Articles 6 and 8, provided they are constructed and developed in accordance with the Minimum Building Standards Code, other applicable provisions of the City Code and the following conditions:

**A. Development Approval Requirements**

A recreational vehicle park shall not be constructed, altered or enlarged without an approved Development Plan issued by the Planning and Development Department in accordance with the provisions of this section.

**B. Property development standards**

1. In recreational vehicle parks, the minimum dimension of lots and yards and the height of buildings shall be as shown in the accompanying table.
2. Entrances and exits may not be through a residentially zoned district nor require traffic movement to or from the recreational vehicle park through a residentially zoned district.

("RV") Recreational Vehicle Parks	
<b>Land Area</b>	Minimum of 50 vehicle lot spaces, with required streets and service buildings
<b>Density</b>	Not to exceed 25 lots per acre of gross site area
<b>Lot Area</b>	1,000 square feet minimum
<b>Other Setbacks</b>	Recreational vehicles shall be separated from each other and from all other structures by at least 10 feet. For the purposes of such measurement, any accessory to a recreational vehicle, such as an awning or individual storage facility, shall be considered as part of the recreational vehicle. No recreational vehicle shall be closer than 20 feet to the property line adjoining a public street nor closer than 15 feet to any property line on which the abutting property is zoned residential.
<b>Private Streets</b>	36 feet minimum width, minimum cul-de-sac diameter 100 feet; maximum block length 500 feet.
<b>Parking</b>	1 off street space
<b>Notes:*</b> <i>May be subject to projected front yard (Section 6.101G)</i>	

**C. Service and auxiliary buildings**

1. This section shall apply to all service buildings, recreation buildings, management offices, repair shops, storage areas, sanitary facilities, laundry facilities, indoor recreation areas,

commercial buildings supplying essential goods or services for park tenants, and other similar buildings in recreational vehicle parks.

2. All service and auxiliary buildings shall be located to be convenient to the recreational vehicle lots they service and shall be kept clean.
3. Each park shall contain one (1) or more service buildings providing separate sanitary facilities for men and women.
  - a. No lot space shall be located farther than five hundred (500) feet from such a service building.
  - b. The entrances to such buildings shall be clearly marked to show which gender the facilities serve.

**D. Permanent residential structures**

1. At each recreational vehicle park, no more than one (1) existing residential structure may be retained or one (1) new residential structure constructed for occupancy by the owner or operator of the park.
2. An existing residential structure located on a recreational vehicle park may be converted to a clubhouse, community center or service building for use by the guest of the park. A structure so converted shall meet all applicable codes for public occupancy to the proposed use.

**E. Use of recreational vehicle lots**

1. Recreational vehicle parks lots shall be occupied only by recreational vehicles.
2. Lots shall be rented only a daily or weekly basis.
3. The owner or operator of a recreational vehicle park shall not permit a guest or a recreational vehicle to remain in the park longer than sixty (60) consecutive days.

**F. Other development standards**

1. Ground Surface and Drainage
  - a. Each lot shall provide adequate support and drainage for the placement of the recreational vehicle.
  - b. Exposed ground surfaces in all parts of a recreational vehicle park shall be paved, covered with stone screening or other solid material or protected with a vegetative growth that is capable of preventing soil erosion and elimination of dust.
  - c. The ground surface in all parts of a recreational vehicle park shall be graded and equipped to drain all surface water in a safe and efficient manner.
2. Public Telephone. A public telephone shall be installed and maintained in each recreational vehicle park, located in a well-lighted area and accessible to park guests twenty-four (24) hours a day, seven (7) days a week.

**G. Development Plan Approval Requirements and Appeal**

**1. Development Plan and Application**

- a. A recreational vehicle park shall not be constructed, altered or enlarged without a valid approved Development Plan issued by the Planning and Development Department. Before any new, altered or enlargement action can occur, a Development Plan must be submitted for review. Such plan must be approved before any action may proceed. The Development Plan shall also be used when applying for appropriate permits as regulated by other codes.
- b. Applications for Development Plan approval shall contain at a minimum the following:
  - i. Name and address of applicant;
  - ii. Location and legal description of the recreational vehicle park; and
  - iii. Two (2) copies of a Development Plan in conformance with the requirements of this Section, and drawn at a minimum scale of:
    - a. One (1) inch equals one hundred (100) feet for sites under thirty (30) acres; or
    - b. One (1) inch equals two hundred (200) feet for sites of thirty (30) acres or more.
- c. The application shall be accompanied by a permit fee;
- d. A Development Plan shall show the following:
  - i. The area and dimensions of the tract of land, identifying its location and boundaries;

- ii. The number, location, and size of all recreational vehicle lots;
- iii. The location, width, and specifications of driveways, private internal streets, parking and walkways;
- iv. The location and details of lighting, public telephones, and electrical and gas systems;
- v. The location and specification of water and sewer lines and sewer service riser pipes;
- vi. The location and specifications of all buildings constructed or to be constructed within the recreational vehicle park;
- vii. Existing and proposed topography of the recreational vehicle park;
- viii. The location of fire mains, including the size of the main, fire hydrants, and fire extinguishment equipment and available fire flow; and
- ix. Such other information as may be reasonably required by the departments reviewing the Development Plan.

## 2. Appeal and Modifications

- a. If the Development Plan is denied, the applicant may appeal the decision to the Board of Adjustment
- b. The Board of Adjustment may approve the Development Plan; approve with modifications or may uphold the denial of the Development Plan.
- c. The Board of Adjustment shall consider the following when modifying a Development Plan:
  - i. The minimum number of recreational vehicle spaces in a recreational vehicle park;
  - ii. The minimum square footage of recreational vehicle spaces;
  - iii. The minimum per acre density of recreational vehicle spaces; and
  - iv. The number of permanent residential structures in the recreational vehicle park. (Ord. No. 13896, Eff. 10/12/99; Ord. No. 18435, 01/14/09)

### 5.130 Recycling Collection Facility

Automated collection vending machines and small collection facilities, not to exceed 500 square feet, for recycling aluminum cans, glass, grocery bags, plastic bottles, magazines, newspapers and other comparable materials may be permitted in accordance with the use tables in Chapter 4, Articles 6 and 8, subject to the following.

- 1 Required off-street parking is not diminished; and
- 2 The Board of Adjustment finds that the size, location and design of the machines or facility are compatible with surrounding uses. (Ord. No. 13896, Eff. 10/12/99)

### 5.131 Sheet Metal Shop

Shops using 16-gauge or thinner sheet metal only. (Ord. No. 13896, Eff. 10/12/99)

### 5.132 Stable, Commercial

Stables for the commercial boarding of horses and for the business of selling rides on horses may be permitted in accordance with the use tables in Chapter 4, Articles 6 and 8, subject to the limitation that such uses be located 500 feet from any residential district. (Ord. No. 13896, Eff. 10/12/99)

### 5.133 Storage, Non Accessory Outside

Storage of articles, material or merchandise not customarily incidental to the primary or main use or activity of the property may be kept or stored outside the primary building in accordance with use tables in Chapter 4, Article 8 subject to the following:

The Board of Adjustment may grant a special exception for no more than 5 years for non-accessory outside storage in accordance with the requirements set forth for special exceptions in Chapter 3, Article 3, provided, however, that in granting any such special exception the Board of Adjustment shall require the following:

1. The storage must be secured from vandalism, theft or other mischievous acts.
2. The storage must be surrounded by a screen fence a minimum of six feet in order to screen the storage from public view. No material may be visible above the required screen fence.
3. The storage may not be placed in any area which will interfere with the natural flow of storm water drainage.
4. No storage of unregistered motor vehicles, wrecked or dismantled vehicles or vehicles being retained for the purpose of removing or using parts thereof shall be permitted.  
(Ord. No. 17093, Eff. 08/08/06)

### 5.134 Store, Large Retail

- A. Regulations applicable to all large retail stores in “E”, “FR”, “F”, “G” and “H” and to large retail stores in “I”, “J” and “K” that are located within 500 feet of residential property, unless there is an existing commercial use on a lot or tract at least 100 feet wide or an existing industrial use between the large retail store and the residential property.**
1. **Applicability:** The following regulations apply to:
    - a. Large retail stores located in the “E” Neighborhood Commercial, “FR” Restricted Commercial, “F” General Commercial, “G” Intensive Commercial and “H” Central Business Districts, subject to a maximum permissible gross floor area of 60,000 square feet in the “E” Neighborhood Commercial District; and,
    - b. Large retail stores in the “I” Light Industrial, “J” Medium Industrial and “K” Heavy Industrial Districts located within 500 feet of residential property, provided, however, the regulations do not apply if there is an existing commercial use on a lot or tract at least 100 feet wide or an existing industrial use in the 500-foot area between the large retail store and the residential property. For purposes of this Section 5.134, “residential property” means a one- or two- family residential district or property used for one- or two-family residential purposes. Measurement shall be from the property line of the large retail store to the boundary line of a one- or two-family residential district or the property line of property used for one- or two-family use.
  2. **Standards and guidelines.** Standards and guidelines set out below require a basic level of architectural variety, compatible scale, and mitigation of negative impacts. “Guidelines” are not mandatory, but are provided in order to educate planners, design consultants, developers and City staff about design objectives. “Standards” are mandatory.
  3. **Landscape and buffering on streets.** In addition to the bufferyard and landscape requirements of Sections 6.300 and 6.301, a minimum 20-foot irrigated and landscaped bufferyard shall be provided along all street frontages to screen the view of the property from the public rights-of-way. Such screening shall be provided using hedges, berms or mass plantings to a height of not less than 24 inches with live groundcover. A minimum of one three-inch caliper canopy tree every 50 feet shall be provided with a mature height of 25 feet by industry standards.
  4. **Landscaping in parking lot.** In addition to the bufferyard and landscape requirements of Sections 6.300 and 6.301 and the 20-foot landscaped bufferyard described above, one three-inch caliper tree within an irrigated landscape island of not less than 150 square feet with live groundcover shall be provided for every 100 parking spaces, or fraction thereof. A separate irrigated landscape island is required for every 100 parking spaces; the required 150-square foot landscape areas cannot be combined to create fewer, larger landscape islands. In addition, each end of a parking strip shall have an irrigated landscape island planted with a minimum of one three-inch caliper tree and three shrubs within an area of not less than 300 square feet with live ground cover. Additional

landscaping is required if parking exceeds one space per 250 square feet of gross floor area, in accordance with Subsection A (10) below.

**5. Building materials and color**

a. Guidelines: Exterior building materials and colors comprise a significant part of the visual impact of a building. Therefore, they should be aesthetically pleasing and compatible with materials and colors used in the surrounding area.

b. Standards

1. Materials: All building facades that are visible from adjoining properties and/or public streets (excluding facades facing residential property that are screened by an eight-foot masonry wall) shall be of architectural block, brick, stone, or tinted, textured concrete masonry units. Tilt-up concrete construction is permitted, provided the exterior surface is textured or covered with brick, stone, or material fabricated to simulate brick or stone. Stucco and EIFS (Exterior Installation Finished System) are permitted, up to a maximum of 30% of a façade area. Smooth concrete block and prefabricated steel panels are prohibited.
2. Colors: Except for brick or stone, surfaces shall be painted in subtle, neutral or earth tone colors, specifically including without limitation white, tan, brown and gray. Trim and accent areas may feature brighter colors, including primary colors. Metallic or fluorescent colors are prohibited. Accent colors on each façade shall be limited to a maximum of 25% of the façade area for logo colors and a maximum of 10% of the façade area for other accent colors. A logo color is a color commonly used by a large retail store as an identifying characteristic.

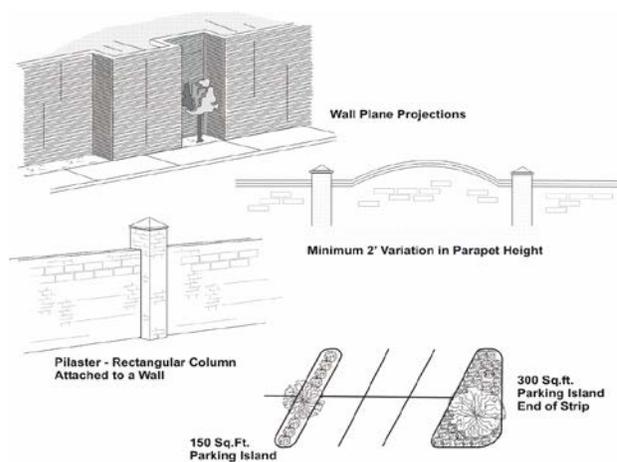


Exhibit A-1 Architectural Features

Picture 5.1 . ([Popup full image](#))

## 6. Architectural features

- a. Guidelines: Facades should be articulated to reduce the massive scale and the uniform, impersonal appearances of large retail buildings and provide visual interest.
- b. Standards: Architectural features on building facades that are visible from adjoining properties and/or public streets (excluding facades facing residential property that are screened by an eight-foot masonry wall and facades facing the side or rear of property zoned and used for commercial purposes or industrial purposes) shall address the visual impact of long uninterrupted walls by providing a minimum of three of the following elements. No uninterrupted length of any facade shall exceed 100 feet. See illustrations of architectural features attached as Exhibit "A-1".

1. Variation in color and materials;
  2. Wall plane projections or recesses having a depth of at least 3% of the length of the façade and extending at least 20% of the length of the façade, Variation of a minimum of two feet in the height of parapets. Variation to parapet height may include pilasters and projecting raised entrance features;
  3. Variation of a minimum of two feet in height of parapets. Variation to parapet height may include pilasters and projecting raised entrance features;
  4. Pilasters projecting from the plane of the wall by a minimum of 16 inches. The use of pilasters to interrupt horizontal patterns such as accent banding is encouraged;
  5. Canopies projecting a minimum of 10 feet from the plane of the primary façade walls; and
  6. Repetitive ornamentation including decorated applied features such as wall-mounted light fixtures or applied materials. Repetitive ornamentation shall be located with a maximum spacing of 50 feet.
7. **Attached Signs.** Attached on-premises signs shall be limited to 10% of each wall face. No wall signage shall be backlighted or illuminated to such an intensity or brilliance as to cause glare or impair vision.
  8. **Detached Signs.** Detached on-premises signage shall be limited to one sign per large retail store; provided, however, two signs shall be permitted when the large retail store is located on a corner lot or through lot. A sign shall be located at the main entrance to the property. The sign(s) shall be of monument type no larger than 128 square feet in area and eight feet high. In the alternative, a Unified Sign Agreement may be approved in accordance with Subsection 6.404F. Such Unified Sign Agreement shall not be restricted by the 128-square foot area and eight-foot height limitations. Signs shall not be illuminated to such intensity or brilliance as to cause glare or impair vision. Lighting shall be shielded upward to prevent beams or rays from being directed at any portion of a traveled roadway or residential property.

**9. Outdoor display, sales and storage**

- a. Applicability: The outdoor display, sales and storage regulations in this section apply to the following retail establishments:
  - i. General merchandise stores and home improvement stores in the "E" Neighborhood Commercial, "FR" Restricted Commercial, "F" General Commercial, "G" Intensive Commercial and "H" Central Business Districts, subject to a maximum permissible gross floor area of 60,000 square feet in the "E" Neighborhood Commercial District. All large retail stores in the "E", "FR", "F", "G" and "H" districts, other than general merchandise stores and home improvement stores, shall comply with the outdoor storage and display requirements in Section 5.306.
  - ii. Large retail stores, including without limitation general merchandise stores and home improvement stores, in the "I" Light Industrial, "J" Medium Industrial and "K" Heavy Industrial Districts located within 500 feet of residential property, unless there is an existing commercial use on a lot or tract at least 100 feet wide or an existing industrial use in the 500-foot area between the large retail store and the residential property. Outdoor display, sales and storage are permitted for all large retail stores in the "I", "J" and "K" Industrial Districts that are not within 500 feet of residential property or where there is an existing commercial use on a lot or tract at least 100 feet wide or an existing industrial use between the large retail store and the residential property, subject only to compliance with height, setback and other development regulations for the applicable district.
- b. Sidewalk display and cart storage: "Sidewalk" display is a term commonly used in the retail industry to describe display areas along the front of a building. Nothing herein permits storage, display or sale of any item on property that has been dedicated for public use. Sidewalk display and cart storage in the sidewalk display area are subject to the following restrictions:
  - i. Merchandise may be displayed and carts may be stored within 20 feet of the front of the building.
  - ii. No single item may exceed 12 feet in height.
  - iii. Items may not be stacked to exceed six feet in height.
  - iv. A clearly delineated pedestrian walkway at least four feet in width shall be provided contiguous to the 20-foot display and cart storage area to provide unimpeded pedestrian access to the building.
  - v. An area the width of the customer entrance and exit door(s) plus 15 feet on either side of the door(s) shall be maintained clear of merchandise and carts to allow unimpeded pedestrian access to the building.
  - vi. Areas for customer loading of merchandise shall be clearly delineated and shall not be located in front of any customer entrance or exit door(s) or within 15 feet on either side of the door(s).
  - vii. This section does not prohibit storage of carts in the parking lot, but merely regulates storage of carts in the sidewalk display area.
  - vi. Outdoor storage, display and sales of plumbing fixtures and large household appliances, including without limitation hot tubs, washers, dryers, refrigerators, dishwashers and trash compactors, is prohibited.
- c. Permanent outdoor display, sales and storage: Merchandise may be stored or displayed for sale to customers on the front or side of the building in accordance with this paragraph. The total square footage of all permanent outdoor storage, display and sales areas permitted by subsections (1), (2) and (3) shall be limited to 10% of the footprint of the building, but in no event shall exceed 15,000 square feet. Permanent outdoor storage, display and sales shall be contiguous to the building and shall not be permitted within 100 feet of residential property. Outdoor storage, display and sales of plumbing fixtures and large household appliances, including without limitation hot tubs, washers, dryers, refrigerators, dishwashers and trash compactors, is prohibited.

- i. Permanent outdoor display, storage and sales: General merchandise stores: The permanent storage, display and sales area shall be enclosed by a minimum eight-foot wall of like appearance to the building or a base of like appearance to the building topped by wrought iron or tubular steel fencing, with a minimum total height of eight feet. No merchandise other than trees shall be visible above the wall or fence.
  - ii. Permanent outdoor display, storage and sales: Home improvement stores: The permanent storage, display and sales area shall be enclosed by a chain link fence covered with windscreen or wall of like material to the building with a minimum height of eight feet. Windscreen shall be maintained in good repair and free of tears. Merchandise may be stacked up to 25-feet high or level with the top of the adjacent side wall, whichever is lower, but may not be stacked above the height of the wall or fence. The roofline on the front façade shall have architectural features, such as gables or parapets, to obscure merchandise stored in the area.
  - iii. Large retail stores in “I”, “J” and “K” Industrial Districts within 500 feet of residential property (other than home improvement stores, which are subject to subsection 2 above), unless there is an existing commercial use on a lot or tract at least 100 feet wide or an existing industrial use between the large retail store and the residential property: The permanent storage, display and sales area shall be enclosed by a minimum eight-foot wall of like appearance to the building or a base of like appearance to the building topped by wrought iron or tubular steel fencing, with a minimum total height of eight feet. No merchandise other than trees may be visible above the top of the wall or fence.
  - d. Seasonal outdoor display and sales: Christmas trees may be displayed for sale. In addition, bedding plants, trees, shrubs, potting soil and bagged yard products including without limitation fertilizer, bark, mulch, peat moss and play sand may be displayed from March 15 to June 15. The seasonal outdoor sales area shall be limited to 10% of the footprint of the building but in no event shall exceed 12,000 square feet. No merchandise may exceed five feet in height, except Christmas trees.
  - e. Rear storage. Bulk merchandise may be stored behind the building. The sides and back of the storage area shall be screened with a chain link fence covered with windscreen, except for any side or back that is separated from any residential property by an eight-foot masonry wall and landscaped bufferyard pursuant to Section B(2) below. Windscreen shall be maintained in good repair and free of tears. The rear storage area shall not be accessible to customers. Merchandise shall be stacked no higher than 25-feet or level with the top of the adjacent side wall of the building, whichever is lower, and may not be stacked above the height of the chain link fence
- 10. Parking.** A minimum of one parking space per 250 square feet of gross floor area, or fraction thereof, shall be provided. Additional parking may be provided, with a maximum of one space per 200 square feet of gross floor area with one three-inch caliper tree and live groundcover, in conformance with Section A(4) above, shall be provided for each 50 parking spaces, or fraction thereof, exceeding one space per 250 square feet of gross floor area. These requirements supersede the parking requirements of Section 6.201B. All other requirements of Chapter 6, Article 2, “Off-Street Parking and Loading” requirements apply. In the event of any inconsistency, the stricter requirements shall apply.
- 11. Parking lot lighting.** Light poles shall be no more than 35 feet in height and painted black, dark gray, or dark green or have bronze oxidant protective coating. The main entrance shall be lit to be distinguishable from surrounding ambient lighting. See (B)(8) below for additional lighting requirements within 140 feet of residential property.
- 12. Vehicular access.** No large retail store shall be located on a public right-of-way or private street less than four lanes (two in each direction) on at least one side of the property.

**13. Traffic impact study.** Where traffic generated by the project is anticipated to exceed 4,000 trips per day, as determined by the Director of the Department of Transportation and Public Works or his or her designee, a traffic assessment shall be required defining on-site and off-site improvements necessary to accommodate the impacts of the project.

**B. Regulations applicable to all large retail stores in “E”, “FR”, “F”, “G”, “H”, “I”, “J” and “K” in proximity to residential property.**

**1. Applicability:** The following regulations apply to large retail stores located in the “E” Neighborhood Commercial, “FR” Restricted Commercial, “F” General Commercial, “G” Heavy Commercial, “H” Central Business, “I” Light Industrial, “J” Medium Industrial, and “K” Heavy Industrial Districts, subject to a maximum permissible gross floor area of 60,000 square feet in the “E” Neighborhood Commercial District. The wall and buffering requirements of Subsection 2 apply only to large retail stores that share a common boundary with residential property or whose property line is less than 20 feet from residential property. Subsection 3 establishes setback requirements from residential property. Subsections 4 through 7 establish restrictions on certain activities within 100 feet of residential property. Subsection 8 establishes lighting requirements within 140 feet of residential property. “Residential property” means a one- or two-family residential district or property use for one- or two-family residential purposes. See illustration of regulations applicable within 100 feet of residential property attached as Exhibit “A-2”

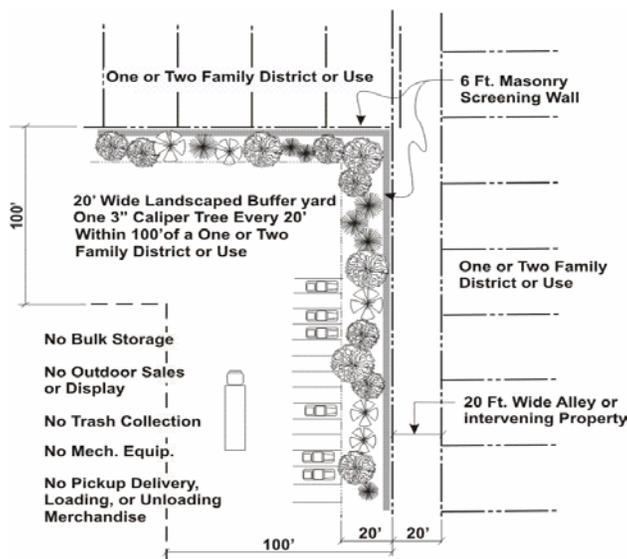


Exhibit A-2 Wall and Landscaped Buffer Yard

Picture 5.2 . [\(Popup full image\)](#)

- 2. Wall and landscaped bufferyard.** An eight-foot masonry wall of brick, stone, split block or concrete cast to simulate such materials shall be constructed along the common boundary line of the adjacent residential property, or as close as practicable in the event of intervening alleys, easements and drainage channels. If the large retail store property and residential property are separated by intervening property under separate ownership that is less than 20 feet wide, a wall shall be constructed along the property line of the large retail store facing the residential property. In addition to the landscape requirements of Section 6.301, a 20-foot wide irrigated and landscaped bufferyard shall be provided with three-inch caliper canopy trees with a mature height of 25 feet by industry standards planted every 20 feet in an overlapping pattern such that the canopy creates a solid visual screening at maturity and live groundcover.
- 3. Setback.** All structures shall be set back three feet from all one- or two-family residential districts or the property line of all property used for one- or two-family residential purposes for each one foot in overall vertical building height. For the purpose of

determining such setback, building height shall be measured from the lowest finished grade along the building face to the peak of the roof on the building façade facing residential property.

4. **Activities and Equipment Permitted Within 100 Feet of Residential Property.** The area within 100 feet of residential property may be used only for driveways, emergency access easements, employee parking, paving, landscaping, and maneuvering space.
5. **Pickup and Delivery**  
Distance requirement from residential. Outdoor storage, pickup, delivery, loading and unloading of merchandise, equipment or other items may not occur within 100 feet of residential property. Loading docks shall be located more than 100 feet from residential property.  
Additional nighttime restrictions. No delivery vehicle may be driven within 100 feet of residential property between the hours of 10:00 p.m. and 7:00 a.m. No delivery vehicle within 100 feet of residential property shall have its engine, refrigeration unit or generator running between the hours of 10:00 p.m. and 7:00 a.m. Trucks or trailers parked at a loading dock may be unloaded onto the loading dock between the hours of 10:00 p.m. and 7:00 a.m. provided that all activity occurs inside the truck or trailer or within the building.
6. **Trash Collection and Compaction.** Trash collection and compaction may not occur within 100 feet of residential property.
7. **Mechanical equipment.** No mechanical equipment may be located within 100 feet of residential property. Mechanical equipment shall be screened in accordance with Section 6.301D.
8. **Lighting.** Lighting within the 20-foot bufferyard adjacent to residential property shall not exceed one foot candle at ground level. Light poles within 140 feet of residential property shall not exceed 20 feet in height and shall be shielded away from residential property. All other light poles shall not exceed 35 feet in height. All light poles shall be painted black, dark gray, or dark green or have bronze oxidant protective coating.
9. **Pedestrian walkway.** A pedestrian walkway shall be provided between any public transportation stop adjacent to the large retail property and the main entrance. The pedestrian walkway shall be clearly delineated with pavement striping and shall be a minimum of six feet wide.

**C. Variances by Board of Adjustment**

As provided by state law, the Board of Adjustment may grant variances to the provisions of this section only if the variance is not contrary to the public interest and, due to special conditions, a literal enforcement of this section would result in unnecessary hardship, and so that the spirit of the section is observed and substantial justice is done. As provided by state law, a "hardship" does not include financial hardship resulting from compliance with this section. The City Manager or a designee shall report monthly to the City Council any variances granted to this section.

**D. Expansion**

Any building expanded to a footprint exceeding 50,000 square feet to be used as a large retail store shall comply with the provisions of Section 5.134 or shall be located in a Planned Development District.

(Ord. No. 14331, Eff. 09/05/00; Ord. No. 14624, 05/15/01; Ord. No. 15406, Eff. 01/30/03; Ord. No. 17093, 08/08/06)

### 5.135 Swimming Pool, Commercial

Commercial swimming pools may be permitted in accordance with the use tables in Chapter 4, Articles 6 and 8, subject to the following conditions.

1. The swimming pool shall not exceed 5000 square feet in area measured at the scum gutter.
2. No pool shall be closer than 100 feet from any residential district.
3. The area of all accessory buildings shall not exceed 50 percent of the pool area, with a minimum of 600 square feet allowable.

4. Off-street parking spaces shall be provided in the minimum ratio of one off-street parking space to each 200 square feet of pool area or fraction thereof, and the parking arrangements shall have the approval of the City Traffic Engineer.  
(Ord. No. 13896, Eff. 10/12/99; Ord. No. 17093, Eff. 08/08/06 renumbering Sections 133-142)

### 5.136 Telecommunications Antenna

Telecommunications antennas shall be permitted in any zoning district after an administrative review and administrative approval in accordance with the standards set forth below:

1. Antennas are permitted in all districts on existing commercial, institutional or industrial structures, including, but not limited to, buildings, existing towers, signs, light poles, flag poles, water towers, and/or utility structures, provided, however, that antennas may not extend more than 12 feet above the structure.
2. If placed on the façade of a structure, the antenna shall be of panel construction, and of a color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.
3. Existing antennas on Stealth and Telecommunication Towers may be upgraded as required by changes in technology. Variances to height allowances must be approved by the Board of Adjustment. (Ord. No. 13896, Eff. 10/12/99; 17093, 08/08/06; 20158, 04/024/12)

### 5.137 Telecommunications Tower and Stealth Telecommunication Tower

#### A. Telecommunication Towers:

1. Where Allowed
  - a. Allowed by right in G, I, J, K
  - b. Allowed by Special Exception in ER, E, MU-1, MU-1G, FR, F, MU-2, MU-2G, AG, CF, NS-T4, NS-T5, TU
  - c. Not allowed in residential zoning districts, historic overlay districts, or conservation overlay districts, H, PD, or in scenic areas or corridors as designated in 6.402
2. Setback Requirements
  - a. 500 feet from historic district (HC, HSE), conservation district (CD), or scenic area or corridor as designated in 6.402
  - b. 500 feet from any one-family district or two-family district or 250 feet if the one-family or two-family use is located in any other zoning district.
  - c. 250 feet from any multi-family district or use
  - d. 200 feet from the shoreline of the Trinity River or the West Fork, Clear Fork, Marine Creek, Mary's Creek or Sycamore Creek per the map established by the "Trinity River Corridor Mapping Data" prepared by the North Central Texas Council of Governments.
  - e. No Telecommunication Tower or Stealth Telecommunication Tower shall be located within 200 feet from the shoreline of Lake Arlington, Lake Benbrook, Lake Worth, Eagle Mountain Lake, or Marine Creek Lake.
3. A letter of authorization signed by the property owner granting the agent/applicant the authority to represent the property owner if the applicant is required to seek a grant of approval from the Board of Adjustment or any other board or commission.
4. Construction Requirements
  - a. All Telecommunication Towers shall be of monopole construction.
  - b. Telecommunication Towers shall not be illuminated by artificial means or shall display strobe lights or other warning lighting unless required by the Federal Aviation Administration or any other Federal, State, or City law, rule or regulation. Any lighting shall be shielded or directed so as not to project directly onto property zoned residential or any residential use. When incorporated into the approved design, light fixtures used to illuminate ball fields, parking lots, or other similar areas may be attached to a Telecommunication Tower.

- c. All new Telecommunication Towers must be constructed to support at least two separate antenna arrays. In addition, any new Telecommunication Tower must be able to support at least one additional antenna for every fifteen feet (or fraction thereof) above sixty (60) feet in height and provide the ground space for any equipment necessary for the operation of additional antenna.
- 5. Screening, Fencing, and Landscaping Requirements  
All Telecommunications Towers and support facilities shall have the following:
  - a. A six-foot solid screening fence constructed of wood, brick, stone, or reinforced concrete products per the specifications of Section 5.304, "Fences" of the Zoning Ordinance; or
  - b. Screening shrubs shall be installed around a fence and screen from view the associated structures. All screening shrubs shall be a minimum of three feet in height at planting, have the potential to grow to a mature height of a minimum of six feet in three years and must have a permanently installed irrigation system that provides total water coverage to all plant materials. The vegetation shall be kept in an attractive state and in good condition at all times.
- 6. Outdoor Storage  
No outdoor storage of vehicles, materials, or equipment is permitted. Equipment not used in direct support of the facility shall not be stored or parked on the premises unless a technician is present.
- 7. Commercial message prohibited  
No signs, including commercial advertising, logos, political signs, flyers, flags, or banners, graphics or other attention devices shall be allowed on any part of the Telecommunication Tower or ancillary support facilities except for warning and safety signage.
- 8. Removal
  - a. Upon cessation of more than 180 days of the use of the Telecommunication Tower structure for the support of active communications antennas, the owner of record must notify the Planning and Development Department. Disconnection of electric service for more than 180 days at the Telecommunications Tower site shall be considered cessation of use.
  - b. All transmission Telecommunications Towers or antennas shall be removed by the person who constructed the facility, by the person who operates the facility or by the property owner within one year from the time the facilities have ceased being used to transmit, receive or relay voice or data signals to or from wireless communication devices.
  - c. The person who constructed the facility, the person who operates the facility or owner of record must notify the Planning and Development Department of any change in the status of the Telecommunication Tower. If the use of the antennas on the Telecommunication Tower has not been restored within the one year period from the time the facilities have ceased being used to transmit, receive or relay data voice signals to or from wireless communication devices, the Telecommunication Tower must be removed and the Telecommunication Tower site restored to its original condition to a depth of two feet, at the owners expense.
- 9. Fees  
Notwithstanding any other provision of this ordinance, the City may require, as part of any application fees for a telecommunication facility, an amount sufficient to recover all of the city's costs in retaining consultants to verify statements made in conjunction with the permit application, to the extent that verification requires telecommunication expertise.

## **B. Stealth Telecommunication Towers**

### **1. Where Allowed**

- a. Allowed by right in E, MU-1, MU-1G, FR, F, MU-2, MU-2G, NS-T4, NS-T5, TU, CB, TUP, G, H, I, J, K
- b. Allowed by Special Exception in residential districts, ER, AG, CF, in scenic corridors or areas as designated in 6.402, historic overlay districts (HC, HSE) and conservation overlay districts (CD)

### **2. Setback Requirements**

- a. Stealth Telecommunication Towers shall be setback two (2) feet for each foot in height from a one-family, two-family or multifamily district or use unless located in such a district and permitted by special exception.
  - b. In all other zoning districts, the standard setback shall apply; however; additional setbacks may be required as described in this section.
  - c. 200 feet from the shoreline of the Trinity River or the West Fork, Clear Fork, Marine Creek, Mary's Creek or Sycamore Creek per the map established by the "Trinity River Corridor Mapping Data" prepared by the North Central Texas Council of Governments.
  - d. 200 feet from the shoreline of Lake Arlington, Lake Benbrook, Lake Worth, Eagle Mountain Lake, or Marine Creek Lake.
- 3. Administrative Approval of Stealth Telecommunication Towers**
- A monopole flag, athletic light pole, parking or street light pole, or other monopole design with internal antenna for a Stealth Telecommunication Tower design may be approved administratively by the Planning and Development Director, or his/her designee, subject to the following:
- a. Conforms to the definition of a stealth tower;
  - b. Has a monotone color of light gray or off-white;
  - c. Displays a light fixture of 175 watts or less, if applicable;
  - d. Displays an American, State, or corporate logo flag without copy (must meet proper flag etiquette), if applicable;
  - e. Being appropriately located or functionally serve the use(s) of the site;
  - f. Screening the support equipment with a six (6) foot masonry wall consistent with the site design materials or architecture, or screening with a black or green rubberized chain-link fence surrounded with three (3) foot high hedge on all sides exclusive of entry gate; and
  - g. Being no more than sixty (60) feet in height unless the tower is providing space for an additional antenna, allowing up to an additional fifteen (15) feet in height, with a maximum of seventy-five (75) feet.
- 4. Design and Appearance Requirements**
- a. Any design plan not eligible for administrative approval in accordance with section 5.137.B.3 may apply to the Board of Adjustment for a special exception. In granting the special exception, the Board shall consider the overall design of the stealth telecommunication tower, including the scale, placement on the site, materials, form, and color.
  - b. A design plan must be submitted by the applicant at the time of application.
  - c. The design plan must include:
    - i. Visual study, visualization, or simulation showing the appearance of the proposed Stealth Telecommunication Tower and ancillary facilities, to scale and in the existing natural or built environment from at least two (2) points of public view
    - ii. General capacity of the proposed tower, in terms of the number and types of antennas it is designated to accommodate.
    - iii. Current overall system plan for the City, documenting telecommunication facilities presently constructed or approved, including a map indicating the proposed provider's current coverage for the City and the area the requested site would cover.
    - iv. Statement outlining the rationales for the particular location, design, and height of the Stealth Telecommunication Tower.
    - v. Landscape plan drawn to scale showing the proposed and existing fencing and landscaping, including type, spacing, size, and irrigation methods.
    - vi. Visual depiction or architect's rendering (drawn to scale) of the Stealth Telecommunications Tower.
    - vii. Site plan (drawn to scale) indicating the location and height of the Stealth Telecommunication Tower, with ancillary facilities, as well as their proximity to buildings and to other structures on adjacent properties to include a radius of 200 feet.

**5. Construction Requirements**

- a. Stealth Telecommunication Towers shall not be illuminated by artificial means or shall display strobe lights or other warning lighting unless required by the Federal Aviation Administration or any other Federal, State or City law, rule or regulation. Any lighting shall be shielded or directed so as not to project directly onto property zoned residential or any residential use. When incorporated into the approved design, light fixtures used to illuminate ball fields, parking lots, or other similar areas may be attached to a Telecommunication Tower.
- b. Any new Stealth Telecommunication Tower must be able to support at least one additional antenna for every fifteen feet or fraction thereof) above sixty (60) feet in height and provide the ground space for any equipment necessary for the operation of additional antenna.

**6. Screening, Fencing, and Landscaping Requirements**

All Stealth Telecommunication Towers and all support facilities shall have the following:

- a. A six-foot solid screening fence constructed of wood, brick, stone, or reinforced concrete products per the specifications of Section 5.304, "Fences" of the zoning ordinance; or
- b. Screening shrubs shall be installed around a fence and screen from view the associated structures. All screening shrubs shall be a minimum of three feet in height at planting, have the potential to grow to a mature height of a minimum of six feet in three years and must have a permanently installed irrigation system that provides total water coverage to all plant materials. The vegetation shall be kept in an attractive state and in good condition at all times.

**7. Outdoor Storage**

No outside storage of vehicles, materials, or equipment is permitted. Equipment not used in direct support of the facility shall not be stored or parked on the premises unless a technician is present.

**8. Commercial message prohibited**

No signs, including commercial advertising, logos, political signs, flyers, flags, or banners, graphics or other attention devices shall be allowed on any part of the Telecommunication Tower or ancillary support facilities except for warning and signage safety.

**9. Removal**

- a. Upon cessation for more than 180 days of the use of the Stealth Telecommunication Tower structure for the support of active communications antennas, the owner of record must notify the Planning and Development Department. Disconnection of electric service for more than 180 days at the Stealth Telecommunication Tower site shall be considered cessation of use.
- b. All transmission Stealth telecommunications Towers or antennas shall be removed by the person who constructed the facility, by the person who operates the facility or by the property owner within one year from the time the facilities have ceased being used to transmit, receive, or relay voice and data signals to and from wireless communications devices.
- c. The person who constructed the facility, the person who operates the facility or owner of record must notify the Planning and Development Department of any change in the status of the Stealth Telecommunication Tower. If the use of the antennas on the Stealth Telecommunication Tower has not been restored within the one year period from the time the facilities have ceased being used to transmit, receive or relay voice or data signals to or from wireless communication devices, the Stealth Telecommunication Tower must be removed and the Stealth Telecommunication Tower site restored to its original condition to a depth of two feet, at the owners expense.

**10. Fees**

Notwithstanding any other provision of this ordinance, the City may require, as part of any application fees for a telecommunication facility, an amount sufficient to recover all of the City's costs in retaining consultants to verify statements made in conjunction with

the permit application, to the extent that verification requires telecommunication expertise.

#### 11. Board of Adjustment

- a. Except for Stealth telecommunications towers built under Section 5.137.B.3, the Board of Adjustment shall review proposed designs considering the materials, colors, textures, screening and landscaping designs of the equipment of the structure and any other permitted structures to determine the visibility, aesthetic impact, and compatibility to the surrounding natural or built environments.
- b. An applicant aggrieved by the decision of the Board of Adjustment relating to the review of designs required under this Section may appeal to the Appeals Board by submitting a written appeal to the City Secretary within ten days after receipt of notification of the Committee's decision. The Appeals Board shall schedule a hearing on such appeal within 30 days after the receipt of the notice of appeal, or as soon thereafter as reasonably practicable. The Appeals Board may uphold, reverse, or modify the Board of Adjustment's decision.

(Ord. No. 13896, Eff. 10/12/99; Ord. No. 15283, 10/08/02; Ord. No. 17093, 08/08/06; Ord. No. 17522, 04/24/07; Ord. No. 17844, 11/01/07; Ord. No. 20158, Eff. 04/23/12; Ord. No. 21272, Eff. 07/01/14)

### 5.138 Theater, Movie Theater or Auditorium

Theaters (including movie theaters) and auditoriums and theaters may be permitted in accordance with the use tables in Chapter 4, Articles 6 and 8, provided the use has a seating capacity no greater than 1,500 people. (Ord. No. 13896, Eff. 10/12/99; Ord. No. 17093, 08/08/06)

### 5.139 Terminal: Truck, Freight, Rail or Water

Terminals may be permitted in accordance with the use tables in Chapter 4, Articles 6 and 8, subject to the following conditions.

1. A traffic flow plan shall be approved by the City Traffic Engineer, based on an accurate plot plan drawn to scale. The applicant shall prepare and submit the plot plan to the City Traffic Engineer.
2. Loading, parking and maneuvering space shall be entirely on private property.
3. The operation of any such terminal shall be not less than 200 feet from any residential district. (Ord. No. 13896, Eff. 10/12/99; 17093, 08/08/06)

### 5.140 Utility Transmission Tower or Distribution Line; Natural Gas Compressor Stations

#### 1. Utility transmission tower or distribution line.

##### A. Location

Utility transmission towers and distribution lines and supporting structures owned and/or operated by the City, county, or public utility companies, which are necessary for the furnishing of utility services, are permitted in all districts.

##### B. Accessory Uses

The following are permitted as accessory uses in all districts.

1. Communication antennas that are mounted on and supported by utility transmission towers, provided that no communication antenna shall extend more than 12 feet above the highest point of the tower; and
2. Auxiliary structures housing electronic communications equipment which is necessary for the operation of communication antennas established pursuant to Paragraph 1 above.

##### C. Exemption from Height Requirements

District height requirements shall not apply to:

1. Utility transmission towers and distribution lines and supporting structures;

2. Communication antennas established in compliance with B.1. above.
2. **Natural Gas Compressor Stations**
  - A. **Unless otherwise specifically stated, variances to the compressor regulations may not be granted by the Board of Adjustment.**
  - B. **Lift Compressors**
    1. Lift Compressors shall be allowed in all zoning districts, but shall be restricted to the gas drilling pad site.
    2. One three-inch caliper tree shall be planted every 40 linear feet along the property line abutting a public right-of-way. No heavy equipment, including but not limited to trucks, tractors, trailers, bulldozers, bobcat tractors, trenchers, compressors and hoists shall be allowed inside the critical root zone of any protected tree on any compressor site without the specific approval of the city forester. This requirement shall supersede other landscaping requirements.
    3. All equipment or buildings associated with the operation of the compressor located in or within 600 feet of residentially used property or from the public right-of-way shall be screened from public view by landscaping, berming, structure or wall constructed of metal, masonry or other structurally sound material as approved by the Director of Planning and Development or his/her designee that significantly screens the equipment and is painted in a non-contrasting soft earth tone color to match the nearby surroundings as nearly as possible. This requirement shall supersede other landscaping requirements.

### 5.141 Vehicle Junkyard

The Board of Adjustment shall receive a report from appropriate City departments when considering a special exception. (Ord. No. 17093, Eff. 08/21/06 removed from AG & I districts)

#### A. In the "J" District

A motor vehicle junkyard or used automobile junk area may be permitted as a special exception. The special exception shall be subject to the following conditions.

1. The junkyard or area shall not adjoin any residential district.
2. The junkyard or area must be completely enclosed by a six-foot screening fence.
3. Special exception approvals shall be limited to the following period of time. Extensions of time shall each be subject to the same application, report and hearing procedures as the original approval.
  - a. First approval - a period not to exceed five years;
  - b. First extension - a period not to exceed three years; and
  - c. Each subsequent extension - a period not to exceed two years.

#### B. In the "K" District

A motor vehicle junkyard or used automobile junk area may be permitted as a special exception. The special exception shall be subject to the following conditions.

1. The junkyard or area shall not adjoin any residential district.
  2. The junkyard or area must be completely enclosed by a six-foot screening fence.
  3. Special exception approvals shall be limited to the following period of time. Extensions of time shall each be subject to the same application, report and hearing procedures as the original approval.
    - a. First approval - a period not to exceed ten years; and
    - b. Each subsequent extension - a period not to exceed ten years.
- (Ord. No. 13896, Eff. 10/12/99)

### 5.142 Veterinary Clinic

#### A. Commercial Districts (Indoor)

Veterinary clinics, including dog and cat hospitals and associated indoor kennels, may be permitted in commercial districts, subject to the following conditions.

1. The entire business must be conducted wholly within a completely enclosed soundproofed and air-conditioned building.

2. Noise and odors created by activities within the building shall not be perceptible beyond the property line.
3. No animals shall be kept outside the building at any time.

**B. Industrial Districts (Outdoor)**

Veterinary clinics, including dog and cat hospitals and associated outdoor kennels, may be permitted in industrial districts, subject to the following conditions.

1. No animal hospital or kennel shall be permitted within 100 feet of any residential use.
2. For the purpose of this Section, measurement of the 100-foot distance shall be made in a straight line, without regard to intervening structures or objects, from the nearest portion of the property line of a residentially zoned property or premises used for residential purposes, to the nearest portion of the kennel or hospital. (Ord. No. 13896, Eff. 10/12/99; 17093, 08/08/06)

**5.143 Warehouse or Bulk Storage, Warehouse, Mini**

Storage in bulk of, or warehouse for, commodities and materials associated with uses allowed in the “ER” through “I” Districts is permitted in the “I” District provided the storage complies with the City of Fort Worth Fire Code. (Ord. No. 13896, Eff. 10/12/99; 17093, 08/08/06)

**5.144 Fresh Water Fracture Ponds**

- A. Fresh water fracture ponds located on a tract of land not adjacent to a gas drilling pad site shall be permitted by right in “AG” Agricultural District, “I” Light Industrial, “J” Medium Industrial and “K” Heavy Industrial zoning districts.
- B. All fresh water fracture ponds must meet the permitting requirements and regulations as outlined in Article II of Chapter 15, “Gas” entitled “Gas Drilling and Production.” (Ord. No. 18504, Eff. 03/03/09)

**5.145 Farmers’ Market**

Farmers’ Markets in the “E” Neighborhood Commercial District shall have no more than ten (10) vendors or a sales area of no greater than 2,000 square feet. (Ord. No. 20666, Eff. 04/09/13)