

ORDINANCE NO. 040916-A

ZONING ORDINANCE
DEVELOPMENT AND CONSTRUCTION REQUIREMENTS
OF THE
VILLAGE OF CREEDMOOR

AN ORDINANCE ESTABLISHING ZONING DISTRICTS AND REGULATIONS GOVERNING THE DEVELOPMENT, CONSTRUCTION AND USE OF LAND WITHIN THE VILLAGE OF CREEDMOOR, TRAVIS COUNTY, STATE OF TEXAS, FOR THE PURPOSE OF PROMOTING THE HEALTH AND GENERAL WELFARE OF THE RESIDENTS OF SAID VILLAGE AND TO LESSEN CONGESTION IN THE STREETS; TO SECURE SAFETY FROM FIRE, PANIC, AND OTHER DANGERS; TO PROVIDE ADEQUATE LIGHT AND AIR; TO PREVENT THE OVERCROWDING OF LAND; TO AVOID UNDUE CONCENTRATION OF POPULATION; TO FACILITATE THE ADEQUATE PROVISION OF TRANSPORTATION, WATER, SEWERAGE, SCHOOLS, PARKS AND OTHER PUBLIC REQUIREMENTS; ESTABLISHING REGULATIONS ON DEVELOPMENT, CONSTRUCTION, BUILDING HEIGHT AND LOT COVERAGE; LIMITING THE DENSITY OF URBAN DEVELOPMENT; DESIGNATING OPEN SPACES AND OFF STREET PARKING; ESTABLISHING NONCONFORMING USES, PROVISIONS FOR AMENDMENTS AND VARIANCES; SEVERABILITY; AND PROVIDING FOR THE ADMINISTRATION, ENFORCEMENT, AND PENALTIES FOR VIOLATION THEREOF IN ACCORDANCE WITH THE LOCAL GOVERNMENT CODE OF THE REVISED CIVIL STATUTES OF TEXAS.

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE VILLAGE OF CREEDMOOR, TEXAS:

ARTICLE I: GENERAL

Section 101. Short Title. This ordinance shall be known and may be cited as the Zoning Ordinance of the Village of Creedmoor, Texas.

Section 102. Purpose. The Provisions of this ordinance are deemed to be necessary to promote the health, safety, property, and general welfare of the residents of the Village of Creedmoor, Texas.

ARTICLE II: DEFINITIONS

Words used in this ordinance and not defined in this article shall have their ordinarily accepted meaning. For the purposes of this ordinance the following words and phrases shall have the meaning respectively ascribed to them by this article.

ACCESSORY STRUCTURE: A Structure, the use of which is customarily incidental and subordinate to that of the main building on the same lot, such as a swimming pool, sports court, greenhouse, woodshed, toolshed, and the like.

ACCESSORY USE: A use customarily incidental and subordinate to the primary use of the main building or to the primary use of the premises.

AGRICULTURAL: Land used, either wholly or in part, in the production of crops, livestock, and/or other agricultural products. (A field qualifies.)

BUILDING: Any roofed structure, other than a mobile home, designed, or used for the shelter, housing, or enclosure of persons, animals, or property.

BUILDING, MAIN OR PRINCIPAL: A building in which is conducted the principal use of the lot on which it is situated.

VILLAGE: The Village of Creedmoor, Travis County, Texas.

COMPREHENSIVE PLAN: The Comprehensive plan is an independent, long-term plan for use and development of land within the Village and in the Village's extraterritorial jurisdiction.

BOARD: The Board of Aldermen of the Village of Creedmoor, Texas.

DISTRICT: A section of the Village of Creedmoor for which the regulations governing the use of and development standards for buildings or lots are uniform.

DWELLING, SINGLE-FAMILY: A detached building structure located on a permanent foundation and either built on the property where it is located or being manufactured housing or Industrial housing as defined hereinbelow and having facilities for year-round human habitation by one family only.

DWELLING, MULTIFAMILY: Site built or Industrial housing designed to house more than one family and having facilities designed for human habitation with facilities for living, sleeping, cooking, eating, and sanitation.

FAMILY: An individual, or two or more persons related by blood, marriage, or adoption, or a group of not to exceed three (3) persons not all related by blood, marriage, or adoption, occupying

the premises and living as a single nonprofit housekeeping unit.

HOME OCCUPATION: An occupation customarily carried on in a dwelling unit, or in an accessory structure to a dwelling unit, by a resident of the premises, which occupation is clearly incidental and secondary to the use of the premises for residential purposes. A home occupation may also include an office for a professional or a studio for an artist or dressmaker. Home occupations must, in addition, meet the criteria contained in this Ordinance.

INDUSTRIAL: Industrial use for the purposes of this Village is a use engaged in the processing or manufacturing of products or goods primarily from previously prepared material or finished parts and shall include processing, fabrication, assembly, recycling, treatment and packaging of products as well as the storage, sale and distribution of such products; provided however, that no process located in this district shall use explosive materials, radioactive materials, or cause subsurface, surface, or air emissions or discharges requiring a state or federal permit or approval without the grant of a special permit by the Village.

LOT or PARCEL: a designated parcel, tract or area of land, established by a plat or otherwise as permitted by law, to be used, developed or built upon as a unit.

MANUFACTURED HOME or DWELLING; MOBILE HOME; INDUSTRIALIZED HOUSING:

1) A MANUFACTURED HOUSING, HOME OR DWELLING is a residential structure designed for or used for residential habitation which is constructed pursuant to codes, rules and regulations established by United States Department of Housing and Urban Development (HUD) and bears a label or seal indicating that it complies with the rules, standards and codes of HUD.

2) A MOBILE HOME is a structure constructed before June 15, 1976 built on a permanent chassis transportable in one or more sections which is designed for use as a residential dwelling with or without a permanent foundation. Also included in this definition for the purpose of this ordinance are any structures not constructed on site not meeting the definitions set forth as 1) and 3) of this section including, but not limited to manufactured housing units which are not constructed in accordance with HUD codes, rules and regulations or Industrial Housing not complying with the Industrial building codes required by the Village or the definition of Industrial Housing set forth in the following paragraph.

3) INDUSTRIALIZED HOUSING is a residential structure designed to be a permanent residential structure for the occupancy

of one or more families which is constructed in one or more sections or modules fabricated other than on the permanent site and designed for assembly on the permanent site. Industrial housing does not include housing which exceeds 49 feet height from the finished grade elevation at building entrance to peak of the roof, or is constructed of a sectional or panelized system that does not use a modular component, or is a ready built home constructed in a manner in which the living area is contained in a single unit or section at a temporary location for the purpose of selling and moving to another location. Construction of industrial housing must be in compliance with the 2003 International Building Code, the 2003 International Mechanical Code, the 2003 International Plumbing Code, the 2003 International Energy Conservation Code, the 2003 International Residential Code and the 2002 National Electric Code and amendments to those codes adopted by the Texas Department of Licensing and Regulation. All modular components must bear a label or decal approved by the said Department. aculuZ

4) ADDITIONAL REQUIREMENTS: SEE SECTION 302.8

NONCONFORMING USE: An activity that was lawful and existing at a specific location prior to the adoption, revision or amendment of the Zoning Ordinance which fails to conform to the present requirements of this ordinance.

NUISANCE FACTOR: Any offensive or unpleasant thing which annoys or disturbs one in free use, possession, or enjoyment of his property or which endangers one's health or life of property, such as:

- a. Noise;
- b. Dust;
- c. Smoke;
- d. Fumes;
- e. Odor;
- f. Glare;
- g. Flashes;
- h. Heat;
- i. Electronic or atomic radiation;
- j. Effluent;
- k. Vibration;
- l. Shock waves; and
- m. Gases.

PARKING LOT: An area which contains three (3) or more off street parking spaces.

PARKING SPACE: An area designated for the parking of one

motor vehicle.

RECREATIONAL VEHICLE: A vehicle designed for human habitation for recreational purposes and capable of being used on a highway. Recreational vehicles shall include a motor home, travel trailer, truck camper and camping trailer, but shall not include a mobile home.

RESTAURANT: An eating establishment at which food is sold for consumption at tables on the premises or for take out.

SETBACK: The minimum distance required between a structure and the front, side or rear boundary line of the parcel of land on which the structure is located.

SITE PLAN: A development plan of one or more lots on which is shown the following:

a. The existing and proposed conditions of the lot, including but not necessarily limited to topography, vegetation, drainage, flood plains, and waterways;

b. The location of all existing and proposed buildings, drives, parking spaces, walkways, means of ingress, and egress, drainage facilities, utility services, landscaping, structures and signs, lighting and screening devices; and

c. Any other information that may be reasonably required in order to determine whether the proposed development complies with the criteria and standards in this ordinance and with the requirements of other Village ordinances.

SPECIAL USE: A use that may be authorized by the Village Board if the applicant can show, to the satisfaction of the Board, that the use requested meets all applicable conditions and standards contained herein and is appropriate for the site.

STRUCTURE: Anything constructed, assembled, or erected, the use of which requires location on the ground or attachment to something having location on or in the ground.

TRAILER: Every vehicle designed for carrying persons or property and for being drawn by a motor vehicle on the highway.

TRAVEL TRAILER: A vehicle, other than a motor vehicle, which is designed for human habitation for recreational purposes and

which may be moved upon a public highway with or without a special permit or chauffeur's license without violating any provision of the Texas vehicle code.

VEHICLE: Every device by which any person or property may be propelled, moved or drawn upon a highway.

ARTICLE III: ZONING DISTRICTS

Section 301. Establishment of Districts. The Village of Creedmoor is hereby divided into the following zoning districts:

<u>District Symbol</u>	<u>Zoning Districts</u>
A	Agricultural
A/SF	Agricultural with Single-Family Dwelling
SF	Single-Family Residential
MF	Multifamily Residential
RC	Retail/Light Commercial Services
G/P	Government, Public, and Semi-Public
I	Industrial and Commercial

Section 302. Schedule of Zoning District Regulations; Special Regulations.

WARNING:

No Structure shall be used, and no structure shall be constructed, erected, placed, enlarged, altered, or continued, except as authorized by or in compliance with a permit issued pursuant to this ordinance.

No structure or vehicle failing to comply with the regulations hereinbelow shall be used for residential purposes in any zoning district for more than 14 days during any 90 day period.

302.1 (A) Agricultural District.

A. Purpose:

To continue to provide large areas of land for the purpose of raising crops, livestock, and/or agricultural products.

B. Permitted Uses:

(1) Domestic farm animals;

(2) Land used either wholly or in part, in the production of crops livestock, and/or other agriculture products.

(3) Land may remain dormant or as a field.

C. No uses allowed in any other zoning classification may be located on property zoned under this classification.

302.2 (A/SF) Agricultural with Single-Family Dwelling.

A. Purpose:

To preserve low density neighborhoods with a rural character.

B. Permitted Uses:

(1) Single-family dwellings limited to no more than one such building occupied by no more than one family per each two and one-half (2 1/2) acres unless otherwise allowed by the subdivision ordinance of the Village.

(2) Accessory structures and uses customarily incidental to single-family detached dwellings.

(3) Dwellings must be connected to and served by an approved sewerage system or licensed wastewater system.

(4) No more than one vehicle used for commercial or

business purposes per dwelling unit may be stored or parked on any tract zoned under this classification for more than seventy-two (72) hours during any thirty (30) day period.

C. Special Uses Permitted Upon Authorization of Village Board.

- (1) Up to four (4) Domestic farm animals per 2 1/2 acres and private stable facilities.
- (2) Home occupations.
- (3) Other uses deemed rural in character by the Board.

Section 302.3 (SF) Single-Family Residential District.

A. Purpose:

To establish and preserve peaceful, attractive, and safe low density single-family detached neighborhoods with a rural character and to protect the integrity of such areas by prohibiting the intermixture of residential and incompatible nonresidential uses.

B. Permitted Uses:

- (1) Single-Family dwelling--Single family dwellings as defined under that term hereinabove; limited to no more than one such dwelling per per two and one-half (2 1/2) acres unless otherwise allowed by the subdivision ordinance of the Village or special permit and occupied by no more than one family; and
- (2) Accessory structures and uses customarily incidental to the foregoing permitted use.
- (3) Dwelling must be connected to and served by an approved septic system or licensed wastewater system.
- (4) No more than one vehicle used for commercial or business purposes per each dwelling unit may be stored or parked on any tract zoned under this classification for more than 72 hours during any thirty day period.

C. Special Uses Permitted Upon Authorization of Village

Board:

- (1) Home occupation;
- (2) Up to four (4) domestic animals per 2 1/2 acres.

302.4 (R/C) Retail/Light Commercial District.

A. Purpose:

To provide sites for quiet, low-density retail and commercial services providing goods and services (with merchandise contained within the building or enclosure approved for such use) to meet the needs of the residents of the Creedmoor, Texas area, in a manner and on a scale that is in harmony with the rural character of the community. No industrial or manufacturing uses allowed in this district unless specifically provided for hereinbelow.

B. Permitted Uses for retail uses:

1. Those uses permitted in SF District;
2. Antique shop;
3. Arts and crafts supply store;
4. Bakery;
5. Barber or beauty shop;
6. Book or stationery store;
7. Carpeting, floor covering, and rug store;
8. China or glassware shop;
9. Clothing or shoe store;
10. Confectionery store;
11. Delicatessen or catering service;
12. Fine arts and crafts gallery;
13. Florist or garden shop;
14. Gift shop;
15. Health food store;

16. Ice cream parlor;
17. Jewelry shop;
18. Laundry and dry cleaning substation, with no actual cleaning work being performed on the premises;
19. Nursery or greenhouse;
20. Optical goods store;
21. Pharmacy;
22. Seamstress, dressmaker or tailor shop;
23. Specialty food store;
24. Studio for art, dance drama, music, photography, or interior decorating;
25. Tobacco shop;
26. Other uses determined by Board to be appropriate;
27. Accessory uses customarily incidental to any of the foregoing permitted uses.
28. Buildings must be connected to and served by an approved septic system or licensed wastewater system.

C. Commercial Service Uses permitted:

1. Those uses permitted in SF District and in subsection B hereinabove;
2. Office of an accountant, architect, attorney, engineer, physician, broker, consultant, insurance agent, real estate agent, or similar professional or semi professional;
3. Business office;
4. Furniture store;
5. Grocery store;
6. Hardware store;

7. Pet shop and pet grooming shop;
8. Photocopying, typing or printing service;
9. Restaurant establishments serving food for consumption on or off-premises; Alcoholic beverages sold pursuant to state license not exceeding 49% of sales of the restaurant.
10. Sporting goods store, excluding the sale or servicing of boats, boat motors and motor vehicles;
11. Variety store;
12. Veterinary clinic;
13. Health and/or athletic club;
14. Bank and savings and loan association; and
15. Accessory uses customarily incidental to any of the foregoing permitted uses.
16. Structures serving the public must be connected to and served by an approved septic system or licensed wastewater system.

D. Special Uses permitted Upon Authorization of Village Board:

1. Other quiet, low-density, retail business uses to serve the needs of the residents of Creedmoor, may be permitted as special uses in accordance with the procedure for granting such uses upon findings made in writing that the proposed use is of the same general character as those listed above, is not attended by nuisance factors, and will not be detrimental to the other uses within the district or to the adjoining land uses;
2. Child day care facility
3. Business selling alcoholic beverages pursuant to a state license where deemed to be appropriate for location by the Board of Aldermen.
4. State licensed Pawn shops.

302.5 (G/P) Government, Public, and Semi-Public District.

A. Purpose:

To provide appropriate areas of uses that provide important community services. Only land abutting a major road that can be used for access shall be considered appropriate for G/P classification, as such use generally generates a large amount of traffic. An appropriate site should also contain adequate space for required off-street parking and buffering.

B. Permitted Uses:

1. Government buildings;
2. Churches;
3. Fire station;
4. Parks;
5. School, either public or private non-profit;
6. Uses required by public utilities; and
7. Accessory uses customarily incidental to any of the foregoing permitted uses.
8. Buildings must be connected to and served by an approved or licensed wastewater system.

C. Special Uses Permitted in SF District Upon Authorization of Village Board; and

1. Private schools.

302.6. (I) Industrial and Commercial Services.

A. Purpose: This district is intended as an area of the Village consisting of 1) industrial, manufacturing, and commercial services, provided that those uses resulting in the discharge or emission of substances into the air, on the ground or subsurface which require a permit or license from the state or federal government must additionally obtain a special permit from the Village to ensure the protection of the surrounding areas not deemed by the Village to be compatible with such uses and to ensure that such uses are located in such a manner as to be in the best interest of the community; 2) Commercial and Business support services being enterprises primarily engaged in the sale, rental or repair of equipment and supplies used by business and service

enterprises; Industrial and commercial warehousing and distribution enterprises; Construction sales and services; facilities which maintain and repair vehicles and equipment; enterprises of similar nature.

B. Permitted Uses:

1. All uses permitted in the Retail/ Light Commercial Services classification.
2. All uses meeting the general purposes of this classification including, but not limited to the following examples:
3. Arts and craft studios
4. Construction sales and services; Building maintenance services
5. Business and commercial support services
6. Industrial and commercial warehousing, storage and distribution.
7. Equipment and vehicle sales, maintenance, services, repairs, and other related services.
8. Industrial services as defined in purpose statement hereinabove
9. Maintenance and service facilities which support, maintain, or repair vehicles or equipment.
10. Medical supply, laboratory services, Veterinary services and other related services
11. Horticultural, Medical, Veterinary, and Agricultural research and related services.

C. Special Use Permits. By permit issued by the Village Board other uses not falling clearly under the uses permitted by this classification may be allowed so long as there is a finding by the Village Board that the special permit use is of the same general character and type as the uses clearly allowed in this classification and is not detrimental to the adjoining property uses.

1. Specific activities requiring special use permit:
 - a) Any activity which includes as an element of the activity the use or storage of explosive or

- radioactive material, substances or devices.
- b) Any activity requiring the issuance of any state or federal license or permit for the discharge or the emission or discharge of particles, liquids, or other substances into the air, upon the ground or subsurface.

302.7 (M/F) Multifamily Residential.

A. Purpose. This district is intended as an area of the Village consisting of multiple residential dwellings located on a tract of at least two and one-half (2 1/2) acres or a larger size sufficient in size and scope to warrant the number of multiple dwelling units proposed.

B. Permitted Uses:

1. Duplex residential dwelling structures consisting of two dwelling units of no less than 625 square feet of heated and air conditioned space within each unit with a common wall between the units located on property meeting all area, setback, density, access, wastewater and parking requirements for single family dwellings and meeting other requirements set forth hereinbelow.

2. Multiple residential dwelling structures consisting of no more than twenty (20) dwelling units per one acre meeting all other requirements regarding parking, density, access, wastewater service, etc set forth hereinbelow.

3. All multifamily dwellings shall be served by approved septic systems or licensed wastewater systems.

302.8. MANUFACTURED and INDUSTRIAL HOUSING REQUIREMENTS:

A. Storage prohibited: It is unlawful for any person or entity to store any manufactured home, mobile home or industrial housing modular within the Village limits for more than 72 hours prior to permanently locating the home on a legal lot.

B. Occupancy requirements: It shall be unlawful to place, occupy or connect to utilities any manufactured housing unit, modular home unit or industrial housing unit without conforming to the following provisions:

1. Prior to the placement of any Manufactured, Modular or Industrial Housing within the Village a building permit must be obtained from the Village by the owner of the property upon which the structure is to be situated which shall be subject to the provisions of this ordinance as well as other existing requirements for building and development permits.

2. Prior to placement of any code approved manufactured

housing within the Village the structure must be inspected by the Village Building inspector or his designee to ensure that the structure is habitable and, bears the seals or labels required to reflect that its construction was HUD approved and complies with the Manufactured Home Construction and Safety Standard set forth in Title 24, Code of Federal Regulations, Part 3280, as amended.

3. Prior to the placement of any Modular or Industrialized residential housing within the Village the structure must be inspected by the Village to insure that the unit complies with the International Building and related codes applicable by the Village and as referenced hereinabove in the definition of Industrial Housing. The Village inspector may accept inspection reports of any state agency which has jurisdiction over Industrial Housing construction in lieu of physical inspection.

4. The minimum horizontal dimension of the main Industrial or Manufacture Housing unit structure after installation shall not be less than 24 feet.

5. The total heated and air conditioned living space within the Industrial, Modular or Manufactured Housing residential structure shall be no less than 1250 square feet.

6. The Industrial and Manufactured Housing residential units shall be supported and permanently installed on a concrete foundation designed and certified built as designed by a licensed engineer to be appropriate for the load of the residence on that particular site and which meets, in the case of a manufactured housing unit the current requirements of the Texas Department of Housing and Community Affairs, Manufacturing Housing Division, or its successor agency, and in the case of an Industrial Housing unit the current rules and requirements of the Texas Department of Licensing and Regulation, or its successor agency. The use of ground anchors is expressly prohibited for any type or variety of housing placed within the Village.

7. All axle and hitch assemblies must be removed at time of installation on the foundation.

8. The floor of the main structure shall be no more than 24 inches above the average ground level at the foundation.

9. A stoop, porch, patio or deck must be connected to the structure at each entrance to the structure.

10. The space between the ground and the floor level of the structure where not consisting of the permanent foundation for the structure shall be skirted with nondegradable materials compatible in color, style and texture with the exterior of the home if the concrete foundation does not enclose that space.

11. Owners of all Manufactured Housing, Modular or Industrial Housing units must provide an acceptable appraisal prior to being entitled to any Village permit confirming that upon placement of the structure upon the real property that the value of the combined value of the structure and lot is equal to or greater

than the most recent median tax appraisal value established by the applicable county tax appraisal district of the single family dwellings located within 500 feet of the property lines of the lot on which the manufactured or industrial structure is situated.

12. Manufactured Housing, Modular or Industrialized Housing shall have exterior siding, roofing, roof pitch, foundation fascia, and fenestration compatible with the single family dwellings located within 500 feet of the lot upon which the structure is proposed to be located.

13. Manufactured, Modular and Industrial housing must comply with all Village codes and standards including those related to front, side and rear building setbacks, landscaping, zoning, footage and parking regulations and other site requirements applicable to single family or multifamily dwellings within the Village.

14. The owner must confirm in writing that it is his intention to cancel any personal property title on the manufactured home and render it to the taxing authorities as real property prior to the end of the current calendar year and subsequently do so.

15. The owner/applicant shall prove to the Village that the residential structure and the real property upon which it is situated are under the same ownership at the time of obtaining permits.

Section 303. Official Zoning Map.

The locations and boundaries of zoning districts established by ordinance shall be recorded on an Official Zoning Map to be adopted by a resolution of the Village Board and identified and amended in the manner specified in this section. Recording on the official map is not a prerequisite to the effectiveness of this zoning ordinance.

A. The Official Zoning Map shall be identified by the signature of the Mayor attested by the Village clerk or Administrator under the following words: "This is to certify that this is the Official Zoning Map of the Village of Creedmoor, Texas."

B. Changes in the zoning classification of particular parcels or areas of land, approved by the Village Board in accordance with the provisions of this ordinance, shall be noted promptly on the Official Zoning Map with the following entry: "On (date), by official action of the Village Board, the following changes were made in the Official Zoning Map of the Village of Creedmoor, Texas: (brief description of the nature of the changes)", which entry shall be signed by the Mayor and attested by the Village Clerk or

Administrator.

C. No changes of any nature shall be made in the Official Zoning Map except in conformity with the procedures in this ordinance.

D. In the event that the Official Zoning Map becomes damaged, destroyed, lost, or difficult to interpret, the Village Board may by resolution adopt a new Official Zoning Map which shall exactly duplicate the original except for corrections of errors or omissions.

Section 304. Rules for Interpreting District Boundaries.

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

A. Boundaries which appear to follow streets, roads or streams shall be construed to follow the centers thereof; Boundaries follow property owners property line next to county road (see official zoning map)

B. Boundaries which appear to follow the lines of lots or other parcels of record shall be construed as following such lines;

C. Boundaries which appear to follow city limit lines shall be construed as following such lines; and

D. In case of uncertainty as to the true location of a district boundary line not covered by the above rules, the Village Board shall make a determination of the true location of such line.

Section 305. Zoning of Newly Annexed Areas.

Any land annexed to the Village of Creedmoor, Texas shall immediately and automatically upon such annexation be classified as in the (A/SF) District. Action by the Village Board to annex property shall be also an action for all purposes to initially zone the annexed property A/SF. At the time of the final annexation hearing or as soon thereafter as practical the Village shall change the zoning map of the Village to reflect the newly annexed properties and the initial zoning thereof.

The Board of Aldermen of the Village of Creedmoor, shall thereafter institute proceedings on its own motion to give the newly annexed territory a permanent zoning classification where it is necessary to amend the initial zoning classification. The procedure to be followed shall be the same as required for zoning

classification changes established in this ordinance.

Section 306. NOTICE: Permits are required for Construction.

306.1 No structure or improvement of any type shall be located within the Village or shall be altered, remodeled, constructed or located within the Village without the prior issuance of a construction, development or other permit as required by this ordinance, other codes and ordinances of the Village, or the Village Administrator.

ARTICLE IV.

DISTRICT REGULATIONS

Division 1. Dimensional Regulations.

Section 401. Minimum Lot Dimensions.

No permit shall be issued for improvements and no improvements shall be placed in or on any tract of land which has an area, depth or frontage less than that shown on this schedule of regulations as being required in the district in which the property is located or less in width than the minimum lot width shown on such schedule.

Section 402. Nonconforming Lots of Record.

A structure for any use conforming with the zoning classification of the lot may be constructed on a lot existing of record on November 17, 1983, even if such lot does not meet the area, width, and depth requirements of this ordinance and may continue to exist or be developed, provided that the following conditions are met:

A. Such lot does or will upon development properly support a permitted sewage facility adequate to handle the anticipated needs of the proposed use; and

B. The structure proposed to be built upon such lot will comply with all the regulations set forth in this ordinance and other pertinent regulations of the Village other than the requirements for minimum area, width, and depth of the lot. No

deviation from the applicable regulations shall be permitted except through the usual variance procedure.

Section 403. How to Measure Lot Area, Width, Depth.

A. Area. In computing the area of a lot, no part of a street shall be included.

B. Width. The width of a lot shall be measured along the front building setback line.

C. Depth. The depth of a lot shall be the horizontal distance between the front and rear lot lines measured along the median between the side lot lines.

Section 404. Building Setback Distances.

A. No structure, or any part thereof, on any tract of land shall be located within any front, side, or rear setback from the property line as established on the schedule of regulations as being required in the district in which the building is located, except that the minimum setback distance from any road shall be fifty (50') feet regardless of which direction the structure is facing.

Unroofed steps and ramps shall not be considered as part of any structure when measuring the setback distance of such structure.

B. Yards. How to Measure.

Yards are the open areas between building setback lines and lot lines. Structures shall not be permitted in yards except as otherwise provided herein.

1. Front Yards. Front yards extend the full width of the lot. Their depth is measured from the edge of the right-of-way line of the street to the minimum front setback line.

2. Rear Yards. Rear yards extend the full width of the lot. Their depth is measured from the rear lot line to the minimum rear setback line.

3. Side Yards. Side yards extend from the front yard to the rear yard. Their depth is measured from the side lot line to the nearest minimum side setback line.

C. Corner Lots.

In the case of lots abutting on more than one street, the full width of the front yard shall be provided from each street.

Section 405. Setbacks for Accessory Structures Other Than Fences and Walls.

The minimum setback distances for an accessory structure, other than unroofed steps, ramps, fences, walls, walks or driveways, shall be the same as the setback distance applicable to any other or principal structure.

Section 406. Setback for Parking Areas. See Section 801, et. seq.

Section 407. Lot Coverage.

The amount of ground covered by impervious cover including, but not limited to, the principal and accessory structures, driveways and parking areas shall not exceed the maximum percentage allowed for the total lot area shown on the schedule of regulations hereinbelow. In computing the percentage of impervious coverage the areas within the required setbacks shall not be included.

Section 408. Height of Structures.

A. No structure shall have a height greater than that shown on the schedule of regulations as being permitted in the district in which the structure is located.

B. Height shall be measured from the average elevation of the finished grade at the building line to the highest point of the building or structure, excluding antennas, ventilators, chimneys, or other similar appurtenances which may not themselves extending over six (6') feet above the highest point of the structure to which they are attached or on which they are located.

Section 409. Minimum Floor Area for Dwellings.

A. No dwelling unit shall have an enclosed living area smaller than that shown on the schedule of regulations.

B. The minimum floor area shall be computed exclusive of breeze ways, garages, open porches, carports, or accessory buildings.

Section 410. Schedule of Regulations. SET FORTH IN ARTICLE V.
HEREINBELOW

ARTICLE V.

DIMENSIONAL REGULATIONS DISTRICTS

	A	A/SF	SF	R/C	I	M/F
Lot Area 2.5 (min. acre)	2.5	2.5	2.5	2.5	2.5	2.5
Lot Width 100 (min. feet)	100	100	100	100	150	100
Lot Depth 150 (min. feet)	150	150	150	150	150	150
Building Setback Lines						
Front 50 (min. ft.)	50	50	50	50	50	50
Side 25 (min. ft. each)	25	25	25	25	50	50
Rear 50 (min. ft.)	50	50	50	50	50	50

Note: Minimum Setback Lines for Accessory Structures shall be the same as for principal structures.

Lot Coverage:

Maximum percentage of total area of impervious coverage for any lot not including for computation purposes the area of tract included within required setbacks.

25%	25%	25%	37%	80%	37%
-----	-----	-----	-----	-----	-----

Height of Buildings

(max. ft.) 35	35	35	45	*	45
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* Property zoned I or M/F shall have a maximum height of 40 feet w/in 100 ft. of residential zoning and 60 feet elsewhere.

Minimum Floor Area of Each Dwelling Unit in Building					
(sq. ft.)	1250	1250	1250	1500	n/a
					625

MINIMUM HORIZONTAL dimension of any building shall be 24 feet in all zoning classifications.

MAXIMUM LEVEL: Maximum level of the bottom of the first level of any structure in any zoning classification shall be 24 inches above the average ground level at the foundation of the structure.

FOUNDATIONS: all structures within the Village shall be constructed on or permanently attached to a concrete foundation designed and certified by a licensed engineer to be appropriate for the structure at the site of the structure and there shall be further certification by a licensed engineer that the foundation was constructed according to the design and that the structure has been permanently and correctly constructed on or affixed to that foundation.

MINIMUM VALUATION: Upon filing of application and plans for residential construction the applicant shall provide and appraisal from a qualified source providing that the combined value of the structure and property will at completion be equal to or greater than the average value of similar residential property within 500 feet of the property of the application based on the most recent tax appraisal rolls of the applicable county.

Division 2. Environmental Regulations For All Districts.

Section 501. Landscape.

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

Section 502. Relationship of Proposed Structure to Environment.

Proposed structures and landscaping shall relate harmoniously to the terrain, to the natural landscape, and to existing buildings

and roads in the vicinity that have a visual relationship to the proposed structure.

Section 503. Ecological Consideration.

Development shall :

A. Result in minimal impairment of the regenerative capacity of aquifers and other ground water and surface water supplies;

B. Result in minimal degradation of unique or irreplaceable land types and in minimal adverse impact upon critical areas, such as streams and shall not degrade or damage slopes greater than twenty (20%) percent, highly erodible soils or mature stands of native vegetation;

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

ARTICLE VI.

SUPPLEMENTARY REGULATIONS;
SPECIAL USE PERMITS

Division 1. Special Uses.

Section 601. Special Uses: Authorization Required.

The special uses as specified hereinabove in Article III may be authorized by the Village Board of Aldermen in the district in which they are allowed pursuant to application and review by the Board in the manner set forth hereinbelow:

Section 602. Special Use Permits.

A. Permit Required.

No special use shall be established, operated, or maintained except as authorized by a Special Use Permit issued in accordance with the requirements of this section.

B. Special Use Permit Issued by Village Board is required.

A Special Use Permit may be issued only for the special uses specified in this division, and only for the district where it is authorized. A Special Use Permit may be issued by the Village Board acting after a public hearing and a recommendation on the proposed use from the Village Inspector or Village Administrator.

C. Application.

An application for a Special use Permit shall be made in writing in a form prescribed by the Village and shall be accompanied by such information as may be requested including a site plan in order to properly review the proposed use as well as the required fee. Such information which may be required by the Village may include, but is not limited to, site and building plans, drawings and elevations, and operational data.

D. Report by Village Administrator.

The Village Administrator or his designee shall review the proposed special use and the proposed site and shall prepare findings to be delivered to the Village Board.

E. Public Hearing.

The Village Board shall hold a public hearing on each application for a Special Use Permit.

Written notice of such hearing shall be given to the owners of all real property located within two hundred (200') feet in all directions of the property that is the subject of the hearing. Notice shall be given not less than ten (10) days prior to the date of the hearing either by personal service or by depositing a copy of the notice in the mail addressed to each owner at his address shown on the last approved city tax roll, with postage paid.

Such notice shall state the purpose, date, time, and place of the hearing and shall contain a brief description of the proposed development, including its nature, scope, and location. The notice shall also describe any variances the applicant has requested and shall state the location and times at which the applications and supporting documents are available for public inspection. The time and place of the public hearing to be held before the Village Board shall also be included if known at the time the notice is given and, if it is not known at such time, a telephone number shall be provided where information on the hearing will be available at a later date.

The applicant shall be responsible for the cost of notice.

F. Hearing before Village Board.

The Village Board shall review an application for a Special Use Permit at a public hearing after receiving and reviewing Applicant's request.

G. Review and Action by the Board.

The Village Board shall determine whether the proposed special use complies with each of the general criteria in Section 603 and with each of the special criteria in Section 604 applicable to the proposed use and shall make separate findings thereon or adopt the findings.

The Board may condition its approval of an application on the applicant's adoption of specified changes, additions, limitations, safeguards, and effective time periods designed to assure compliance with the criteria.

The Board shall not grant a Special Use permit unless it finds that the proposed special use, as presented or as modified by the Board, complies with each of the applicable general and specific criteria; otherwise it shall deny the application.

Section 603. General Criteria Applicable to all Special Uses.

A proposed Special Use Permit must comply with all the following criteria:

A. The appearance, size, density and operating characteristics of the proposed special use are compatible with the surrounding neighborhood and uses;

B. The proposed use will not have an adverse effect on the value of surrounding properties nor impede their proper development;

C. The proposed use will not create a nuisance factor nor otherwise interfere with a neighbor's enjoyment of his property or operation of his business;

D. The traffic that the proposed use can reasonably be expected to generate on existing streets will not create nor add significantly to congestion, a safety hazard, or a parking problem in the area, nor will it disturb the peace and quiet of the neighborhood; and

E. The proposed use complies with all other applicable ordinances and regulations.

Section 604. Criteria Applicable to Individual Special Uses.

A. Home Occupation Use.

A proposed home occupation must comply with all the following specific criteria as well as the foregoing general criteria:

1. The occupation shall produce no alternation or change in the character or exterior appearance of the principal building from that of a dwelling;

2. Such use shall be incidental and secondary to the use of the premises for residential purposes and shall not utilize an area exceeding twenty (20%) percent of the gross floor area of the dwelling unit;

3. The occupation use shall be carried on by a member of the family residing on the premises and not more than one (1) nonresident assistant; and

4. Adequate off-street parking is available on the property where the use is located.

Section 605. General Requirements.

A. Adherence to Approved Plans, Regulations.

A special use shall be established, operated and maintained in accordance with the plans, terms, conditions, and limitations contained in the permit approved by the Village Board.

B. Duration.

Special Use Permits may be granted for a definite or an indefinite period of time.

C. Revocation.

The Village Board, after notice and public hearing, may revoke any Special Use Permit for one or more of the following reasons:

1. A substantial violation of any of the plans, terms, conditions, and limitations applicable to the special use;

2. A substantial violation of any applicable ordinance

or regulation;

3. Operation or maintenance of the special use in a manner that is detrimental to the public's health or safety, or so as to constitute a nuisance; and/or

4. Discontinuance of the use.

D. Lapse of Permit.

A Special Use Permit shall lapse if the use has not been commenced, or, in the case of construction, if construction has not been commenced, within two (2) years of the date the permit was issued.

ARTICLE VII

Division 2. Nonconforming Uses and Structures: Noncomplying Structures.

Section 701. Nonconforming Uses of Land and Structures.

Any use of land or structures lawfully existing on the effective date of November 17, 1983 or which lawfully originated pursuant to the original zoning ordinance No. 831117, as amended, that is not permitted in the district in which the use is located pursuant to this ordinance may be continued, subject to the following conditions:

A. No nonconforming use of land shall be extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this ordinance;

B. No nonconforming use of land shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such use at the effective date of adoption or amendment of this ordinance;

C. When a nonconforming use of land is discontinued for a period of more than ninety (90) consecutive days, it shall be

deemed to be abandoned and subsequent use of such land shall conform to the regulations specified by this ordinance for the district in which the land is located;

D. No existing structure devoted to a use not permitted by this ordinance in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved, or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located;

E. Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of this ordinance, but no such use shall be extended to occupy any land outside such building;

F. Any structure, or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district, and the nonconforming use may not thereafter be resumed;

G. When a nonconforming use of a structure, or structure and premises in combination, is discontinued for three (3) consecutive months, except for repairs covered by an approved building permit, not exceeding six (6) months, it shall be deemed to be abandoned and the structure, or structure and premises in combination, shall not thereafter be used except in conformity with the regulations of the district in which it is located;

H. Where nonconforming use status applies to a structure or use the removal or destruction of the structure or use shall eliminate the nonconforming status of the land. Destruction for the purpose of this subsection is defined as damage to an extent of more than fifty (50%) percent of the replacement cost at time of destruction;

I. The Village Board, after notice and hearing, may require that a nonconforming use be screened from view of the street or surrounding property, or may require the elimination of any nuisance factor caused by a nonconforming use,

ARTICLE VIII.

Division 3. Off-Street Parking Requirements and Traffic Impact Analysis requirements.

Section 801. Schedule of Minimum Number of Spaces.

No building shall be located, placed, erected, enlarged by an increase of floor area, or converted to a different use classification in any district, unless the minimum number of paved off-street parking spaces specified in the following schedule are provided. Adequate aisles and driveways shall also be provided to permit proper maneuvering within the parking area and for safe and orderly entry and exit.

<u>Use</u>	<u>Number of Spaces</u>
Residential housing	1 space for each bedroom but no less than 2 spaces for each residential dwelling unit
Retail sales and service establishments	1 space for each 200 square feet of floor area
Business offices, banks, and other financial institutions	1 space for each 200 square feet of floor area
Churches, health facilities, or other places of assembly	Maximum of 1 space for each 4 seats or 1 space for each 100 square feet of space in the structure
Restaurants	1 space for each 2 seats of rated capacity, but not less than 1 space for each 90 square feet of floor area
Offices of professionals and semi-professionals	1 space for each 200 square feet of floor area
Industrial, Manufacturing, warehousing	1 space for each 400 sq. ft. of floor area

Parking space requirements for uses not covered above shall be determined by the Village Administrator.

Section 802. Parking Dimensional and Design Regulations.

A. The following minimum dimensional standards shall be followed in designing parking areas:

<u>If Angle of Parking</u>	<u>Width of Parking Space</u>	<u>Depth of Parking Space</u>	<u>Width of Maneuvering Aisle</u>
60 to 90	8'6"	18'	24'

46 to 60	8'6"	18'	18'
45	8'6"	18'	13'
Parallel	8'	22'	12'

B. On-Site Parking and Circulation.

The location, width and layout of interior drives shall be appropriate for the proposed interior circulation. The location and layout of accessory off-street parking and loading spaces shall provide for efficient circulation and the safety of pedestrians and vehicles. Separate rows or aisles in parking areas shall be divided by trees, shrubbery and other landscaping devices. The location of parking areas shall not detract from the design of proposed buildings and structures or from the appearance of the existing neighboring buildings, structures and landscape. Provision shall be made for access by police, fire and emergency vehicles.

Section 803. Off-Street Loading Space.

Every building hereafter constructed and used for a business or industry involving the receiving or distribution of materials, products or merchandise shall be provided with adequate off-street space for loading and unloading vehicles.

Section 804. Required Spaces Shall Be Maintained.

Required parking and loading areas shall not be encroached upon, reduced in any manner, or devoted to any other use.

Section 805. Surfacing.

All off-street parking and loading areas shall be well drained and maintained with a durable and dustless all-weather surface approved by the Village Administrator and shall be kept in a state of good repair.

Section 806. Drainage.

No off-street parking or loading area shall be drained into or across a public right-of-way or walkway, or onto any adjacent property at a volume and rate of discharge greater than that same property would have drained without improvements thereon.

Section 807. Access Regulations.

A. All entrances and exit driveways to public streets shall be located with due consideration for traffic flow and so as to afford maximum safety to traffic on the public streets. All such entrances and exits shall be so located, designed, and restricted in number as to:

1. Achieve maximum feasible distance from street intersections and from existing and proposed access connections from adjacent properties;

2. Minimize left-hand turns and other turning movements;

3. Discourage the routing of vehicular traffic to and from nonresidential uses through local residential streets; and

4. Minimize conflicts with vehicular traffic using any public roadway.

B. In designing and locating entrance and exit driveways the following regulations shall be observed:

1. Driveways shall not exceed twenty (20') feet in width for residential lots, and sixty (60') feet in width for lots used for nonresidential purposes.

2. There shall be no more than two (2) points of access for each lot or tract to any one public street for each four hundred (400') feet of lot frontage, or fraction thereof.

3. For other than residential property the minimum distance between any two (2) driveway entrances, whether on the same or different lots, shall be sixty (60') feet, measured along the property line.

4. Driveway entrances shall be set back at least fifty (50') feet from the point of tangency of the curb at any intersecting street.

5. Adequate culverts shall be provided under driveway entrances and shall be certified by a licensed engineer as sufficient to prevent obstruction of drainage by any driveway.

6. All driveways shall be designed so as to provide safe vehicular ingress and egress without the necessity of backing out into a public street.

7. Every driveway entrance and exit shall be at roadway grade level where the driveway intersects the roadway right-of-way.

8. NOTICE: TRAFFIC IMPACT STUDIES: Upon review by the Village Administrator a Traffic Impact Analysis prepared by a licensed engineer certifying that the impact of the proposed development or construction will not exceed existing standard guidelines for traffic infusion by such development at the location of the proposed development or construction may be required to be submitted with requests for development or construction permits as well as for Special Use Permits related to development or construction within M/F, R/C, GP, or I zoning classifications.

ARTICLE IX.

ADMINISTRATION AND ENFORCEMENT

Division 1. Variances.

Section 901. Provisions Subject to Variance.

Variances may be heard and determined by the Village Board, which is hereby appointed to act as the Board of Adjustment, for the Village in accordance with the rules and conditions of this divisions. A variance may not be granted, however, to authorize a change of use.

Section 902. Conditions Required for Variance.

No variance shall be granted unless all of the following conditions are found to be established:

A. That there are special circumstances or conditions affecting the land involved such that the strict application of the provisions of this ordinance would deprive the applicant of the reasonable use of his land; and

B. That the variance is necessary for the preservation and enjoyment of a substantial property right of the applicant; and

C. That the granting of the variance will not be detrimental to the public health, safety, or welfare, or injurious to other property in the area; and

D. That the granting of the variance will not have the effect of preventing the orderly use of other land in the area in accordance with the provisions of this ordinance. Such findings of the Board, together, with the specific facts upon which such findings are based, shall be incorporated into the official minutes of the Board meeting at which such variance is granted. Variances

may be granted only when in harmony with the general purpose and intent of this ordinance so that the public health, safety, and welfare may be secured and substantial justice be done. Pecuniary hardship to the applicant, standing alone, shall not be deemed to constitute undue hardship.

Section 903. Interpretative Rules.

A. Usually, the granting of a variance must be predicated on a finding that the applicant's difficulties or hardships arise from unusual conditions or circumstances, such as exceptional irregularity of shape or topography, which are peculiar to the parcel of land involved and not shared generally by other parcels in the neighborhood or district, or because no other reasonable alternative is available.

B. A variance is to be denied if conditions or circumstances relied on for a variance were self-created by the person having a interest in the property.

C. The fact that lots, structures, uses or dimensional conditions on adjacent properties or structures are, because they are nonconforming or because of previously granted variances, similar to the condition which would be created by the variance requested shall be relevant to, but not determinative of, the granting of the requested variance.

Section 904. Procedure.

A. Application. An Application for a variance shall be made in writing in a form prescribed by the Village Board and shall be accompanied by a site plan, the required fee, and additional information as may be requested in order to properly review the application. Such information shall include, but is not limited to, plat plans, site building plans, and contour maps.

B. Report by Village Inspector or a Duly Appointed Village Official. The Village Inspector or a duly appointed city official shall visit the site where the proposed variance will apply and the surrounding area and shall report his findings to the Village Board.

C. Review by Board at Public Hearing. The Board shall review each application for a variance at a public hearing within forty-five (45) days of the variance application.

D. Action by Board. The Board shall not grant a variance unless it finds, based on competent evidence, that each of the

conditions in Section 902 has been established. The burden of establishing such conditions is on the applicant.

E. Conditions Imposed by Board. The Board may impose such conditions, limitations and safeguards as it deems appropriate upon the grant of any variance. Violation of any such condition, limitation or safeguard shall constitute a violation of this ordinance.

F. Variance Shall Lapse After One (1) Year. Any rights authorized by a variance which are not exercised within one (1) year from the date of granting such variance shall lapse and may be reestablished only after application and a new hearing pursuant to this division.

ARTICLE X.

Division 2. Enforcement and Penalties.

Section 1001. Stop Work Order.

The Village Inspector or the Appointed Official may order all work, including site clearing or other site preparation, stopped on any site where a violation of this ordinance or a violation of a final site plan is found. Any person or entity, including a workman on the site, who fails to comply with a stop work order shall be guilty of a misdemeanor punishable as provided in the penalty section hereof.

Section 1002. Revocation of Permit or Final Site Plan Approval.

If the Village Board finds, after notice and hearing, that a violation of an issued permit for development or construction or the site plan provided to the Village supporting any application for a permit has occurred, the Board may revoke its approval of such permit and red tag the property. It shall be unlawful and a violation of this ordinance for any person to do any work on the site covered by a revoked permit unless and until a new application

for permit or site plan approval has been filed and processed in accordance with the provisions of this ordinance and the Village Board grants approval to a new permit or final site plan which corrects the violations of the original permit or site plan.

Section 1003. Injunction and Other Remedies.

Any structure erected or used, or any work done, contrary to any of the provisions of this ordinance or to any of the details contained in a final site plan approved by the Village Board is hereby declared to be unlawful and shall constitute a violation of this ordinance. The Village Board may initiate injunction, mandamus, abatement, or any other action available in law or equity to prevent, enjoin, abate, correct, or remove such unlawful structure, use, or work and/ or may file charges against the owner of the property upon which violation occurs before a court with appropriate jurisdiction for the violation of this ordinance.

Section 1004. Penalties.

Any person, entity, firm or corporation who violates any provision of this ordinance or any order made under the authority of this ordinance, or who causes or permits any such violation, or who fails to perform any act required hereunder or does any prohibited act or takes any action contrary to a permit or final site plan approved by the Village Administrator or the Village Board or fails to take any action required by this ordinance shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than Five Hundred (\$500.00) Dollars. Each and every day or part thereof during which any violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as a separate violation.

Any person, entity, firm or corporation who violates any provision of this ordinance is subject to a civil penalty of not less than Five Hundred (\$500.00) Dollars nor more than permitted by law for each act of violation and for each day of violation.

The owner or tenant of any building, structure or premises and any architect, builder, contractor, agent, or other person who knowingly commits, participates in, assists in, or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided and shall likewise be subject to civil penalties as provided herein.

ARTICLE XI.

Division 3. Amendments.

Section 1101. General.

A. Amendments to this ordinance or the zoning classification of any property shall be made by the Village Board in accordance with the provisions of this section.

B. The Village Board shall not enact any amendment to the classification of any property without first having received a site plan/reclassification or amendment proposal or application with the required site plan and fee prior to the posting of any public hearing on the proposed amendment.

C. Amendments to this ordinance shall be of two types:

1. Those that change the zoning classification of particular parcels of land; and

2. All others, which include amendments that supplement, change, or repeal general provisions of this ordinance.

D. All amendments shall conform to the goals, standards, and the land use map of the comprehensive plan of the Village of Creedmoor, Texas. Zoning classification changes that do not conform to the land use map in the comprehensive plan of the Village of Creedmoor are permitted only under the circumstances and conditions specified in this division.

Section 1102. Procedure for Changing Zoning Classification of Particular Parcels of Land.

A. Who May Initiate Request to Change Zoning Classification.
A request to change the zoning classification of a particular parcel of land may be initiated by the owner of such parcel, the Village Board or its Appointed Official. The Village Board however, may initiate a proposed change on its own motion without such request.

B. Manner of Initiating Request.

1. Application by Property Owner.

A property owner may file an application with the Village Inspector requesting the Village Board to consider changing the zoning classification of his property. Such application shall be accompanied by a fee set by the Village Board and shall contain the following information:

A. Legal description and address of the parcel

affected;

B. Present zoning classification of the parcel and of all contiguous parcels around it;

C. Present use of the parcel and of all contiguous parcels around it;

D. Type and location of any structures on the applicant's parcel and on adjoining land;

E. Site plan;

F. The zoning change requested and the proposed use; and

G. A traffic analysis prepared and sealed by a licensed engineer must be provided for any proposed amendment to the classification of any property where amendment requested is other than A or A\SF.

H. Any other information deemed relevant by the Village.

The Village staff shall review each application for a zoning change and prepare a brief report on whether the requested change conforms to the classification specified in the land use map of the comprehensive plan of the Village of Creedmoor for such parcel. If the requested change does not conform to the said plan, the report shall indicate whether any significant and unanticipated changes have occurred in the area of the affected parcel since the classification on the land use map was adopted which make it unlikely that such parcel can be developed or used for any use permitted under the zoning classification indicated for such parcel in the said plan. The report shall also indicate whether the requested zoning classification is the most appropriate classification for the area affected.

2. On Village Board's Own Motion. The Village Board, by motion, may initiate a proposal to change the zoning classification of particular parcels of land in order that such parcels will conform to the classification specified on the land use map of the comprehensive plan of the Village of Creedmoor, Texas.

Section 1103. Review and Action by Village Board.

A. Hearing. The Board shall hold at least one public hearing on all proposed zoning classification changes and general

amendments to this ordinance before acting thereon.

B. Notice.

1. By Publication. Notice of public hearing before the Board to consider a proposed zoning classification change or a proposed general amendment to this ordinance shall be published in an official newspaper of general circulation in Creedmoor at least fifteen (15) days prior to the date set for such hearing. The notice shall state the time and place of the hearing and contain a description of this matter to be considered.

2. Written Notice to Property Owners. When a public hearing is to consider a proposed zoning classification change, the Village Secretary shall give written notice of such hearing to the owners of all real property located within six hundred (600') feet from the perimeter of the property on which the change in classification is proposed. Notice shall be given not less than fifteen (15) days before the date set for the hearing before the Board either by personal service or by depositing a copy of the notice in the mail addressed to each owner at the address shown on the last approved Village tax roll. The applicant shall submit to the Village Secretary the wording of the notice not later than seven (7) working days prior to the date on which the notice is required to be given. Such written notice shall be in addition to and shall contain the same information as the published notice.

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

4. Protest by Adjacent Property Owners. If a written protest is submitted against a proposed change of zoning classification signed by all the owners of twenty (20%) percent or more either of the area of the lots or land included in such proposed change, or of the lots of land immediately adjoining the same and extending six hundred (600') feet therefrom, such proposed change of zoning classification shall not become effective except

by the favorable vote of three-fourths (3/4) of all the members of the Board.

Section 1104. Zoning Rollback If Parcel Is Not Developed Within One (1) Year.

A change in the zoning classification of any parcel of land may be rolled back by action of the Village Board to a classification consistent with its actual use or to a classification of SF if no significant effort to develop the parcel pursuant to the zoning classification is instituted within two (2) years after the zoning is changed on the property.

The Village Board may grant one (1) year extensions upon written application if:

1. The Village Board finds the extension is in the public interest and zoning classification conforms to the comprehensive plan on the date the request for extension of time is filed with the city.

2. The applicant can demonstrate that commencement of the work will begin within ninety (90) days and that the project will be prosecuted with reasonable diligence.

3. The application is filed prior to the two (2) year expiration date.

Any rollback in zoning classification shall require a public hearing and notice as prescribed for amendments set forth in this Article.

ARTICLE XII.

Division 3. General Administration.

Section 1201. Similar Applications Within One (1) Year Prohibited.

No Application for a special use permit, variance, or change of zoning classification shall be accepted if a similar application related to the same property has been denied by the Village Board within the preceding twelve (12) month period.

Section 1202. Fees.

All applications, permits and submissions required by this ordinance are to be accompanied by such fees and costs as may be

required pursuant to such schedule of fees as may be adopted and amended from time to time by resolution of the Village Board.

Section 1203. Minimum Requirements.

The provisions of this ordinance shall be held to be minimum requirements adopted for the promotion of the public health, safety and general welfare. Wherever the requirements of this ordinance are at variance with the requirements of any other applicable law, the most restrictive, or that imposing the higher standard, shall apply. The provisions of this ordinance are not intended to repeal or interfere with private restrictions placed upon property by covenant, deed, easement, or other private agreement.

Section 1204. Severability.

Should any section or provision of this ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

Section 1205. Conflicting Ordinances Repealed.

A. Ordinances of the Village of Creedmoor, Texas in conflict with this zoning ordinance, or inconsistent with the provisions of this ordinance, are hereby repealed to the extent of such conflict or inconsistency, provided however that it is acknowledge that the zoning ordinances as amended in effect prior to the passage of this ordinance shall be applicable to structures and uses in existence prior to the date of passage of this ordinance.

Section 1206. EMERGENCY DECLARATION and Effective Date.

The Board of Aldermen of the Village of Creedmoor, Texas having found that an emergency exists requiring that this ordinance be effective immediately for the health, safety and welfare of the citizens of the Village and emergency was unanimous declared by the quorum of the Board present and the reading of this ordinance for three seperate days was waived in recognition of the said emergency and it is the act of the Board of Aldermen of the Village of Creedmoor, Texas that this Ordinance shall become effective on this day being the 16th day of September, A.D., 2004.

PASSED AND APPROVED by a majority of the Board of Aldermen of the Village of Creedmoor, Texas following a public hearing as an emergency matter on this the 16th day of September, 2004.

[Signature]
MAYOR, VILLAGE OF CREEDMOOR, TEXAS

Attest:

[Signature]
VILLAGE CLERK/SECRETARY

Approved:

[Signature]
VILLAGE ATTORNEY

CITY OF CREEDMOOR
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MAYOR

Fran Pogue Klestinec

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CITY ADMINISTRATOR

Robert Wilhite

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COUNCIL MEMBERS

Jesse Solis, Mayor Pro-Tem

Jeff Jakobeit

Leon Smith

Richard Harrison

Sabrina Nelson

302.8 MANUFACTURED and INDUSTRIAL HOUSING REQUIREMENTS:

A. Storage prohibited: It is unlawful for any person or entity to store any manufactured home, mobile home or industrial housing modular within the Village limits for more than 72 hours prior to permanently locating the home on a legal lot.

B. Occupancy requirements: It shall be unlawful to place occupy or connect to utilities any manufactured housing unit, modular home unit or industrial housing unit without conforming to the following provisions:

1. Prior to the placement of any Manufactured, Modular or Industrial Housing within the Village a building permit must be obtained from the Village by the owner of the property upon which the structure is to be situated which shall be subject to the provisions of this ordinance as well as other existing requirements for building and development permits.

2. Prior to placement of any code approved manufactured housing within the Village the structure must be inspected by the Village Building Inspector or the designee to ensure that the structure is inhabitable and bears the seals or labels required to the Manufactured Home Construction and Safety standard set forth in Title 24, Code of Federal Regulations, Part 3280 as amended.

3. Prior to the placement of any Modular or Industrialized residential housing within the Village the structure must be inspected by the Village inspector to insure that the unit complies with the International Building and related codes applicable by the Village and as Referenced hereinabove in the definition of the Industrial Housing. The Village inspector may accept inspection reports of any state agency which has jurisdiction over Industrial Housing construction in lieu of physical inspection.

4. The minimum horizontal dimension of the main Industrial or Manufacture Housing unit structure after installation shall not be less than 24 feet.

5. The total heated and air conditioned living space within the Industrial, Modular or Manufactured Housing residential structure shall be no less than 1250 square feet.

6. The Industrial and Manufactured Housing residential units shall be supported and permanently installed on a concrete foundation designed and certified built as designed by a licensed engineer to be appropriate for the load of the residence on that particular site and which meets, in the case of a manufactured housing unit the current requirements of the Texas Department of Licensing and Regulation, or its successor agency. The use of ground anchors is expressly prohibited for any type or variety of the housing placed within the city.

7. All axle and hitch assemblies must be removed at time of installation on the foundation.

8. The Floor of the main structure be no more than 24 inches above the average ground level at the foundation.

9. A stoop, porch, patio or deck must be connected to the structure at each entrance to the structure.

10. The space between the ground and the floor level of the structure where not consisting of the permanent foundation for the structure shall be skirted with nondegradable materials compatible in color, style and texture with the exterior of the home if the concrete foundation does not enclose that space.

11. Owners of all Manufactured Housing, Modular or Industrial Housing units must provide an acceptable appraisal prior to the being entitled to any Village permit confirming that upon placement of the structure upon the real property that the value of the combined value of the structure and lot is equal to or greater than the most recent median tax appraisal value established by the applicable county tax appraisal district of the single family dwellings located within 500 feet of the property lines of the lot on which the manufactured or industrial structure is situated.

12. Manufactured Housing, Modular or Industrialized Housing shall have exterior siding, roofing, roof pitch, foundation fascia, and fenestration compatible with the single family dwellings located within 500 feet of the lot upon which the structure is purposed to be located.

13. Manufactured, Modular, and Industrial housing must comply with all Village codes and standards including those related to front, side and rear building set backs, landscaping, zoning, footage and parking regulations and other site requirements applicable to single family or multifamily dwellings within the Village.

14. The owner must confirm in writing that it is his intention to cancel any personal property title on the manufactured home and render it to the taxing authorities as real property prior to the current calendar year and subsequently do so.

15. The owner/applicant shall prove to the Village that the residential structure and the real property upon which it is situated are under the same ownership at the time of obtaining permits.

16. All Manufactured, Modular, and Industrial housing must be at least 5 years or newer at the time of the permit.