CITY OF HILLSBORO, TEXAS

ZONING ORDINANCE

Ordinance No. O2007-01-01

TABLE OF CONTENTS

Article 1 General Provisions 1

Section 1.1 Title 1
Section 1.2 Adoption of Statutes Authorizing Zoning Ordinances 1
Section 1.3 Purpose 1
Section 1.4 Zoning District Establishment 2
Section 1.5 Annexation Zoning Policy 3
Section 1.6 Issuance of Building Permits and Utility Service 4
Section 1.7 Certificate of Occupancy and Compliance 4
Section 1.8 Classification of New and Unlisted Uses 4
Section 1.9 Application of District Regulations 5
Section 1.10 Authority to Amend Ordinance 5

Article 2 Permitted Uses 8

Section 2.11 Permitted Use Legend and Table 8
Section 2.12 Supplemental Conditions and Special Regulations 16

Article 3 Zoning District Regulations 19

Section 3.13 “AR-1” Agricultural-Residential District Regulations 19
Section 3.14 “SF-9” Single Family Residential District Regulations 21
Section 3.15 “SF-7” Single Family Residential District Regulations 23
Section 3.16 “SF-5” Single Family Residential District Regulations (Inactive) 25
Section 3.17 “ZLL” Zero Lot Line Single Family Residential Regulations 27
Section 3.18 “R-2” Two Family Residential District Regulations 29
Section 3.19 “MF-12” Multiple Family Residential District Regulations 31
Section 3.20 “MF-29” Multiple Family Residential District Regulations 33
Section 3.21 “MH” HUD Code Manufactured Housing District 35
Section 3.22 “NC” Neighborhood Commercial District Regulations 41
Section 3.23 “OP” Office Professional District Regulations 43
Section 3.24 “CBD” Central Business District Regulations 45
Section 3.25 “C” Commercial District Regulations 46
Section 3.26 “I-1” Light Industrial District Regulations 48
Section 3.27 “I-2” Heavy Industrial District Regulations 52

Article 4 Special Districts 56

Section 4.28 PD Planned Development District Regulations 56
Section 4.29 H-C Historical-Cultural Landmark Preservation Overlay District Regulations 60
Section 4.30 HUD Code Manufactured Home Overlay Zone 62

Article 5 Supplemental Provisions 63

Section 5.31 SUP (S) Specific Use Permits 63
Section 5.32 Site Plan Regulations 66
Section 5.33 Sign Regulations 68
Section 5.34 General Height Regulations 80
Section 5.35 General Area Regulations 80
Section 5.36 Off-Street Parking and Loading Regulations 82

Section 5.37 Parking for Special Events and Other One-time Events 86
Section 5.38 Parking For Handicapped 88
Section 5.39 Non-Residential Masonry and Articulation Regulations 89
Section 5.40 Home Occupations Regulations 90
Section 5.41 Accessory Building Regulations 91
Section 5.42 Nonconforming Uses, Lots, and Structures 92
Section 5.43 Screening and Buffer Requirements 96
Section 5.44 Landscape Regulations 97
Section 5.45 Temporary Uses and Special Events 103
Section 5.46 Outdoor Lighting Requirements 105
Section 5.47 Wireless Communication Facilities 110

Article 6 Administration 114

Section 6.48 Enforcement, Violations and Penalties 114
Section 6.49 Planning and Zoning Commission 115
Section 6.50 Board of Adjustment 118

Article 7 General and Land Use Definitions 122

Section 7.51 General and Land Use Definitions 122

Article 1 General Provisions

SECTION 1.1 TITLE

This Ordinance shall be known and may be cited and referred to as the Zoning Ordinance of the City of Hillsboro, Texas, which includes narrative regulations and map.

SECTION 1.2 ADOPTION OF STATUTES AUTHORIZING ZONING ORDINANCES

The Statutes of the State authorize and empower cities to divide the municipality into districts of such numbers, shapes and areas as may be deemed best suited to carry out the purposes set out in such statutes, and within such districts to regulate and restrict the erection, construction, reconstruction, alteration, repair or use of buildings, structures or land, the same being the Texas Local Government Code, Section 211 are hereby adopted for and on behalf of the City. The City, acting through its duly authorized officials, shall have all of the rights, powers, privileges and authority authorized and granted by and through such statutes. In addition to the above, the Statutes of the State authorize and empower cities to zone their cities and regulate and restrict the following:

- height, number of stories, and size of buildings and other structures;
- the percentage of lots that may be occupied;

  the size of yards, courts, and other open spaces;
- the density of population;
- the location and use of buildings, other structures, and land for business, industrial, residential or other purposes;
- the pumping, extraction and use of groundwater by others than retail public utilities; and
- in the case of designated places and areas of historical, cultural or architectural importance and significance, to regulate the construction, alteration, reconstruction or raising of buildings and other structures.

SECTION 1.3 PURPOSE

The zoning regulations and districts as herein established have been made for the purpose of promoting the health, safety, morals, and general welfare of the community, and for the protection and preservation of places and areas of historical and cultural importance and significance. The zoning regulations and districts have been made in accordance with a comprehensive plan and are designed to lessen congestion in the streets; to secure safety from fire, panic and other dangers; to provide adequate light and air; to prevent the overcrowding of lands; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewage, schools, parks and other public requirements. The zoning regulations and districts have been made with reasonable consideration of the character of the district and its peculiar suitability for the particular uses, and with a view of conserving the value of building and encouraging the most appropriate use of land throughout the community.

SECTION 1.4 ZONING DISTRICT ESTABLISHMENT

1.4.1 ENUMERATION

In order to uniformly regulate and restrict the erection, construction, reconstruction, alteration, repair, or use of buildings, structures, or land, the City of Hillsboro is hereby divided into the following districts or classifications.

AR-1	Agricultural-Residential
SF-9	Single Family Residential
SF-7	Single Family Residential
SF-5	Single Family Residential
ZLL	Zero Lot Line Single Family Residential
R-2	Two-Family Residential (Duplex)
MF-12	Multiple Family Residential - Medium Density
MF-29	Multiple Family Residential - High Denisty
MH	HUD Code Manufactured Housing
NC	Neighborhood Commercial
OP	Office Professional
CBD	Central Business District
C	Commercial
I-1	Light Industrial
I-2	Heavy Industrial

1.4.2 ZONING DISTRICT MAP ADOPTED

The Official Zoning Map of the City of Hillsboro, dated 2007 is hereby adopted. The boundaries of the various districts as enumerated in *Section 1.4* are hereby established as identifed on said map which is incorporated into and made a part of this Article.

1.4.3 ZONING DISTRICT MAP INTERPRETATION

In interpreting the official Zoning Map, the following rules shall apply:

A. Where the district designated on the Zoning Map is bounded approximately by a street or alley, center line of street or alley shall be construed as the boundary;

B. Where the distric designated on the Zoning Map is bounded approximately by lot lines, the lot lines shall be the boundary of the district;

C. Distances not specifically indicated on the Zoning Map shall be determined by use of the scale appearing on the map;

D. Boundaries indicated approximately following city limits shall be construed as following City limits;

E. Boundaries indicated approximately following railroad lines shall be construed to be midway between the main tracks;

F. Boundaries indicated as parallel to or extensions of features indicated in A through E above shall be so construed;

G. Whenever any street, alley, or other public way is vacated by official action of the City Council, the zoning district line adjoining each side of the street, alley or other public way shall automatically extended to the centerline of the vacated street, alley or way, and all area so involved shall be subject to regulations of the extended districts;

H. Any property on the Zoning Map which does not have a zoning district designation shall be classified as an AR-1, Agricultural Residential.

I. Where physical or cultural features existing on the ground are at variance with those shown on the official zoning map, or when there arises a question as to how or whether a parcel of property is zoned and such question cannot be resolved by the application of subsections A through H, above, the property shall be considered as classified in the AR-1, Agricultural Residential and the issuance of a building permit and the determination of zoning shall be in accordance with the provisions provided in the *Section 1.5, Annexation Zoning Policy*.

1.4.4 DISTRICT BOUNDARY UNCERTAINTY

Where uncertainty exists with respect to the boundaries of the various districts as shown in the zoning map, the conflict shall be resolved by utilizing the appeal power of the Board of Adjustment as set forth in *Article 6, Section 6.50* of the Zoning Ordinance.

1.4.5 GENERAL RESTRICTIONS

Except as hereinafter provided, no land or building shall be used, and no building, structure or improvement shall be made, erected, constructed, moved, altered, enlarged or repaired, for any purpose or in any manner except in accordance with the requirements established in the district in which such land, building, structure, or improvement is located, and in accordance with the provisions of this Article.

1.4.6 RESIDENTIAL USE RESTRICTIONS

Whenever the specific district regulations permit residential uses of a more restricted district, such residential uses shall be subject to the conditions of the more restricted district, unless otherwise specifically stated.

1.5 ANNEXATION ZONING POLICY

All territory annexed to the City hereafter shall be permanently zoned by the City Council at the time of annexation. The procedure to establish zoning on annexed territory shall conform to the procedures established by law for the adoption of original zoning regulations.

1.6 ISSUANCE OF BUILDING PERMITS AND UTILITY SERVICE

A building permit for the construction of a building or structure upon any tract, parcel or premise shall not be issued, and public utilities shall not be extended or connected to a building or structure until the building site has been created by the land being a platted lot appearing on a plat properly approved by the City and filed in the records of the County Clerk of Hill County.

Each application for a building permit shall be accompanied by a site plan in duplicate drawn to scale, showing the actual dimensions of the lot to be built upon, the size, shape, proposed use and location of the building and or structure to be erected, and such other information as maybe necessary to provide for the enforcement of this Ordinance.

1.7 CERTIFICATE OF OCCUPANCY AND COMPLIANCE

Any existing building or structure shall not be changed in use, and any building or structure shall not be erected, enlarged or structurally altered after the effective date of this Section, unless a Certificate of Occupany and Compliance have first been issued by the Community Development Director of the City of Hillsboro certifying that the building and the proposed use of the building and premises comply with all building and fire codes and with the provisions of this Chapter.

1.8 CLASSIFICATION OF NEW AND UNLISTED USES

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

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

B. The Planning and Zoning Commission shall consider the nature and described performance of the proposed use and its compatibility with the uses permitted in the various districts, and after a public hearing, determine the zoning district or districts within which such use is most similar and should be permitted; and

C. The Planning and Zoning Commission shall transmit its findings and recommendations to the City Council as to the classification proposed for any new or unlisted use. The City Council shall follow the same procedures as outlined in *Section 1.10*, Authority to Amend Ordinance, including public notice and hearing requirements, when considering any zoning classification for a new or unlisted use.

1.9 APPLICATION OF DISTRICT REGULATIONS

1.9.1 CONFORMANCE REQUIRED

No building, structure, or land shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved, or structurally altered unless in conformity with all of the regulations herein specified for the district in which it is located.

1.9.2 PROVISIONS OF ORDINANCE ARE MINIMUM REQUIREMENTS

In their interpretation and application, the provisions of this ordinance shall be construed to be the minimum requirements for the promotion of the public health, safety, convenience, comfort, morals and general welfare. Wherever this ordinance imposes a greater restriction than imposed by other ordinances, laws, or regulations, the provisions of this ordinance shall govern.

1.9.3 PLATTING OF PROPERTY NOT PROPERLY ZONED

No plat shall be approved until the area covered by the proposed plat is zoned to the proper zoning classification by the City Council, upon recommendation from the Planning and Zoning Commission.

1.10 AUTHORITY TO AMEND ORDINANCE

The City Council may from time to time, after public hearings required by law, amend, supplement, or change the regulations herein provided or the classification or boundaries of the zoning districts. Any amendment, supplement, or change to the text of the Zoning Ordinance and any change in the classification or boundaries of the zoning districts may be ordered for consideration by the City Council, may be initiated by the Planning and Zoning Commission, the City Council, or may be requested by the owner of the affected real property or the authorized representative of an owner of affected real property.

1.10.1 PUBLIC HEARING AND NOTICE

A. Upon filing of an application for an amendment to the zoning ordinance and/or map, the Planning and Zoning Commission shall call one (1) public hearings on said application.

B. Written notice of each public hearing shall be sent to the owner of the property or his agent and to all owners of real property lying within two hundred (200) feet of the property on which the change in classification is proposed, such notice to be given not less than ten (10) days before the date of such hearing, to all owners who have rendered their said property for City taxes as the ownership appears on the last approved City tax roll. Such notice may be served by depositing the same, properly addressed and postage paid, in the U.S. mail. Where property lying within two hundred (200) feet of the property proposed to be changed is located in territory which was annexed to the City after the final date for making the renditions which are included on the last approved City tax roll, notice to such owners shall be given by one publication in the official newspaper at least fifteen (15) days before the time of the hearing. Failure of owners to receive notice of hearing shall in no way affect the validity of the action taken.

C. If, at the conclusion of the hearings, the Planning and Zoning Commission recommends amendment of this ordinance to the City Council, said recommendation by resolution of

the Planning and Zoning Commission shall be carded by the affirmative votes of not less than a majority of its total membership present and voting. A copy of any recommended amendment shall be submitted to the City Council and shall be accompanied by a report of findings, summary of hearing and any other pertinent data.

D. If, after the public hearings, the Planning and Zoning Commission recommends denial of an application, the applicant may appeal said determination to the City Council by filing a written notice of appeal with the City Secretary within ten (10) days after the determination of the Planning and Zoning Commission.

E. The Planning and Zoning Commission may recommend denial of an application with or without prejudice against the applicant to refile the application. If the Commission recommends denial of the application and fails to clearly state the same is being denied with prejudice, then it shall be deemed that said application is being recommended for denial without prejudice against refiling. If it is later determined by the Commission that there has been a sufficient change in circumstances regarding the property or in the zoning application itself, it may waive the waiting period and grant a new hearing.

1.10.2 CHANGES IN ZONING REGULATIONS

Amendments to the Zoning Ordinance not involving a particular property but involving change in the zoning regulations generally do not require notice to individual property owners. In such cases, notice of the required public hearing shall be given by publication in the official newspaper of the city, stating the time and location of the public hearing, which time shall not be earlier than fifteen (15) days from the date of such publication.

1.10.3 ACTION OF THE CITY COUNCIL

A. If the Planning and Zoning Commission has recommended to the City Council that a proposed amendment be disapproved, the City Council may refuse to adopt the amendment by a simple majority vote of the Council members present and voting. However, in order to adopt the amendment which has been recommended for disapproval by the Planning and Zoning Commission, the amendment shall not become effective except by the favorable vote of three fourths (3/4) of all members of the City Council of the City of Hillsboro present and voting.

B. When the Planning and Zoning Commission has recommended to the City Council that a proposed amendment be approved, the City Council may disapprove the petition or application for amendment by a simple majority vote of the City Council members present and voting. In the event of a tie vote of the City Council members present and voting, the Mayor may cast the deciding vote.

C. In the case of a protest against an amendment to the ordinance signed by the owners of twenty percent (20%) or more either of the area of the lots or land immediately adjoining the area included in the proposed change and extending two hundred (200) feet from that area, such amendment shall not become effective except by the favorable vote of three-fourths (3/4) of all members of the City Council of the City of Hillsboro.

D. In making its its determination, the City Council shall consider the following factors:

a. whether the proposed change is in accord with any existing or proposed plans for providing public schools, streets, water supply, sanitary sewers and other utilities to the area and shall note the findings;

b. the amount of vacant land currently classified for similar development in the vicinity and elsewhere in the city, and any special circumstances which may make a substantial part of such vacant land unsuitable for development;

c. the recent rate at which land is being developed in the same zoning classification as the request, particularly in the vicinity of the proposed changes;

d. the manner in which other areas designated for similar development will be, or are likely to be, affected if the proposed amendment is approved, and whether such designation for other areas should also be modified; and

e. any other factors which will substantially affect the public health, safety, morals or general welfare.

E. In considering a motion to deny a zoning application, or upon voting to deny a zoning application, the City Council shall further consider whether said application shall be denied with or without prejudice against refiling. If the City Council shall deny the application and fail to clearly state the same is being denied with prejudice, then it shall be deemed that said application is being denied without prejudice against refiling. If an application is denied with prejudice, no application may be filed for all or part of the subject tract of land for a period of one (1) year from the date of denial by the City Council. If it is determined by the Planning and Zoning Commission that there has been a sufficient change in circumstances regarding the property or in the zoning application itself, it may waive the waiting period and grant a new hearing.

1.10.4 EFFECT OF DENIAL OF APPLICATION

In case the application for an amendment to the Zoning Ordinance is denied by the Planning and Zoning Commission, and no appeal therefrom is taken to the City Council, or in case an application for an amendment to the Zoning Ordinance is denied by the City Council, (in either of said events), said application shall not be eligible for reconsideration for one (1) year subsequent to such denial. A new application affecting or including all or part of the same property must be substantially different from the application denied, in the opinion of the Planning and Zoning Commission, to be eligible for consideration within one (1) year of the denial of the original application.

In the event of a reapplication affecting the same land is for a zone that will permit the same use of the property as that which would have been permitted under the denied application, the same shall not be considered to be substantially different from the application denied.

1.10.5 FINAL APPROVAL AND ORDINANCE ADOPTION

If the amending ordinance is not approved within six (6) months from the time of its original consideration, the zoning request, at the option of the City Council, may be recalled for a new public hearing.

Article 2 Permitted Uses

2.11 PERMITTED USE LEGEND AND TABLE

The following table presents the zoning district classifications and the permitted uses within those classifications. Uses are listed as being "Permitted", permitted by "Specific Use Permit", and prohibited as signified by blank cells.

Off-street parking requirements are identified in the "PG"Parking Group column of the Permitted Use Table. Refer to Section 5.36 to determine the parking regulationsfor each particular parking group.

Supplemental conditions are provided in *Section 2.12,* Supplemental *Conditions and Special Regulations*. Any use not expressly authorized and permitted herein is expressly prohibited.

P	Permitted Use
S	Permitted by Specific Use Permit
	Prohibited use

Zoning District	Zoning District
AR-1 Agriculture-Residential	MH HUD Code Manufactured Home
SF-9 Residential Single Family	NC Neighborhood Commercial
SF-7 Residential Single Family	OP Office Park
SF-5 Residential Single Family	CBD Central Business District
ZLL Zero Lot Line Residential	C Commercial
R-2 Two-Family Residential (Duplex)	I-1 Light Industrial
MF-12 Multiple-Family Residential-Medium Density	I-2 Heavy Industrial
MF-29 Multiple-Family Residential-High Density	

CITY OF HILLSBORO PERMITTED USE TABLE

P = Permitted Use S = Specific Use Permit Blank = Prohibited Use
Definitions for Land Uses can be found in Section 7.51; PG = Parking Group, see Section 5.36

Residential									Land Use	Non-Residential							SUPPLEMENTAL
AR-1	SF-9	SF-7	SF-5	ZLL	R-2	MF-12	MF-29	MH	Designation	NC	OP	CBD	C	I-1	I-2	PG	CONDITIONS see Section 2.12
Residential Land Uses																	
P									Agricultural Use							1	6, 7
S	S	S	S	S	S	S	S		Bed and Breakfast			P	P			1	1, 29
S	S	S	S	S	S	S	S		Boarding House			P	P			1	2
S	S	S	S						Caretaker, Guard or Servant Residence or Garage Apartment				S	P	P	1	2, 22
S	S	S	S						Dwelling, Guest House							1	2, 22
P	P	P	P	P	P	P	P	P	Convent, Rectory, Monastery	P	P	P	P	P	P	6	1
						P	P	P	Dwelling, Assisted Living Facility	S						6	1
								P	Dwelling, HUD-Code Manufactured Home							2	
P	P	P	P	P	P	P	P	P	Dwelling, Industrialized Housing							2	
						P	P	P	Dwelling, Multifamily			P				3	1
					S	S	S	S	Dwelling, Single Family Attached (Condominium/ Townhouse)			P				2	2
P	P	P	P	P	P	P	P	P	Dwelling, Single Family House							2	
					P	P	P	P	Dwelling, Two Family							2	
				P	P	P	P	P	Zero Lot Line Dwelling Unit							2	
S	S	S	S	S	S	S	S	S	Group Home for the Disabled or Disadvantaged							22	2
								S	Manufactured Housing Park or Subdivision							2	2
Public, Civic and Utility Uses																	
									Airport, Public/Private						S	26	2
									Animal Pound, Shelter					P	P	7	1,7,8
									Assembly Hall	S	S		S	P	P	14	1
S	S	S	S	S	S	S	S		Athletic Field and Play Field, Public				S	S	S	26	1
									Cemetery, Mausoleum, Crematorium	S	S	S	S	P	P	24	1
									Community Center	P	P	P	P			6	
P	P	P	P	P	P	P	P	P	Electrical Transmission Line	P	P	P	P	P	P	-	
									Garage, Public		S	S	S			-	

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Residential									Land Use	Non-Residential							SUPPLEMENTAL
AR-1	SF-9	SF-7	SF-5	ZLL	R-2	MF-12	MF-29	MH	**Designation**	NC	OP	CBD	C	I-1	I-2	**PG**	**CONDITIONS** see Section 2.12
P	P	P	P	P	P	P	P	P	Gas Regulator Station	P	P	P	P	P	P	-	
S	S	S	S	S	S	S	S	S	Golf Course, Public	P	P	P	P	P	P	15	1
									Governmental Administration Facility	P	P	P	P			8	
S	S	S	S	S	S	S	S	S	Library	P	P	P	P			8	
									Lodge, Fraternal, Sorority & Clubs	S	S	P	P	S	S	8	
									Museum	S	S	S	P	P	P	10	1
P	P	P	P	P	P	P	P	P	Park	P	P	S	P			26	
									Philanthropic and/or Charitable Use	P	P	P	P			7	
									Public Maintenance Building, Storage Yard	P	P		P	P	P	24	
P	P	P	P	P	P	P	P	P	Public Safety Facility, Police & Fire	P	P	P	P	P	P	7	
P	P	P	P	P	P	P	P	P	Public Utility	P	P	P	P	P	P	-	
P	P	P	P	P	P	P	P	P	Religious Institution	P	P	P	P	P	P	14	1
									School, Business College		S		P	P	P	16	1
									School, College or University		S		P	P	P	16	1
									School, Commercial Instruction		S		P	P	P	16	1
									School, Commercial Trade		S		P	P	P	16	1
P	P	P	P	P	P	P	P	P	School, Home or Home Day							-	1
									School, Institution, Rehabilitation & Training Center		S	S	P	P		16	1
S	S	S	S	S	S	P	P	S	School, Nursery	P	P	P	P			16	
S	S	S	S	S	S	S	S	S	School, Primary	S						16	
S	S	S	S	S	S	S	S	S	School, Middle	S						17	
S	S	S	S	S	S	S	S	S	School, Secondary	P	P	P	P			18	
									School, Vocational				P	P	P	16	
P	P	P	P	P	P	P	P	P	Telephone Exchange, Switching or Relay	P	P	P	P	P	P	-	
Amusement and Entertainment																	
									Amusement Center, Indoor	S			P	P		10	1
									Amusement Center, Outdoor				S	P	P	10	1
									Athletic Field & Play Field, Commercial	S			P	P	P	10	1
									Auditorium	S	S	S	P	P		13	1
									Banquet Hall	S		S	S			14	1
S	S	S	S	S	S	S	S	S	Country Club	S			P	P		25	1

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Residential									Land Use	Non-Residential							SUPPLEMENTAL
AR-1	SF-9	SF-7	SF-5	ZLL	R-2	MF-12	MF-29	MH	Designation	NC	OP	CBD	C	I-1	I-2	PG	CONDITIONS see Section 2.12
									Golf Course, Driving Range				P	P	P	20	1
									Golf Course, Miniature	S			P	P		20	1
S	S	S	S	S	S	S	S	S	Golf Course, Private				P	P		15	1
									Go Cart Track and Other Vehicular Track or Facility				S	S	S	28	2, 30
									Gymnasium	P	P	P	P	P	P	6	1
									Private Club	S	S	S	S	S		6	1, 5
									Movie Theater			S	P	P		13	1
									Rodeo Ground/Fair Ground				S	S	P	26	1, 6, 7
									Skating Rink, Indoor	P	S	S	P	P		10	1
S									Stable, Commercial						S	26	2, 6, 7
P									Stable, Private						S	25	2, 6, 7
									Swimming Pool, Commercial	S			P	P		25	2, 28
									Shooting Range, Indoor					S	P	7	1
									Shooting Range, Outdoor						S	6	1
Medical Uses																	
									Clinic	P	P	S	P	P	P	7	
									Hospital	S	P		P	P		22	1
									Laboratory, Medical and/or Dental	P	P		P			8	
									Medical, Dental & Optical Retail Sales	P	P	P	P			7	
									Medical, Dental Office	P	P	P	P			7	
									Medical Equipment Sales, Rental, & Leasing Service	P	P	P	P			7	
						S	S		Nursing Home	S	S		P			22	2
									Optician Shop	P	P	P	P			7	
									Rehabilitation Care Facility (Criminal, Psychiatric, Mental Disorders and Substance Abuse)					S		22	1
									Research Laboratory	S	S		P	P		8	2
Automotive Uses																	
									Auto Auction				S	S	P	7	1
									Auto Car Wash	S			P	P	P	23	2
									Auto Impound Lot/Wrecker Business				S	S	P	24	1, 10
									Auto Paint & Body Shop				S	P	P	11	2,8, 9, 10, 24

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Residential									Land Use	Non-Residential							SUPPLEMENTAL
AR-1	SF-9	SF-7	SF-5	ZLL	R-2	MF-12	MF-29	MH	**Designation**	NC	OP	CBD	C	I-1	I-2	**PG**	**CONDITIONS** see Section 2.12
									Auto Parts & Accessory Sales	S		S	S	P	P	7	2, 8.13,21
									Auto Rental (Car & Truck)	S	P	P	P	P	P	7	2,8,16
									Auto Repair Garage				S	P	P	11	2, 8, 9, 10, 24
									Auto Sales, New & Used				S	P	P	9	1,8,10,16, 17
									Auto Service Station				S	P	P	21	1, 8, 9,13, 18,21, 23
									Bus, Train, & Taxi Station or Terminal	S	S	S	P	P	P	7	1,6,10,18,20
									Heliport			S	S	S	S	27	1
									Heliport					S	S	27	1
									Motorcycle Sales	S		P	P	P		7	2,8, 10, 16,17
									Motor Freight Terminal				S	S	P	25	2,16,18,20
									Park & Ride Lots	S	S	S	P	P	P	-	2,8,10
									Parking Lot Commercial (Auto)				S	P	P	-	2, 8,18
									Parking Lot, Commercial (Truck)					S	P	-	1,8,20
									Recreational Vehicle Sales and/or Rental				S	S	P	11	2,8, 10, 17,18
									Recreational Vehicle Storage (commercial)				S	P	P	11	2,8, 10, 17,18
Professional Uses																	
									Bank, Savings & Loan Association, Financial Institution	P	P	P	P			8	
									Office, Business	P	P	P	P	P	P	8	
									Office, Professional	P	P	P	P	P	P	8	
S	S	S	S	S	S	S	S	S	Office, Real Estate Development Tract or Field Office	P	P	P	P	P	P	8	
Commercial, Retail, Service Uses																	
									Ambulance Service	S	S	S	P	P	P	24	2, 9, 10
P									Animal Grooming	S		S	P	P	P	7	2, 15
									Antique Shop	P		P	P			7	
									Art Gallery	S		P	P			7	2
									Arts, Crafts, and Hobby Shop	S		P	P			7	2
									Auction House, Indoor				P	P		7	
									Building Material Sales	S		P	P	P	P	7	2, 10
									Cabinet &/or Upholstery Shop			S	P	P	P	7	2
									Candy, Wholesale			P	P	P		24	14
									Catering Service	P	P	P	P			24	14

CITY OF HILLSBORO PERMITTED USE TABLE

P = Permitted Use S = Specific Use Permit Blank = Prohibited Use
Definitions for Land Uses can be found in Section 7.51; PG = Parking Group, see Section 5.36

Residential									Land Use	Non-Residential							SUPPLEMENTAL
AR-1	SF-9	SF-7	SF-5	ZLL	R-2	MF-12	MF-29	MH	Designation	NC	OP	CBD	C	I-1	I-2	PG	CONDITIONS see Section 2.12
									Contractor, no Outside Storage Permitted	S			P	P	P	8	1
									Contractor, Outside Storage Permitted				S	P	P	8	2, 10
									Contractor Storage or Equipment Yard					S	P	8	2, 10
									Convenience Store, with or without Fuel Sales	P	P		P	P	P	8	14, 23
									Copy Shop	P	P	P	P	P		7	
						S	S		Day Care Center, Adult	P	P	P	P			16	
					S	S	S	S	Day Care Center, Child	P	P	P	P			16	
S	S	S	S	S	S	S	S	S	Day Care, in Home							-	
									Department Store	S	P	P	P			7	1
									Exterminating Service	S			P	P		7	2, 14
									Factory Outlet, Retail or Wholesale Store			P	P	P		7	1
									Farmers Market, Outdoor	S	S	P	P	S		26	2, 14
									Farm Machinery & Implement Sales & Service				S	P	P	7	1, 9, 10, 18
									Flea Market				S	S		27	2
									Funeral Home, Mortuary	S		S	P	P		8	2
									Furniture, Fixture & Appliance Store	S		P	P			7	2
									Furniture Repair	S		S	S	P	P	7	2
									Greenhouse or Plant Nursery	S			P	P		7	2
									Grocery Store	P		P	P			7	14, 20
									Health Club, Recreation Facility	S	P	P	P			7	2
									Hobby Studio, Private	P	P	P	P			7	
									Home Improvement Store	S			P	P		7	1,10
See Article 5, Section 5.40, Home Occupations									Home Occupation	See Article 5, Section 5.40, Home Occupations							
									Hotel, Motel	S	P	P	P	P		5	1, 14
									Kennel					S	P	7	2, 6, 7, 15, 19
									Landscape Service				S	P	P	7	2, 10, 16
									Laundry, Dry Cleaning Full Ser.	S		P	P	P	P	7	2
									Laundry, Dry Cleaning Pickup & Receiving Station	P	P	P	P	P	P	7	

CITY OF HILLSBORO PERMITTED USE TABLE

P = Permitted Use S = Specific Use Permit Blank = Prohibited Use
Definitions for Land Uses can be found in Section 7.51; PG = Parking Group, see Section 5.36

Residential									Land Use	Non-Residential							SUPPLEMENTAL
AR-1	SF-9	SF-7	SF-5	ZLL	R-2	MF-12	MF-29	MH	Designation	NC	OP	CBD	C	I-1	I-2	PG	CONDITIONS see Section 2.12
									Laundry, Dry Cleaning Self Service	P	P	P	P	P	P	7	
									Light Machinery Sales or Repair				P	P	P	7	10
									Manufactured or Industrialized Home Sales or Rental					S	S	7	10
									Meat/Seafood Market	P		P	P	P		7	14, 20
									Office Machine Sales & Service	P	S	P	P	P		7	
									Pawn Shop				P	P		7	2
									Personal Services and Repair Service	P	S	P	P			7	
									Pharmacy	P	P	P	P			7	
									Print Shop	S	P	P	P	P	P	7	
									Radio, Television Studio	P	S	P	P	P	P	7	
									Recycling Collection Center					S	S	28	2, 3,10
									Rental Store	S		P	P	P		7	
									Rental Yard, Commercial & Heavy Equipment				S	P	P	7	1, 8, 10, 18
									Restaurant With Alcohol Sales	S	S	S	S	S		12	2, 5, 14, 25, 26
									Restaurant Without Alcohol Sales	P	P	P	P	P		12	14
									Restaurant, Drive-in/ Drive-thru	P		P	P	P		12	1,14
									Restaurant, Refreshment Stand (Temporary or Seasonal)	S			P	P		21	2
									Retail Sales	P		P	P	S	S	7	
See SOB Ordinance 4.100 of the Code of Ordinances									Sexually Oriented Business	See SOB Ordinance 4.100 of the Code of Ordinances						7	
									Sign Shop, Painted or Silk-screened				P	P	P	7	
									Studio	P	P	P	P			7	
									Stone Monument Sales				P	P	P	7	2, 3,10
									Tanning Studio	P		S	P			7	
									Cosmetic Tattoo Establishment	P	S	P	P	P	P	7	1
									Tattoo Parlor & Body Piercing				S	S	S	7	1
									Tavern, Bars & Night Clubs				S	S	S	12	2, 25, 26
									Taxidermist Studio					P	P	7	14
									Tobacco Shop	S		P	P			7	2

CITY OF HILLSBORO PERMITTED USE TABLE

P = Permitted Use S = Specific Use Permit Blank = Prohibited Use
Definitions for Land Uses can be found in Section 7.51; PG = Parking Group, see Section 5.36

Residential									Land Use	Non-Residential							SUPPLEMENTAL
AR-1	SF-9	SF-7	SF-5	ZLL	R-2	MF-12	MF-29	MH	**Designation**	NC	OP	CBD	C	I-1	I-2	**PG**	**CONDITIONS** see Section 2.12
									Veterinarian Office, Small Animal Practice	S			P	P	P	7	2, 7, 10, 14
S									Veterinarian Office, Large Animal Practice				S	S	P	7	1, 6, 7, 10, 14
S									Veterinary Hospital without Outside Pens				S	S	P	7	2,14
S									Veterinary Hospital with Outside Pens				S	S	P	7	1, 6, 7, 10, 14
									Video Gambling (Eight Liners)								(Not permitted)
									Video/Game Rental	P		P	P			7	
Manufacturing and Industrial Uses																	
									Heavy Industrial						P	25	1,20
									Laundry, Dry Cleaning & Dyeing Plant including Diaper Service				P	P	P	25	20
									Machine Shop					P	P	24	
									Light Industrial					P	P	25	1, 20
									Manufacturing Facility (Light)					P	P	25	1, 20
									Meat Product Processing						S	25	2,20
									Mini-warehouse	S	S	S	P	P	P	25	2, 12,20
									Natural Resources Mining					S	S	28	2,20
S									Oil and Gas Wells				S	S	S	25	2,20
									Salvage Yard						S	24	2,20
									Stockyard						S	28	2, 6, 7,20
									Storage Warehousing Establishment					S	P	25	1,18,20
See Section 5.47, Wireless Communications Facilities									Telecommunications Wireless Facility	See Section 5.47, Wireless Communications Facilities						25	11
									Warehousing, Freight Office &/or Storage					P	P	25	10, 20
Accessory and Temporary Uses																	
P	P	P	P	P	P	P	P	P	Accessory Building	P	P	P	P	P	P	22	see Section 5.41
									Temporary Batching Facility					S	S	27	27

2.12 SUPPLEMENTAL CONDITIONS AND SPECIAL REGULATIONS

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

1. A site plan will be required in accordance with *5.31, Site Plan Requirements*.
2. A site plan, in accordance with *5.31, Site Plan Requirements*, will only be required in districts which require a Specific Use Permit.
3. All storage shall be within completely enclosed buildings or effectively screened with screening not less than six (6) feet nor more than eight (8) feet in height, provided no storage located within fifty (50) feet of such screening shall exceed the maximum height of such screening.
4. Temporary buildings for construction purposes for a period not to exceed the duration of such construction.
5. May not be located within three hundred (300) feet of any property zoned for a residential use or any property which is occupied by a church, public school, day care or nursing home. The measurement of distance shall be measured as a radius from the edge of the property line.
6. Any proposed stable or barn must be set back one hundred fifty (150) feet from a residential property line. Only animals permitted within the corporate limits by the City Code will be permitted on site.
7. Pens, outdoor kennels, or animal runs must be located one hundred fifty (150) feet from any residentially zoned property.
8. Shall not be used for the storage of wrecked vehicles or the dismantling of vehicles or the storage of vehicle parts.
9. All vehicles being stored for repair shall be screened from all public rights-of-way.
10. All equipment shall be stored and displayed on a hard all weather surface.
11. Antenna and towers shall be permitted and regulated in accordance with *Section* 5.47*, Wireless Communications Facilities*.
12. Mini-Warehouses.
    a. the principal access to the mini-warehouse complex shall be provided by an access drive of not less than twenty-four (24) feet in width;
    b. the lot area used for mini-warehouse structures facing onto a public street shall not be greater than one hundred (100) feet in width including the access drive. The remainder of the lot devoted to the mini-warehouse use shall not face on any other public street; and

c. the boundary of the mini-warehouse complex shall be screened by walls or other devices from any adjoining use that, in the opinion of the Council, is incompatible with the mini-warehouse use.

13. No outside storage permitted.
14. No trash dumpster shall be located within fifty (50) feet of a residentially zoned or developed property, or between the front of the main building and any street right-of-way.
15. No veterinary services shall be permitted.
16. Incidental parts, maintenance, and repair facilities shall be completely located within a enclosed building.
17. Must only be used for the display and sale of vehicles that are in condition to be driven on or off the lot.
18. No semi-trailer truck or tractor parking will be allowed adjacent to any residentially zoned or developed property.
19. No outdoor boarding of animals may be permitted if adjacent to residentially zoned or developed property.
20. No truck traffic shall be permitted between the hours of 10:00 PM and 7:00 AM for any property adjacent to residential land use.
21. No outside sales, service, or repair activities shall be allowed.
22. Caretaker, guard and servants residences, garage apartments and guest houses are limited to a maximum of five hundred (500) square feet.
23. Notwithstanding the district yard requirements, a gasoline service station pump island may not be located nearer than eighteen (18) feet to the front property line, and the outer edge of the canopy shall not be nearer than ten (10) feet to the front property line.
24. Automobile repairing, painting, upholstering and body and fender work shall be performed only under the following conditions.

    b. all body and fender repairing shall be done within a completely enclosed building or room with stationary windows that may be opened only at intervals necessary for ingress and egress;

    c. no spray painting may be done except in a building or room specially designed for that purpose; or

    d. All other auto repairing, etc. shall be conducted within a building located enclosed on at least three (3) sides.

25. May not be located within three hundred (300) feet of any church, public hospital, or within one thousand (1000) feet of any school and shall conform to all requirements of the Texas Alcoholic Beverage Code.
26. Conditioned upon a referendum vote according to Texas State Law. Alcohol sales shall be in accordance with the Texas Alcohol Beverage Code.

27. Temporary batching facilities shall be permitted only upon the approval of a Special Use Permit and shall be incidental to and necessary for a construction site that is located within two (2) miles of the plant.

28. Swimming pools: See Swimming Pool Ordinance, Article 3.11 of the Hillsboro Code of Ordinances.

29. Bed and Breakfast. The operation of a bed and breakfast as defined in this Section and shall be subject to compliance at all times with the following:

    a. off-street parking shall be located behind the front building line of the structure and shall be screened from public view; however, if the bed and breakfast facility is located in a nonresidential district, screening shall be required only on the property lines that immediately abut any residentially zoned property;

    b. (where a bed and breakfast facility is located in a residential district, the total guest bedroom area of the structure shall not exceed fifty percent (50%) of the total floor area of the dwelling);

    c. smoke detectors shall be placed in conformance with the the City's adopted building code.

    d. the plumbing and electrical systems in the structure shall be in compliance with the applicable codes of the City;

    e. no guest may stay at the premises for more than fifteen (15) consecutive days.

    f. annual inspections by the City Building Official shall be required for each bed and breakfast facility to insure ongoing compliance with the requirements of this Section; and

30. Any business which uses the operation of motor vehicles on site, such as go cart tracks, shall not be located within five hundred (500) feet from any residentially zoned property.

Article 3 Zoning District Regulations

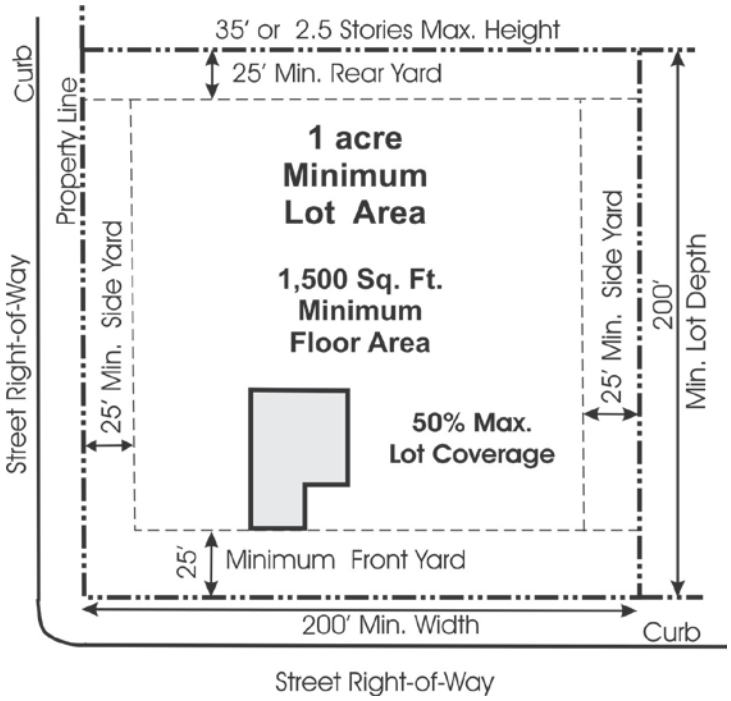
3.13 AR-1" AGRICULTURAL-RESIDENTIAL DISTRICT REGULATIONS

3.13.1 GENERAL PURPOSE AND DESCRIPTION

This district is intended to provide for compatible land, building and structures oriented primarily towards low-density residential and select agricultural uses. The AR-1 District serves as a transitional element between agricultural activities and those of higher density development. Agricultural uses in the AR-1 Districts, should not be detrimental to urban land uses.

3.13.2 PERMITTED USE

Primary uses include large-lot residential dwellings; accessory, caretaker and guest facilities; public utilities and some civic uses. See *Article 2, Permitted Use Table*, for other uses.



"AR-1" Area Requirements	
Minimum Lot Area	1 acre
Minimum Lot Width	200 ft.
Minimum Lot Depth	200 ft.
Minimum Front Yard	25 ft.
Minimum Side Yard	25 ft.
Minimum Rear Yard	25 ft.
Maximum Lot Coverage	50%
Maximum Building Height	35 ft. or 2 ½ stories
Minimum Floor Area	1,500 s.f. living area

3.13.3 PARKING REGULATIONS

Two (2) parking spaces per residence. See *Section 5.36* for *Off-Street Parking and Loading Regulations*.

3.13.4 HEIGHT AND AREA REGULATIONS

Height and area regulations in a AR-1, Single Family Residential District, are set forth in *Sections 5.34 and 5.35,* respectively.

3.13.5 SUPPLEMENTAL CONDITIONS AND SPECIAL REGULATIONS

See *Article 2, Permitted Use Table, Supplemental Conditions* designations and *Section 2.12, Supplemental Conditions and Special Regulations* for the following uses: Bed and Breakfast, Guest House, Boarding House, Caretaker/Guard or Servant Residence, Garage Apartment, Assisted Living Facility.

3.13.6 SIGN REGULATIONS

Sign regulations primarily include wall, pole and other types of permanant signs, as well as temporary signs such as political, charity, church and real estate signs. See *5.33* for applicable sign regulations.

3.13.7 SCREENING AND BUFFER REGULATIONS

There are no screening and buffer requirements for the AR-1 District.

3.13.8 LANDSCAPING REGULATIONS

There are no landscape regulations for the AR-1 District.

3.14 "SF-9" SINGLE FAMILY RESIDENTIAL DISTRICT REGULATIONS

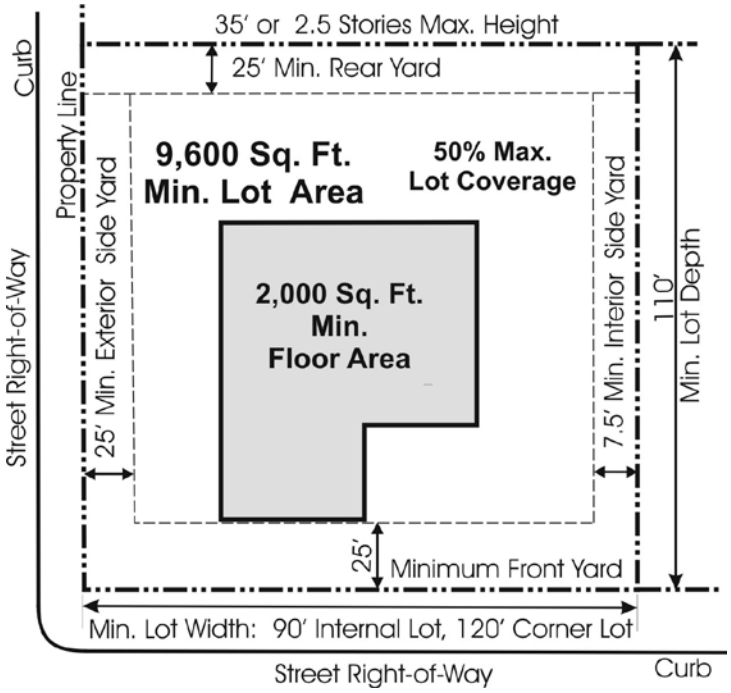
3.14.1 GENERAL DESCRIPTION AND PURPOSE

The purpose of the SF-9, Single Family ResidentIal District, is to provide for compatible land, building, and structures that are primarily oriented to low density residential purposes.

3.14.2 PERMITTED USES

Primary uses include medium-lot residential dwellings; accessory, caretaker and guest facilities; public utilities and some civic uses. See *Article 2, Permitted Use Table*, for other uses.

3.14.3 PARKING REGULATIONS



"SF-9" Area Requirements	
Minimum Lot Area/Lot	9,600 s.f.
Min. Internal Lot Width Min. Corner Lot Width	90 ft. 120 ft.
Minimum Lot Depth	110 ft.
Minimum Front Yard	25 ft.
Minimum Side Yard: Interior Lot Line Exterior Lot Line	 7.5 ft. 25 ft.
Minimum Rear Yard	25 ft.
Maximum Lot Coverage	50%
Maximum Building Height	35 ft. or 2 ½ stories
Minimum Floor Area	2,000 s.f. living area

Two (2) parking spaces per residence. See *5.36* for *Off-Street Parking and Loading Regulations*.

3.14.4 HEIGHT AND AREA REGULATIONS

Height and area regulations in a SF-9, Single Family Residential District, are set forth in Sections *5.34 and 5.35,* respectively.

3.14.5 SUPPLEMENTAL CONDITIONS and SPECIAL REGULATIONS

See *Article 2, Permitted Use Table, Supplemental Conditions* designations *and Section 2.12, Supplemental Conditions and Special Regulations* for the following uses: Bed and Breakfast, Guest House, Boarding House, Caretaker/Guard or Servant Residence, Garage Apartment, Assisted Living Facility.

3.14.6 SIGN REGULATIONS

Sign regulations primarily include temporary political, charity, church, real estate signs. See *5.33* for applicable sign regulations.

3.14.7 SCREENING AND BUFFER REGULATIONS

There are no screening and buffer requirements for the SF-9 District.

3.14.8 LANDSCAPING REGULATIONS

There are no landscape regulations for the SF-9 District.

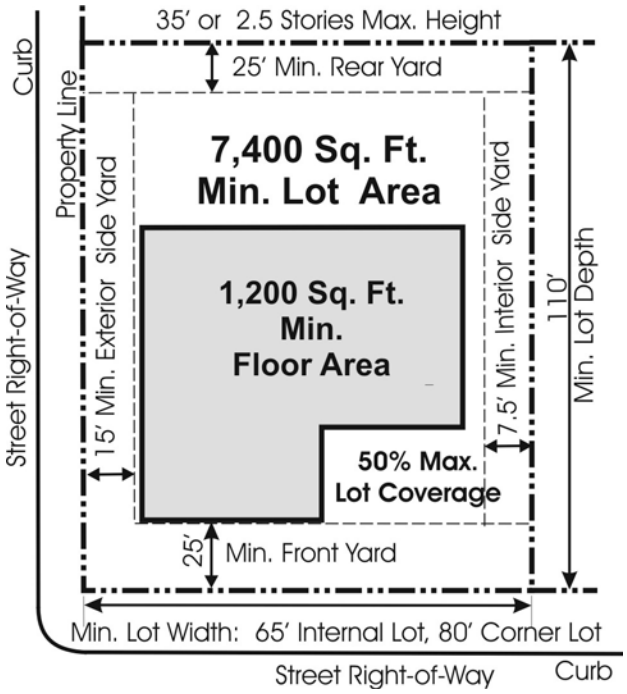
3.15 "SF-7" SINGLE FAMILY RESIDENTIAL DISTRICT REGULATIONS

3.15.1 GENERAL PURPOSE AND DESCRIPTION

The purpose of the SF-7, Single Family Residental District, is to provide for residential development along with compatible land, building, and structures that are primarily oriented to medium density residential purposes.

3.15.2 PERMITTED USES

Primary uses include medium-lot residential dwellings; accessory, caretaker and guest facilities; public utilities and some civic uses. See *Article 2, Permitted Use Table*, for other uses.



"SF-7" Area Requirements	
Minimum Lot Area/Lot	7,400 s.f.
Min. Interior Lot Width Min. Corner Lot	65 ft. 80 ft.
Minimum Lot Depth	115 ft.
Minimum Front Yard	25 ft.
Minimum Side Yard: Interior Lot Line Exterior Lot Line	 7.5 ft. 15 ft.
Minimum Rear Yard	25 ft.
Maximum Lot Coverage	50%
Maximum Building Height	35 ft. or 2 ½ stories
Minimum Floor Area	1,200 s.f. living area

3.15.3 PARKING REGULATIONS

Two (2) parking spaces per residence. See *5.36* for *Off-Street Parking and Loading Regulations*.

3.15.4 HEIGHT AND AREA REGULATIONS

Height and area regulations in a SF-7, Single Family Residential District, are set forth in *Sections 5.34 and 5.35,* respectively.

3.15.5 SUPPLEMENTAL CONDITIONS AND SPECIAL REGULATIONS

See *Article 2, Permitted Use Table, Supplemental Conditions* designations and *Section 2.12, Supplemental Conditions and Special Regulations* for the following uses: Bed and Breakfast, Guest House, Boarding House, Caretaker/Guard or Servant Residence, Garage Apartment, Assisted Living Facility.

3.15.6 SIGN REGULATIONS

Sign regulations primarily include temporary political, charity, church, real estate signs. See *5.33* for applicable sign regulations.

3.15.7 SCREENING AND BUFFER REGULATIONS

There are no screening and buffer requirements for the SF-7 District.

3.15.8 LANDSCAPING REGULATIONS

There are no landscape regulations for the SF-7 District.

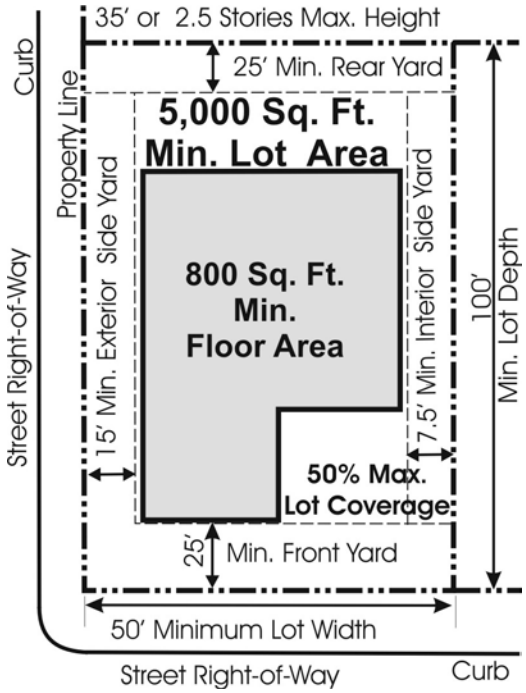
3.16 "SF-5" SINGLE FAMILY RESIDENTIAL DISTRICT REGULATIONS (INACTIVE)

3.16.1 GENERAL PURPOSE AND DESCRIPTION

The SF-5, Residential Single Family Dwelling District, is the most dense single family residential district. The principal use of land in this district is for single-family dwellings. This in an inactive district, which is meant to serve only those lots that are currently 5,000 square foot. No further 5,000 square foot lots are planned for the City.

3.16.2 PERMITTED USES

This is an inactive zoning district, primary for uses including small-lot residential dwellings; accessory, caretaker and guest facilities; public utilities and some civic uses. See *Article 2, Permitted Use Table*, for other uses.



"SF-5" Area Requirements	
Minimum Lot Area/Lot	5,000 s.f.
Minimum Lot Width	50 ft.
Minimum Lot Depth	100 ft.
Minimum Front Yard	25 ft.
Minimum Side Yard: Interior Lot Line Exterior Lot Line	 7.5 ft. 15'
Minimum Rear Yard	25 ft.
Maximum Lot Coverage	50%
Maximum Building Height	35 ft. or 2 ½ stories
Minimum Floor Area	800 s.f. living area

3.16.3 PARKING REGULATIONS

Two (2) parking spaces per residence. See *5.36* for *Off-Street Parking and Loading Regulations*.

3.16.4 HEIGHT AND AREA REGULATIONS

Height and area regulations in a SF-5, Single Family Residential, District, are set forth in *Sections 5.34 and 5.35,* respectively.

3.16.5 SUPPLEMENTAL CONDITIONS AND SPECIAL REGULATIONS

See *Article 2, Permitted Use Table, Supplemental Conditions* designations and *Section 2.12, Supplemental Conditions and Special Regulations* for the following uses: Bed and Breakfast, Guest House, Boarding House, Caretaker/Guard or Servant Residence, Garage Apartment, Assisted Living Facility.

3.16.6 SIGN REGULATIONS

Sign regulations primarily include temporary political, charity, church, real estate signs. See *5.33* for applicable sign regulations.

3.16.7 SCREENING AND BUFFER REGULATIONS

There are no screening and buffer requirements for the SF-5 District.

3.16.8 LANDSCAPING REGULATIONS

There are no landscape regulations for the SF-5 District.

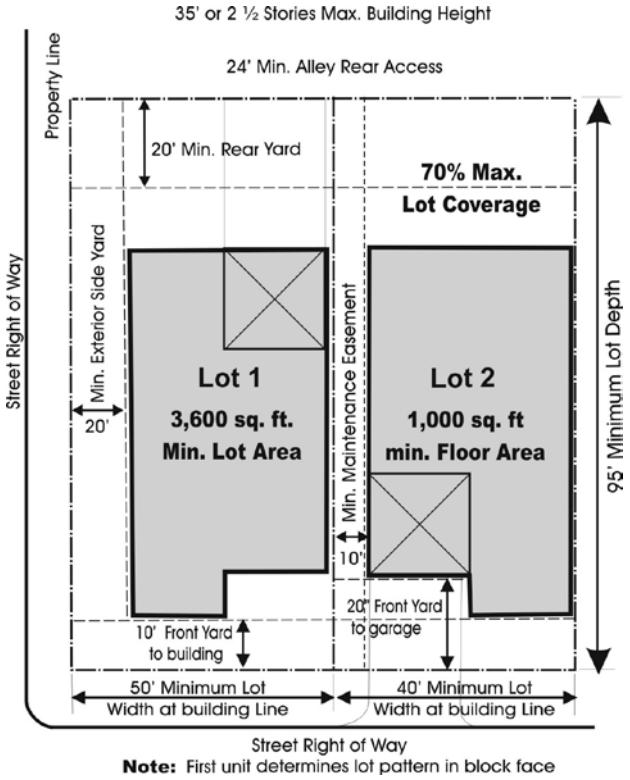
3.17 "ZLL" ZERO LOT LINE SINGLE FAMILY RESIDENTIAL REGULATIONS

A. PURPOSE

The "ZLL" district is to provide for compatible land uses primarily oriented to medium density residential uses. Single family residential units are located on a lot with one exterior wall on a side property line.

3.17.1 PERMITTED USES

Uses in the "ZLL" district shall be in accordance with *Section 2.11* Permitted Use Table.



"ZLL" Area Requirements	
Minimum Lot Area	3600 s.f.
Minimum Lot Width Min. Corner Lot Width	40 ft. 50 ft.
Minimum Lot Depth	95 ft.
Minimum Front Yard	10 ft. building 20 ft. garage
Minimum Side Yard Minimum Exterior Side Yard Corner Lot	10 ft on one side. First unit determines lot pattern in block face 20 ft.
Minimum Rear Yard	20 ft.
Maximum Lot Coverage	70%
Maximum Building Height	36 ft. or 2 ½ stories
Minimum Floor Area	1,000 sq. ft.
Garages	Rear Entry preferred, with 24' alleys

3.17.2 AREA REQUIREMENTS

The requirements regulating the minimum lot size, minimum yard size (front, side, and rear), maximum building height (stories and feet), and maximum lot coverage, and minimum floor area, as it pertains to this district, shall conform with the provisions provided in the Density, Area, Yard, Height, and Lot Coverage Requirements for the ZLL Zoning District.

3.17.3 PARKING REGULATIONS

Two (2) parking spaces per residence. See *5.36* for *Off-Street Parking and Loading Regulations*.

3.17.4 SCREENING AND BUFFER REGULATIONS

There are no screening and buffer requirements for the ZLL District.

3.17.5 LANDSCAPING REGULATIONS

There are no landscape regulations for the ZLL District.

3.17.6 SIGNS

Signs shall be in accordance with 5.33 Sign Regulations.

3.17.7 EXTERIOR CONSTRUCTION

75% of the exterior of the structure shall be masonry construction with 100% of the front façade comprised of masonry construction, exclusive of windows, doors, and dormers.

3.17.8 ACCESSORY BUILDING AND STRUCTURE REGULATIONS

All regulations for accessory building or accessory structures shall be in compliance with *Section 5.41* Detached Accessory Building Regulations.

3.17.9 SIDE YARD REGULATIONS

A. Dwellings shall be no closer than ten feet between the faces of exterior walls of neighboring dwelling units.

1. No roof overhang, gutter or extension from a wall will be allowed to extend into a neighboring property.
2. The Closest exterior roofline to an adjacent property shall be storm guttered if the general slope of the roof falls toward the neighboring property.
3. Each lot shall provide a minimum of ten (10) feet to the adjacent lot as an access or use easement. This easement shall be designated in the side yard adjacent to the adjoining lot's zero side yard. The purpose of this easement is to give the adjoining owner access for maintenance of this dwelling.
4. The majority of one side of the structure shall be located within the three feet of one side lot line. The building wall(s) which are located adjacent to the "zero" side of the lot shall not have any doors, windows, ducts, vents, or other openings. This requirement precludes exterior walls forming enclosures for courts, patios, or similar indentations to the "zero" wall.

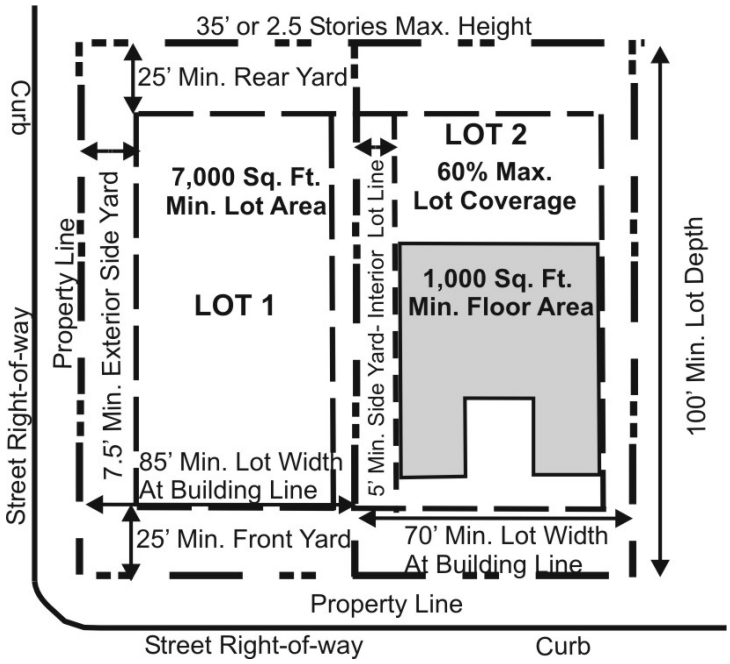
SECTION 3.18 "R-2" TWO FAMILY RESIDENTIAL DISTRICT REGULATIONS

3.18.1 GENERAL PURPOSE AND DESCRIPTION

The purpose of the R-2, Two Family Residential (Duplex) District is to promote stable, quality residential development of slightly increased densities. This district may be used as a "buffer" district between low density and high density districts or between residential and nonresidential districts.

3.18.2 PERMITTED USES

This district is primarily for uses including duplex residential dwellings; accessory, caretaker and guest facilities; public utilities and some civic uses. See *Article 2, Permitted Use Table*, for other uses.



"R-2" Area Requirements	
Minimum Lot Area/Lot	7,000 s.f.
Maximum DU/Lot	2
Minimum Lot Width Corner Lot Width	70 ft. 85 ft.
Minimum Lot Depth	100 ft.
Minimum Front Yard	25 ft.
Minimum Side Yard: Interior Lot Line Exterior Lot Line	 7.5 ft. 7.5 ft.
Minimum Rear Yard	25 ft.
Maximum Lot Coverage	60%
Maximum Building Height	35 ft. or 2 ½ stories
Minimum Floor Area	1,000 s.f. living area

3.18.3 PARKING REQUIREMENTS

Two (2) parking spaces per residence. See *5.36* for *Off-Street Parking and Loading Regulations*.

3.18.4 HEIGHT AND AREA REGULATIONS

Height and area regulations in a R-2, "Duplex" District, are set forth in *Sections 5.34 and 5.35,* respectively.

3.18.5 SUPPLEMENTAL CONDITIONS AND SPECIAL REGULATIONS

See *Article 2, Permitted Use Table, Supplemental Conditions* designations and *Section 2.12, Supplemental Conditions and Special Regulations* for the following uses: Bed and Breakfast,

Guest House, Boarding House, Caretaker/Guard or Servant Residence, Garage Apartment, Assisted Living Facility.

3.18.6 SIGN REGULATIONS

Sign regulations primarily include temporary political, charity, church, real estate signs. See *5.33* for applicable sign regulations.

3.18.7 SCREENING AND BUFFER REGULATIONS

There are no screening and buffer requirements for the R-2 District.

3.18.8 LANDSCAPING REGULATIONS

There are no landscape regulations for the R-2 District.

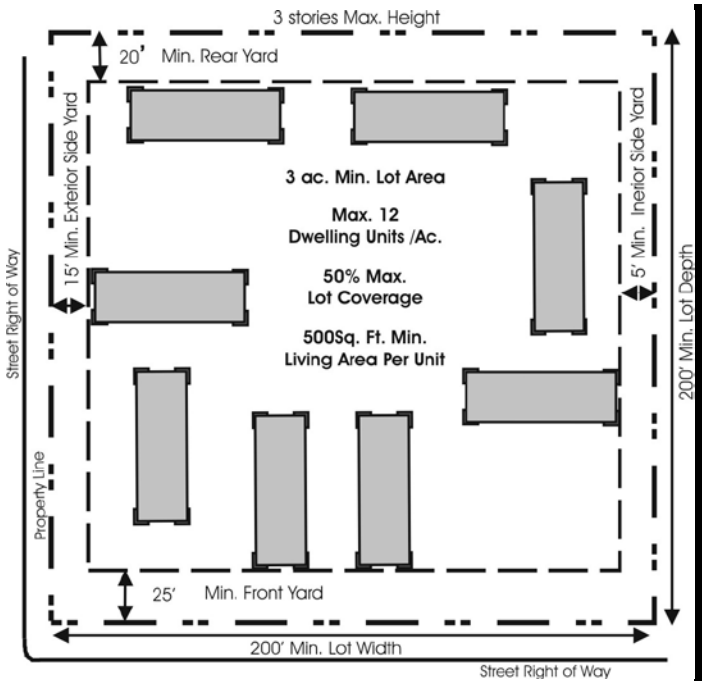
3.19 "MF-12" MULTIPLE FAMILY RESIDENTIAL DISTRICT REGULATIONS

3.19.1 GENERAL PURPOSE AND DESCRIPTION

The MF-12, Multiple Family Residential District, is intended to provide for medium density multiple-family dwellings which may have a relatively intense concentration of dwelling units served by large open spaces consisting of common areas and recreation facilities, thereby resulting in medium gross densities. The principal use of land may be one or several dwelling types, ranging from low-rise multiple-family dwellings, and including garden apartments, condominiums and townhouses.

3.19.2 PERMITTED USES

This district is primarily for multiple family residential uses; assisted living and group homes. See *Article 2, Permitted Use Table*, for other uses.



"MF-12" Area Requirements	
Minimum Lot Area	3 Acre
Maximum Dwelling Units/Ac.	12
Minimum Lot Width	200 ft.
Minimum Lot Depth	200 ft.
Minimum Front Yard	25 ft.
Minimum Side Yard: Interior Lot Line Exterior Lot Line	 5 ft. 15 ft.
Minimum Rear Yard	20 ft.
Maximum Lot Coverage	50%
Maximum Building Height	3 stories
Minimum Floor Area	500 s.f. living area/unit

3.19.3 PARKING REQUIREMENTS

Two (2) parking spaces per residential unit. For other application requirements and Parking Group designations, See *Article 2, Permitted Use Table.*

3.19.4 HEIGHT AND AREA REGULATIONS

Height and area regulations in a MF-12 District, are set forth in *Sections 5.34 and 5.35,* respectively.

3.19.5 SUPPLEMENTAL CONDITIONS AND SPECIAL REGULATIONS

See *Article 2, Permitted Use Table, Supplemental Conditions* designations and *Section 2.12, Supplemental Conditions and Special Regulations* for the such uses as: Bed and Breakfast, Boarding House and Group Home.

3.19.6 SIGN REGULATIONS

Sign regulations include primarily temporary political, charity, church, real estate, construction and entry signs. See *3.33* for applicable sign regulations.

3.19.7 SCREENING AND BUFFER REQUIREMENTS

Screening and buffer regulations shall be in accordance with *Section 5.43.*

3.19.8 LANDSCAPING REQUIREMENTS

Landscape regulations primarily include a twenty percent (20%) landscaping requirement, parking lot landscaping, open space requirements and a landscape plan. See *Section 5.44* for detailed requirements.

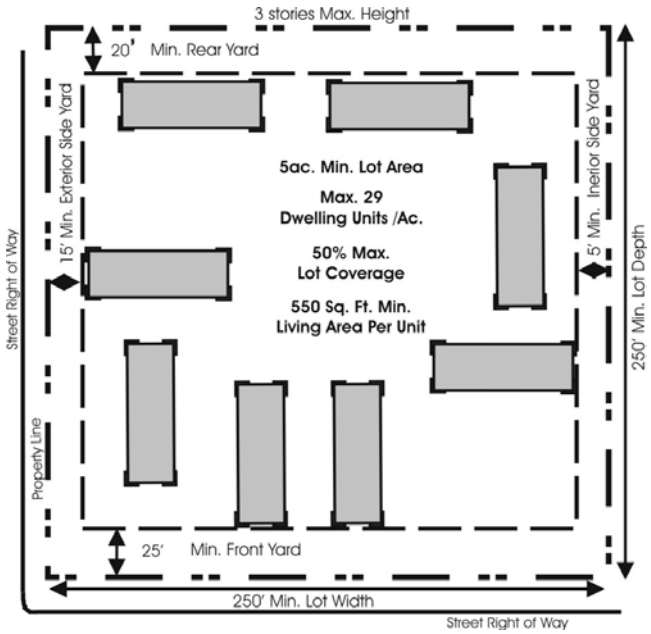
3.20 "MF-29" MULTIPLE FAMILY RESIDENTIAL DISTRICT REGULATIONS

3.20.1 GENERAL PURPOSE AND DESCRIPTION

The MF-29, Multiple Family Residential District, is the highest residential density district. The principal use of land in this district is for a wide variety of dwelling types, including low-rise multiple-family dwellings, garden apartments, condominiums, and townhouses and, subject to a specific use permit, high-rise apartments.

3.20.2 PERMITTED USES

This district is primarily for multiple family residential uses; Boarding House, Assisted Living and Group Homes. See *Article 2*, *Permitted Use Table*, for other uses.



"MF-29" Area Requirements	
Minimum Lot Area	5 acres
Maximum Dwelling Units/Ac.	29
Minimum Lot Width	250 ft.
Minimum Lot Depth	250 ft.
Minimum Front Yard	25 ft.
Minimum Side Yard: Interior Lot Line Exterior Lot Line	 5 ft. 15 ft.
Minimum Rear Yard	20 ft.
Maximum Lot Coverage	50%
Maximum Building Height	3 stories
Minimum Floor Area	550 s.f. living area/unit

3.20.3 PARKING REGULATIONS

See *5.36* for applicable *Off Street Parking and Loading Regulations.*

3.20.4 HEIGHT AND AREA REGULATIONS

Height and area regulations in a MF-29 district are set forth in *Sections 5.34 and 5.35,* respectively.

3.20.5 SUPPLEMENTAL CONDITIONS AND SPECIAL REGULATIONS

See *Article 2, Permitted Use Table, Supplemental Conditions* designations and *Section 2.12, Supplemental Conditions and Special Regulations* for the such uses as: Bed and Breakfast, Boarding House and Group Home.

3.20.6 SIGN REGULATIONS

Sign regulations include primarily temporary political, charity, church, real estate, construction and entry signs. See *Section 5.33* for applicable sign regulations.

3.20.7 SCREENING AND BUFFER REGULATIONS

Screening and buffer regulations shall be in accordance with *Section 5.43*.

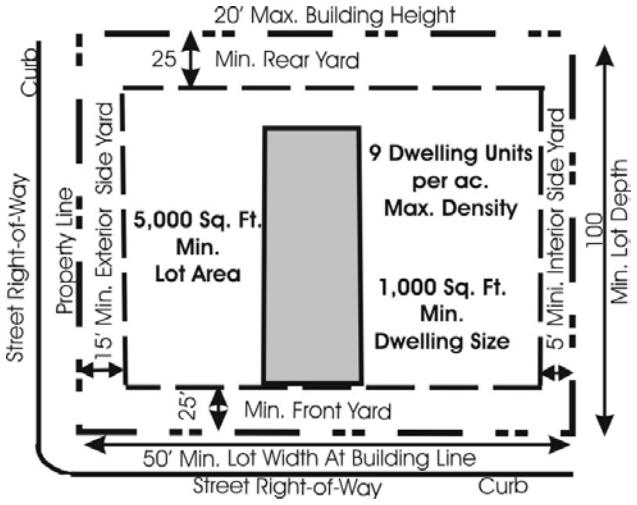
3.20.8 LANDSCAPING REGULATIONS

Landscape regulations primarily include a twenty percent (20%) landscaping requirement, parking lot landscaping, open space requirements and a landscape plan. See *Section 5.44* for detailed requirements.

3.21 "MH" HUD CODE MANUFACTURED HOUSING DISTRICT

3.21.1 PURPOSE

The purpose of the "MH" HUD Code Manufactured Housing residential district is to provide adequate space and restrictions for the placement of HUD-Code Manufactured Homes in the City within designated subdivisions. This does not include mobile homes as defined in this ordinance. The "MH" district is also established to provide housing densities compatible with existing and proposed neighborhoods by providing alternative housing types both in construction and economy within the "MH" district. It is the intent of the "MH" district to provide the maximum amount of freedom possible in the design of such developments and the grouping and layout of homes within such developments in order to provide amenities normally associated with planned residential areas.



"MH" Area Requirements	
Maximum Density	9 Dwelling Untis/Ac.
Minimum Lot Area	5,000 sq. ft.
Minimum Lot Width	50 ft.
Minimum Lot Depth	100 ft.
Minimum Front Yard	25 ft.
Minimum Side Yard: Interior Lot Line Exterior Lot Line	 5 ft. 15 ft.
Minimum Rear Yard	25 ft.
Maximum Building Height	20 ft.
Minimum Dwelling Size	1,000 sq. ft.

3.21.2 GENERALLY

Land within the "MH" district will be developed as a HUD-Code Manufactured Home subdivision. Lots within the "MH" district will be sold to private individuals in strict conformance with the terms and conditions under which the subdivision was approved by the City Council. All roadways within a HUD-Code Manufactured Home subdivision shall be dedicated to the public. Private interior drives must be approved by the city. Land zoned "MH" which is not developed as a HUD-Code Manufactured Home subdivision may be developed in accordance with SF-7 zoning district regulations. In the "MH" district, no building or land shall be used and no building constructed, reconstructed, altered, or enlarged, unless otherwise provided in this ordinance.

3.21.3 PERMITTED USES

Uses permitted within the "MH" Manufactured Housing district shall be in accordance with *Article 2, Permitted Use Table*.

3.21.4 DENSITY, AREA, YARD, HEIGHT, AND LOT COVERAGE REQUIREMENTS

The requirements regulating the maximum permissible residential density, minimum lot size, minimum yard sizes, maximum building height, and maximum percent of lot coverage by buildings, as pertains to the "MH" district, shall conform with the provisions provided in the Area Requirements for the "MH" Zoning District table.

3.21.5 DEVELOPMENT AND INSTALLATION REGULATIONS

Any property developed within the "MH" district as a HUD Code Manufactured Home or as a manufactured housing subdivision shall meet the following requirements:

A. HUD Code Manufactured Homes shall have the axles, wheels, and tow bar or tongue removed and shall be secured to a permanent foundation or footing and piers, all in accordance with manufacturer's specifications;

B. HUD Code Manufactured Homes must have a minimum of an eighteen (18) inch crawl space under all homes;

C. A concrete or asphalt surface with good drainage shall cover the area where a home is to be sited;

D. Each HUD Code Manufactured Home site shall have a slab or patio not less twenty (20) feet in length and six (6) feet in width, comprised of concrete, flagstone, or similar substance installed adjacent to each site;

E. HUD Code Manufactured Homes shall have permanent steps installed at all exits;

F. Each HUD Code Manufactured Home shall have two (2) covered Parking Spaces. All carports shall be built in place with no fiberglass. Carports shall have at least two (2) walls with exterior siding of wood or masonry construction;

G. Skirting shall be securely attached between the HUD Code Manufactured Home and the ground on all sides within thirty (30) days of home installation. Skirting materials shall consist of materials which are compatible with the design of the home and enhance its appearance. Unpainted or untreated corrugated metal, screen or wire, fiberglass, or lattice-type skirting is prohibited;

H. Construction, location, and installation of the homes shall be in conformance with applicable federal, state, and local codes and standards, and each manufactured home shall have affixed a seal of the appropriate federal or state department;

I. Sanitation, fire protection, and underground utility services shall be provided to each lot in accordance with the City ordinances and regulations;

J. Driveways shall be all weather/dust free construction and shall extend from the right-of-way to the carport or garage. All parking will be permitted on any portion of the lot on any other surface than an all weather/dust free surface;

K. Drainage and garbage collection right-of-way, fire lanes, and utility easements shall be provided as required by the City. Such can be accomplished by designating all private interior drives within the project as easements for vehicular access and service;

L. Soil conditions, ground water level, drainage, flooding, and topography shall not create hazards to the developed portion of the property or the health and safety of the residents;

M. HUD-Code Manufactured Home subdivisions shall be developed at densities comparable to adjacent residential uses or have adequate landscape buffering or open space to provide transition of uses. Adequate landscape buffering or open space for transition purposes shall be determined on an individual site basis and shall be subject to the approval of the City; and

N. Any structural alteration or modification of a HUD-Code Manufactured Home after it is placed on the site must be approved by the Community Development Director of the City of Hillsboro. All structural additions shall comply with the City's building codes and ordinances.

3.21.6 SITE-BUILT ADDITIONS

The addition of peaked roof facades, atrium entrances, garages, porches, and patios are encouraged in order to increase the compatibility with conventional single family housing in the City.

3.21.7 ACCESSORY BUILDING AND STRUCTURE REGULATIONS

Area regulations for accessory buildings or accessory structures shall be in compliance with *Section 5.41 Accessory Buildings*.

3.21.8 PARKING REGULATIONS

Two (2) parking spaces Parking requirements for the HUD Code Manufactured Housing District shall be in compliance with *5.36, Off-street Parking and Loading Regulations*.

3.21.9 INTERIOR DRIVES

A. The use of private interior drives must be approved by the City.

B. Such interior drives shall have a minimum easement width of fifty (50) feet and shall have a minimum paved roadway width of thirty-one feet (31) back-to-back.

C. Public interior streets shall be located within dedicated rights-of-way, and shall have a minimum paved roadway width provided in accordance with the applicable standards in the City of Hillsboro Subdivision Regulations.

D. All private interior drives, entrances, and service drives shall be constructed in accordance with City design standards and shall have a six (6) inch rolled curb and gutter of concrete meeting the street standards of the City of Hillsboro. The developer shall bear the total cost of construction and maintenance of all such improvements, including curb and drainage structures that may be needed.

E. All parking areas and public streets shall be of concrete or asphalt construction, as approved by the City Engineer.

3.21.10 UNDERGROUND UTILITIES

All utility lateral and service lines located within the "MH" District shall be installed underground.

3.21.11 OPEN SPACE AREA

Open space designated for the use and enjoyment of all residents shall be provided within a HUD Code Manufactured Home subdivision at the ratio of five hundred (500) square feet for each of the first twenty (20) units, and two hundred (200) square feet for each additional unit in excess of twenty (20). Designated open space shall be developed and maintained for recreational and leisure activities and shall be located within the subdivision being developed.

3.21.12 SCREENING

A solid opaque screening wall or fence of not less than six (6) feet in height, measured at the highest finished grade, shall be provided along all perimeter property lines of a HUD-Code Manufactured Home subdivision which do not abut a dedicated street. Said screening wall or fence shall be masonry and of a decorative construction. This requirement can be waived or modified if natural or man-made physical features create an adequate separation or buffer from adjacent uses, as determined by the City. However, any request to waive this requirement shall be presented as an element of the site plan and shall be subject to approval at that time only.

3.21.13 PRESERVATION OF SITE ASSETS

When developing a HUD-Code Manufactured Home Subdivision, the following steps shall be taken to preserve on-site assets:

A. Suitable available topsoil and desirable existing trees;

B. Shrubs and ground cover shall be preserved and protected where practicable; and

C. Topsoil which is suitable and needed for later use in finished grading shall be stripped from areas to be occupied by structures, parking areas, streets and driveways, and from areas to be re-graded or disturbed. This topsoil shall be collected and stored on the site in convenient places for future use and shall be free of debris during construction.

3.21.14 DRAINAGE

Engineering plans for drainage shall be submitted for review by the City at the time of site plan approval. All applicable requirements of the City shall be met.

3.21.15 HUD-CODE MANUFACTURED HOME SALES

HUD-Code Manufactured Home subdivisions shall be for residential purposes only. Sales of these homes shall be limited to those which become available on the market on an individual basis. Commercial sales and promotion are not permitted.

3.21.16 LANDSCAPING REGULATIONS

Landscape regulations primarily include a twenty percent (20%) landscaping requirement, parking lot landscaping, open space requirements and a landscape plan. See *Section 5.44* for detailed requirements.

3.21.17 DEFINITIONS

For the purposes of this Section, the following definitions shall apply:

Agent. Any person authorized by the licensee of a mobile home or recreational vehicle park to operate or maintain such park under the provisions of this Ordinance.

Building Official. The legally designated inspection authority of the Building Department of the City or his authorized representative.

Driveway. A minor private way used by vehicles and pedestrians on a mobile home or recreational vehicle stand or used for common access to a small group of stands or facilities.

HUD-Code Manufactured Home. A structure constructed on or after June 15, 1976, according to the rules of the United States Department of Housing and Urban Development, transportable in one (1) or more sections, which in the traveling mode is eight (8) body feet or more in width, or forty (40) body feet in length excluding tongue, or when erected on-site is three hundred (320) and twenty or more square feet, and which is built on a permanent foundation when connected to the required utilities and includes the plumbing, heating, air conditioning and electrical systems.

License. A written license issued by the Community Development Director allowing a person to operate and maintain a mobile home or recreational vehicle park under the provisions of this Ordinance and regulations issued hereunder.

Licensee. Any person licensed to operate and maintain a mobile home or recreational vehicle park under the provisions of this Ordinance.

Mixed Use Park. A unified development of designated home spaces arranged on a large tract or site under single ownership, meeting all requirements of this Ordinance, and designed to accommodate mobile homes or HUD-Code Manufactured Homes for a more or less permanent duration, and a development of designated spaces on which one (1) or more recreational vehicles are parked or situated and used for the purpose of supplying to the public a parking space for one (1) or more such recreational vehicles.

Mobile Home. A structure constructed before June 15, 1976, transportable in one (1) or more sections, which in the traveling mode is eight (8) body feet or more in width or forty (40) body feet in length excluding tongue, or when erected on site is three hundred and twenty (320) or more square feet, and which is built on a permanent chassis and

designed to be used as a dwelling, with or without a permanent foundation, when connected to the required utilities and includes the plumbing, heating, air conditioning and electrical systems.

Mobile Home Park. A unified development of local home spaces arranged on a large tact or site under single ownership, meeting all requirements of this Ordinance, and designed to accommodate mobile homes or HUD-Code Manufactured Homes for a more or less permanent duration.

Permit. A written permit or certification issued by the Community Development Director permitting the construction, alteration and extension of a mobile home or Recreational Vehicle park under the provisions of this Ordinance and regulations issued hereunder.

Recreational Vehicle (RV). A vehicle which is built on a single chassis, four hundred (400) square feet or less when measured at the largest horizontal projections, self-propelled or permanently towable by a light duty truck, and designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use. This term shall also include travel trailer, camping trailer, pickup camper or coach, and motor home.

Recreational Vehicle (RV) Park. A unified development of spaces on which one (1) or more recreational vehicles are parked or situated and used for the purpose of supplying to the public a parking space for one or more such recreational vehicles.

Service Building. A structure which houses toilet, lavatory, and such other facilities as may be required by this Ordinance.

Sewer Connection. The connection consisting of all pipes, fittings and appurtenances from the drain outlet of a mobile home or recreational vehicle to the inlet of the corresponding sewer riser pipe of the sewage system serving the mobile home or recreational vehicle park.

Sewer Riser Pipe. That portion of a sewer lateral which extends vertically to the ground elevation and terminates at a mobile home or recreational vehicle space.

Skirting or Underpinning. Shall be opaque material consisting of weather resistant material commonly sold for this application. There shall not be allowed any use of corrugated to the structure and shall not be used for the containment of animals.

Space. A plot of ground within a mobile home or recreational vehicle park designed for the accommodation of one mobile home, HUD-Code Manufactured Home or recreational vehicle unit. This term shall also include the terms "lot", "stands" and "stall".

Water Connection. The connection consisting of all pipes, fittings, and appurtenances from the water riser pipe to the water inlet pipe of the distribution system within a mobile home or recreational vehicle.

Water Riser Pipe. That portion of the water supply system serving a mobile home or recreational vehicle park which extends vertically to the ground elevation and terminates at a designated point at a mobile home or recreational vehicle space.

Zoning Ordinance. The Comprehensive Zoning Ordinance of the City of Hillsboro.

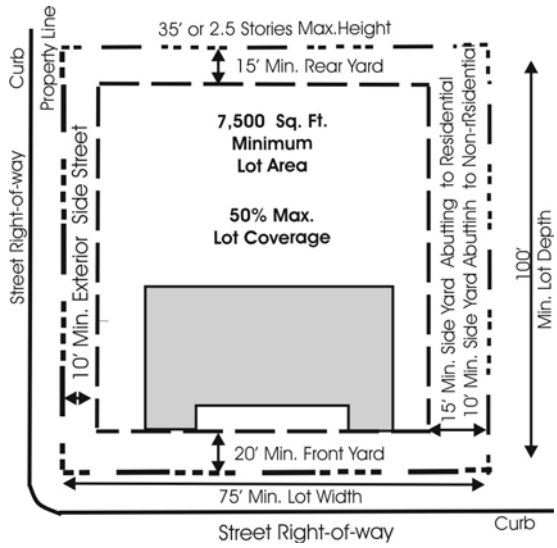
3.22 "NC" NEIGHBORHOOD COMMERCIAL DISTRICT REGULATIONS

3.22.1 GENERAL PURPOSE AND DESCRIPTION

The NC, Neighborhood Commercial District, is primarily intended for retail sale of select convenience goods and services primarly for persons residing in adjacent residential areas. It also includes selected retail and service uses that are similar in land use intensity and physical impact to the neighborhood retail sales and service uses permitted in this district.

3.22.2 PERMITTED USES

This district is primarily for neighborhood oriented retail and service uses such as medical facilities, retail shops, child care facilties, grocery stores, restaurants and other neighborhood serving uses. See *Article 2, Permitted Use Table*, for other uses.



"NC" Area Requirements	
Minimum Lot Area	7,500
Minimum Lot Width	75 ft.
Minimum Lot Depth	100 ft.
Minimum Front Yard	20 ft.
Minimum Side Yard Interior Lot Line Exterior Lot Line	15 ft. if abutting residential district 5 ft. if abutting non-residential 10 ft.
Minimum Rear Yard	15 ft.
Maximum Lot Coverage	50%
Maximum Building Height	35 ft. or 2 ½ stories

3.22.3 PARKING REGULATIONS

See *Section 5.36* for applicable *Off Street Parking and Loading Regulations.*

3.22.4 HEIGHT AND AREA REGULATIONS

Height and area regulations in a NC, Neighborhood Commercial District, are set forth in *Sections 5.34 and 5.35,* respectively.

3.22.5 SUPPLEMENTAL CONDITIONS AND SPECIAL REGULATIONS

See *Article 2, Permitted Use Table, Supplemental Conditions* designations *and Section 2.12, Supplemental Conditions and Special Regulations*.

3.22.6 SIGN REGULATIONS

Permitted signs include wall, monument, multi-tenant free standing, canopy and other permanant signs. Temporary signs include those for new commercial buildings, charity events, Real Estate, political, banners, balloons and other temporary types. See *5.33* for detailed descriptions of applicable sign regulations.

3.22.7 SCREENING AND BUFFER REGULATIONS

See *Section 5.43* for Screening and Buffer regulations.

3.22.8 LANDSCAPING REGULATIONS

Landscape regulations primarily include a twenty (20%) percent landscaping requirement, parking lot landscaping, open space requirements and a landscape plan. See *Section 5.44* for detailed requirements.

3.22.9 MASONRY AND ARTICULATIONS REGULATIONS

See *Section 5.39* for applicable masonry and articulation requirements.

3.22.10 PLAN REQUIREMENTS

No application for a building permit for the construction of a building or structure shall be approved unless a plat has been recorded in the official records of the County in which the property is located.

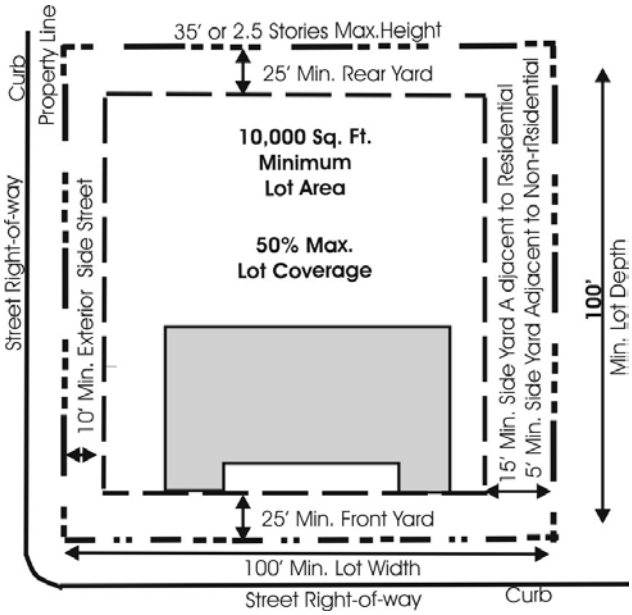
3.23 "OP" OFFICE PROFESSIONAL DISTRICT REGULATIONS

3.23.1 GENERAL PURPOSE AND DESCRIPTION

The OP, Office Professional District, contains uses commonly associated with office and office-related uses that do not generally deal with a retail product or a personal service. However, retail and personal services uses that directly serve professional office uses may be located within this district with appropriate consideration.

3.23.2 PERMITTED USES

Uses permitted in a OP, Office Park District, are set forth in *Article 2*.



"OP" Area Requirements	
Minimum Lot Area	10,000
Minimum Lot Width	100 ft.
Minimum Lot Depth	100 ft.
Minimum Front Yard	25 ft.
Minimum Side Yard Interior Lot Line Exterior Lot Line	5 ft. Adjacent to Non-residential 15 ft. adjacent to residential 10 ft.
Minimum Rear Yard	25 ft.
Maximum Lot Coverage	50%
Maximum Building Height	35 ft. or 2 ½ stories

3.23.3 PARKING REGULATIONS

See *5.36* for applicable *Off Street Parking and Loading Regulations.*

3.23.4 HEIGHT AND AREA REGULATIONS

Height and area regulations in a OP, Office Professional District, are set forth in *Sections 5.34 and 5.35,* respectively.

3.23.5 SUPPLEMENTAL CONDITIONS AND SPECIAL REGULATIONS

See *Article 2, Permitted Use Table, Supplemental Conditions* designations and *Section 2.12, Supplemental Conditions and Special Regulations* for the such uses as: Bed and Breakfast, Boarding House and Group Home.

3.23.6 SIGN REGULATIONS

See *Section 5.33* for applicable sign regulations.

3.23.7 SCREENING AND BUFFER REGULATIONS

See *Section 5.43* for screening and buffer regulations.

3.23.8 LANDSCAPING REGULATIONS

Landscape regulations primarily include a twenty percent (20%) landscaping requirement, parking lot landscaping, open space requirements and a landscape plan. See *Section 5.44* for detailed requirements.

3.23.9 MASONRY AND ARTICULATION REGULATIONS

See *Section 5.39* for applicable masonry and articulation regulations.

3.23.10 PLAN REQUIREMENTS

No application for a building permit for the construction of a building or structure shall be approved unless a plat has been recorded in the official records of the County in which the property is located. A Site Plan for all non-residential uses must be provided meeting the conditions as provided in *Article 5, 5.32, Site Plan Requirements*.

3.24 "CBD" CENTRAL BUSINESS DISTRICT REGULATIONS

3.24.1 GENERAL PURPOSE AND DESCRIPTION

The CBD Central Business District, is intended to accommodate the commercial, office, service, residential and public activities and uses commonly found in a central business district. There shall be only one contiguous CBD, Central Business District.

3.24.2 PERMITTED USES

See *Article 2, Permitted Use Table*.

3.24.3 PARKING REGULATIONS

See *Section 5.36* for applicable *Off Street Parking and Loading Regulations.*

3.24.4 HEIGHT AND AREA REGULATIONS

Height and area regulations in a CBD, Central Business District, are set forth in *Section 5.34 and 5.36* respectively.

3.24.5 SUPPLEMENTAL CONDITIONS AND SPECIAL REGULATIONS

See *Article 2, Permitted Use Table, Supplemental Conditions* designations *and Section 2.12, Supplemental Conditions and Special Regulations*.

"CBD" Area Requirements	
Minimum Lot Area	None
Minimum Lot Width	None
Minimum Lot Depth	None
Build-to Line	0 ft.
Minimum Side Yard Interior Lot Line Minimum Rear Yard	 None 25 ft.abutting residential district
Maximum Building Height	None
Ground Floor Retail	40% minimum

3.24.6 SIGN REGULATIONS

See *Section 5.33* for applicable sign regulations.

3.24.7 SCREENING AND BUFFER REGULATIONS

See *Section 5.43* for screening and buffer regulations.

3.24.8 LANDSCAPING REGULATIONS

Landscape regulations primarily include a twenty percent (20%) landscaping requirement, parking lot landscaping, open space requirements and a landscape plan. See *Section 5.44* for detailed requirements.

3.24.9 MASONRY AND ARTICULATION REGULATIONS

See *Section 5.39* for applicable masonry and articulation regulations.

3.24.10 PLAN REQUIREMENTS

No application for a building permit for the construction of a building or structure shall be approved unless a plat has been recorded in the official records of the County in which the property is located.

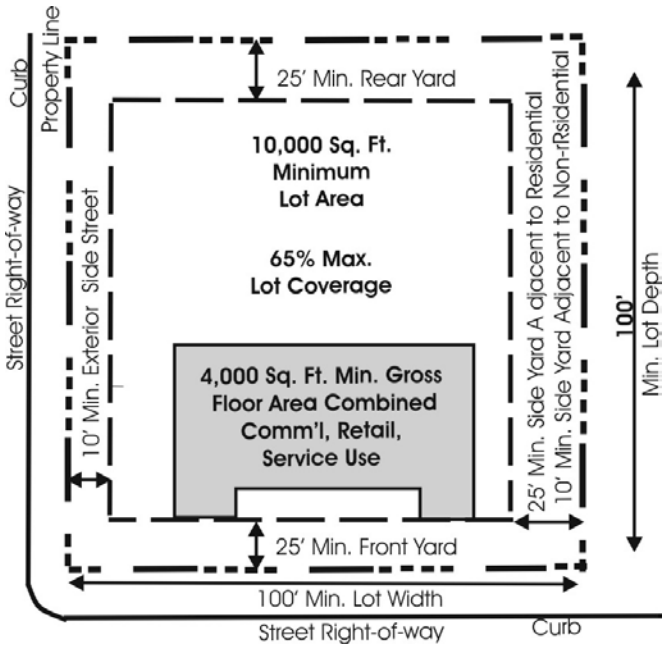
3.25 "C" COMMERCIAL DISTRICT REGULATIONS

3.25.1 GENERAL PURPOSE AND DESCRIPTION

The C-Commercial District, is designed to provide for a broad range of retail and service oriented commercial uses of a mixed and diversified nature including regional and community shopping centers. This district is generally located near major thoroughfares because of the intensity of vehicular traffic visiting these uses. Because of the more intense commercial use, care should be given in locating the C district near residential uses.

3.25.2 PERMITTED USES

See *Article 2, Permitted Use Table*.



"C" Area Requirements	
Minimum Lot Area	10,000
Minimum Lot Width	100 ft.
Minimum Lot Depth	100 ft.
Minimum Front Yard	25 ft.
Minimum Side Yard Interior Lot Exterior	25 ft. if abutting residential district 5 ft. if abutting non-residential 10 ft.
Minimum Rear Yard	25 ft.
Maximum Lot Coverage	65%
Maximum Building Height	None
Minimum Floor Area	4,000 s.f. gross floor area for commercial, retail, service uses

3.25.3 PARKING REGULATIONS

See *Section 5.36* for applicable *Off Street Parking and Loading Regulations.*

3.25.4 HEIGHT AND AREA REGULATIONS

Height and area regulations in a C, Commercial District, are set forth in *Sections 5.34 and 5.36* respectively.

3.25.5 SUPPLEMENTAL CONDITIONS AND SPECIAL REGULATIONS

See *Article 2, Permitted Use Table, Supplemental Conditions* designations *and Section 2.12, Supplemental Conditions and Special Regulations*.

3.25.6 SIGN REGULATIONS

See *Section 5.33* for applicable sign regulations.

3.25.7 SCREENING AND BUFFER REGULATIONS

See *Section 5.43* for screening and buffer requirements.

3.25.8 LANDSCAPING REGULATIONS

Landscape regulations primarily include a twenty percent (20%) landscaping requirement, parking lot landscaping, open space requirements and a landscape plan. See *Section 5.44* for detailed requirements.

3.25.9 MASONRY AND ARTICULATION REGULATIONS

See *Section 5.39* for applicable masonry and articulation regulations.

3.25.10 PLAN REQUIREMENTS

No application for a building permit for the construction of a building or structure shall be approved unless a plat has been recorded in the official records of the County in which the property is located.

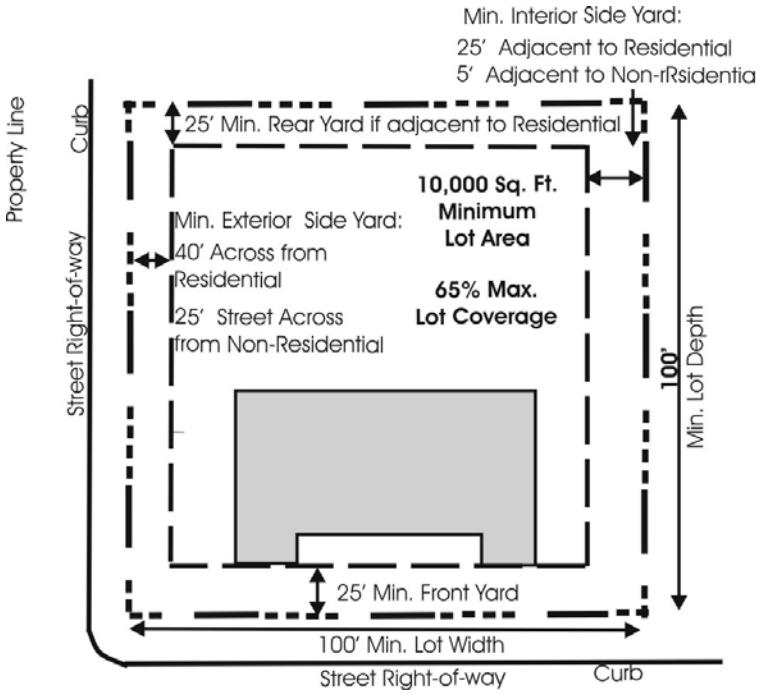
3.26 "I-1" LIGHT INDUSTRIAL DISTRICT REGULATIONS

3.26.1 GENERAL PURPOSE AND DESCRIPTION

The I-1, Light Industrial District, is intended primarily for the conduct of light manufacturing, assembling, and fabrication, and for warehousing, wholesaling, and service operations that do not depend primarily on frequent personal visits of customers or clients, but that may require good accessibility to major rail, air facilities, or highways.

3.26.2 PERMITTED USES

See *Article 2, Permitted Use Table*.



"I-1" Area Requirements	
Minimum Lot Area	10,000
Minimum Lot Width	100 ft.
Minimum Lot Depth	100 ft.
Minimum Front Yard	25 ft.
Minimum Side Yard Abutting Street ROW	
If across street from Residential	40 ft.
If across street from non-residential	25 ft.
If abutting residential District	25 ft
If abutting a non-residential district	5 ft.
Minimum Rear Yard if Adjacent to Residential	25 ft.
Maximum Lot Coverage	65%
Maximum Building Height	None

3.26.3 PARKING REGULATIONS

See *Section 5.36* for applicable *Off Street Parking and Loading Regulations.*

3.26.4 HEIGHT AND AREA REGULATIONS

Height and area regulations in a I-1, Industrial District, are set forth in *Sections 5.34 and 5.36* respectively.

3.26.5 SUPPLEMENTAL CONDITIONS AND SPECIAL REGULATIONS

See *Article 2, Permitted Use Table, Supplemental Conditions* designations *and Section 2.12, Supplemental Conditions and Special Regulations*.

3.26.6 SIGN REGULATIONS

See *Section 5.33* for applicable sign regulations.

3.26.7 SCREENING AND BUFFER REGULATIONS

See *Section 5.43* for Screening and Buffer regulations

3.26.8 LANDSCAPING REGULATIONS

Landscape regulations primarily include a twenty percent (20%) landscaping requirement, parking lot landscaping, open space requirements and a landscape plan. See *Section 5.44* for detailed requirements.

3.26.9 MASONRY AND ARTICULATION REGULATIONS

See *Section 5.39* for applicable masonry and articulation requirements.

3.26.10 PLAN REQUIREMENTS

No application for a building permit for the construction of a building or structure shall be approved unless a plat has been recorded in the official records of the County in which the property is located.

3.26.11 PERFORMANCE STANDARDS

All uses in the I-1, Light Industrial District shall conform in operation, location, and construction to the performance standards for noise, odorous matter, toxic and noxious matter, smoke, particulate matter and other air contaminants, fire, and explosive or hazardous matter, vibration and open storage as contained in this Section.

All required site plans for I-1, Light Industrial development shall include measurements, calculations or other documenttion necessary, and as may be required by the Community Development Director or designee, to demonstrate conformance with these Performance Standards. Such documentation shall be prepared by a licensed professional in the appropriate fieled of study for the particular performance standard being addressed in such documentation.

A. **Smoke.** The requirements of the state law and regulations.

B. **Particulate matter.** The requirements of the state law and regulations.

C. **Odor.** No operation shall permit odors to be released which are detectable at the property line and which offensively affect the sense of smell.

D. **Toxic material.** The emission of toxic and noxious materials shall not produce concentrations exceeding ten percent of threshold limit values for toxic materials in industry as set forth in "Threshold Limit Values" for the current year as adopted at the annual meeting of the American Conference of Governmental Industrial Hygienists, at a zone boundary line.

E. **Vibration.** Any industrial operation or activity which shall cause at any time and at any point along the nearest adjacent property line, earthborn vibrations in excess of the limits set forth in the table below are prohibited. Vibrations shall be expressed as resultant displacement in inches.

Frequency Displacement (Cycles per Second)	Maximum (In Inches)
Below 10	.0008
10-20	.0005
21-30	.0002
31-40	.0002
41 and over	.0001

This tabulation is for steady state vibration; this is defined as continuous vibration in contrast to discrete pulses. Impact vibration, that is, discrete pulses which do not exceed one hundred (100) pulses per minute, must not produce in excess of twice (two times) the displacement stipulated above.

F. **Noise.** At no point, either on the boundary of the zone or at one hundred twenty-five (125) feet from the property line of the plant or operation, whichever distance is greater, shall the sound pressure level of any operation of plant (other than background noises produced by sources not under control of these plant operation such as the operation of motor vehicles or other transportation facilities) exceed the decibel limits in the octave bands designated below.

Octave Band along Frequency (Cycles per Second)	Maximum Permitted Sound Level in Decibels at Residential District Boundaries, or 125 Feet from Plant or Operation Lot Line
0-75	67
76-150	62
151-300	58
301-600	54
601-1200	49
1201-2400	45
2401-4800	41
Above 4800	37

Sound levels shall be measured with a sound-level meter and associated octave band filter, manufactured and calibrated according to standards prescribed by the American Standards Association. Measurements shall be made using the flat or C network of the sound level meter and the fast meter movement of the octave band analyzer.

Impulsive type noises capable of being so measured, which cause rapid fluctuations of the needle of the sound-level meter must have a variation of no more than plus or minus two decibels. Noises incapable of being so measured, such as those of an irregular and intermittent nature, shall be controlled so as not to become a nuisance to adjacent users.

G. **Fire hazards***.* The storage, use, or manufacture of solid materials or products ranging from incombustible to moderate burning is permitted in accordance with applicable City codes and ordinances. The storage, use, or manufacture of solid materials or products ranging from free or active burning to intense burning is permitted in accordance with applicable City codes and ordinances provided the following condition are met:

a. Materials or products shall be stored, used, or manufactured within completely enclosed buildings having incombustible exterior walls and protected throughout by an automatic fire extinguishing system; and

b. The storage, use, or manufacture of flammable liquids or gases which produce flammable or explosive vapors, exclusive of storage of finished products in original sealed containers, shall be permitted in accordance with the City fire code as interpreted by the City Fire Marshal.

H. **Water pollution***.* No operation or activity shall discharge or cause to be discharged, liquid or solid waste into public waters unless in conformance with the provisions of the state laws and regulations.

I. **Liquid or solid waste***.* No discharge at any point will be allowed into any public sewer, private sewer disposal system, or stream or into the ground, except in accordance with City and federal laws and regulations.

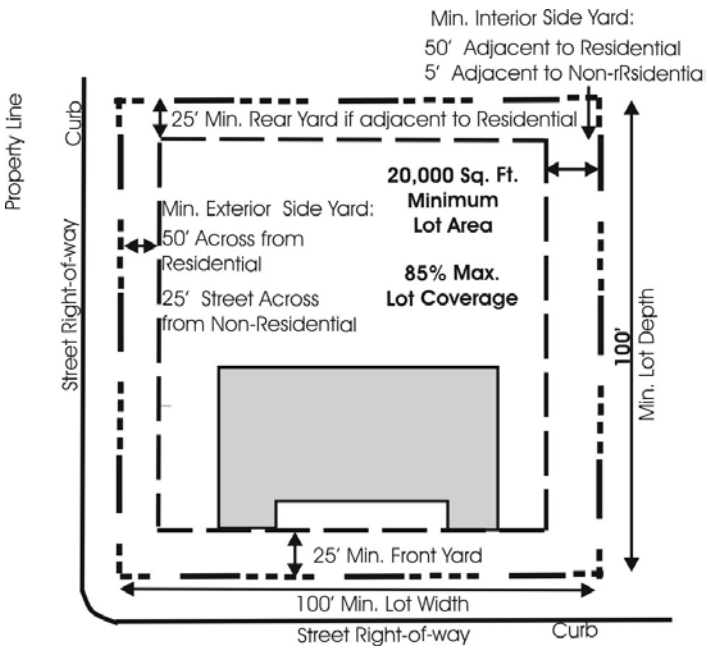
3.27 "I-2" HEAVY INDUSTRIAL DISTRICT REGULATIONS

3.27.1 GENERAL PURPOSE AND DESCRIPTION

The I-2, Heavy Industrial District, is intented to provide for heavy industrial uses and other uses not otherwise provided for in the other districts.

3.27.2 PERMITTED USES

See *Article 2, Permitted Use Table*.



"I-2" Area Requirements	
Minimum Lot Area	20,000
Minimum Lot Width	100 ft.
Minimum Lot Depth	100 ft.
Minimum Front Yard	25 ft.
Minimum Side Yard Abutting Street ROW If across street from Residential If across street from non-residential If abutting residential District If abutting a non-residential district	 50 ft. 25 ft. 50 ft 5 ft.
Minimum Rear Yard if Adjacent to Residential	25 ft.
Maximum Lot Coverage	85%
Maximum Building Height	None
Minimum Floor Area	N/A

3.27.3 PARKING REGULATIONS

See *Section 5.36* for applicable *Off Street Parking and Loading Regulations.*

3.27.4 HEIGHT AND AREA REGULATIONS

Height and area regulations in a I-2, Industrial District, are set forth in *Sections 5.34 and 5.36* respectively.

3.27.5 SUPPLEMENTAL CONDITIONS AND SPECIAL REGULATIONS

See *Article 2, Permitted Use Table, Supplemental Conditions* designations *and Section 2.12, Supplemental Conditions and Special Regulations*.

3.27.6 SIGN REGULATIONS

See *Section 5.33* for applicable sign regulations.

3.27.7 SCREENING AND BUFFER REGULATIONS

See *Section 5.43* for screening and buffer regulations.

3.27.8 LANDSCAPING REGULATIONS

Landscape regulations primarily include a twenty percent (20%) landscaping requirement, parking lot landscaping, open space requirements and a landscape plan. See *Section 5.44* for detailed requirements.

3.27.9 MASONRY AND ARTICULATION REGULATIONS

See *Section 5.39* for applicable masonry and articulation regulations.

3.27.10 PLAN REQUIREMENTS

No application for a building permit for the construction of a building or structure shall be approved unless a plat has been recorded in the official records of the County in which the property is located.

3.27.11 PERFORMANCE STANDARDS

All uses in the I-2, Heavy Industrial District shall conform in operation, location, and construction to the performance standards for noise, odorous matter, toxic and noxious matter, smoke, particulate matter and other air contaminants, fire, and explosive or hazardous matter, vibration and open storage as contained in this Section.

All required site plans for I-2, Heavy Industrial development shall include measurements, calculations or other documenttion necessary, and as may be required by the Community Development Director or designee, to demonstrate conformance with these Performance Standards. Such documentation shall be prepared by a licensed professional in the appropriate filed of study for the particular performance standard being addressed in such documentation.

A. **Smoke.** The requirements of the state law and regulations.

B. **Particulate matter**. The requirements of the state law and regulations.

C. **Odor.** No operation shall permit odors to be released which are detectable at the property line and which offensively affect the sense of smell.

D. **Toxic material***.* The emission of toxic and noxious materials shall not produce concentrations exceeding ten percent of threshold limit values for toxic materials in industry as set forth in "Threshold Limit Values" for the current year as adopted at the annual meeting of the American Conference of Governmental Industrial Hygienists, at a zone boundary line.

E. **Vibration.** Any industrial operation or activity which shall cause at any time and at any point along the nearest adjacent property line, earthborn vibrations in excess of the limits set forth in the table below are prohibited. Vibrations shall be expressed as resultant displacement in inches.

Frequency Displacement (Cycles per Second)	Maximum (In Inches)
Below 10	.0008
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F. **Noise.** At no point, either on the boundary of the zone or at one hundred twenty-five (125) feet from the property line of the plant or operation, whichever distance is greater, shall the sound pressure level of any operation of plant (other than background noises produced by sources not under control of these plant operation such as the operation of motor vehicles or other transportation facilities) exceed the decibel limits in the octave bands designated below.

Octave Band along Frequency (Cycles per Scond)	Maximum Permitted Sound Level in Decibels at Residential District Boundaries, or 125 Feet from Plant or Operation Lot Line
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601-1200	49
1201-2400	45
2401-4800	41
Above 4800	37

Sound levels shall be measured with a sound-level meter and associated octave band filter, manufactured and calibrated according to standards prescribed by the American Standards Association. Measurements shall be made using the flat or C network of the sound level meter and the fast meter movement of the octave band analyzer.

Impulsive type noises capable of being so measured, which cause rapid fluctuations of the needle of the sound-level meter must have a variation of no more than plus or minus

two decibels. Noises incapable of being so measured, such as those of an irregular and intermittent nature, shall be controlled so as not to become a nuisance to adjacent users.

G. **Fire hazards**. The storage, use, or manufacture of solid materials or products ranging from incombustible to moderate burning is permitted in accordance with applicable City codes and ordinances. The storage, use, or manufacture of solid materials or products ranging from free or active burning to intense burning is permitted in accordance with applicable City codes and ordinances provided the following condition are met:

a. Materials or products shall be stored, used, or manufactured within completely enclosed buildings having incombustible exterior walls and protected throughout by an automatic fire extinguishing system; and

b. The storage, use, or manufacture of flammable liquids or gases which produce flammable or explosive vapors, exclusive of storage of finished products in original sealed containers, shall be permitted in accordance with the City fire code as interpreted by the City Fire Marshal.

H. **Water pollution**. No operation or activity shall discharge or cause to be discharged, liquid or solid waste into public waters unless in conformance with the provisions of the state laws and regulations.

I. **Liquid or solid waste**. No discharge at any point will be allowed into any public sewer, private sewer disposal system, or stream or into the ground, except in accordance with City and federal laws and regulations.

Article 4 Special Districts

4.28 PD PLANNED DEVELOPMENT DISTRICT REGULATIONS

4.28.1 GENERAL PURPOSE AND DESCRIPTION

The Planned Development District "PD" prefix is intended to provide for combining and mixing of uses allowed in various districts with appropriate regulations and to permit flexibility in the use and design of land and buildings in situations where modification of specific provisions of this ordinance is not contrary to its intent and purpose or significantly inconsistent with the planning on which it is based and will not be harmful to the community. A PD District may be used to permit new and innovative concepts in land utilization. While great flexibility is given to provide special restrictions which will allow development not otherwise permitted, procedures are established herein to insure against misuse of the increased flexibility.

4.28.2 PERMITTED USES

Any use specified in the ordinance granting a Planned Development District shall be permitted in that district. The size, location, appearance, and method of operation may be specified to the extent necessary to insure compliance with the purpose of this ordinance.

4.28.3 DEVELOPMENT STANDARDS

Development standards for each separate PD District shall be set forth in the ordinance granting the PD District and may include but shall not be limited to uses, density, lot area, lot width, lot depth, yard depths and widths, building height, building elevations, coverage, floor area ratio, parking, access, screening, landscaping, accessory buildings, signs, lighting, management associations, and other requirements as the City Council may deem appropriate.

A. In the PD District, the particular district(s) to which uses specified in the PD are most similar shall be stated in the granting ordinance. All PD applications shall list all requested variances from the standard requirements set forth throughout this ordinance (applications without this list will be considered incomplete).

B. The ordinance granting a PD District shall include a statement as to the purpose and intent of the PD granted therein. A specific list is required of variances in each district or districts and a general statement citing the reason for the PD request.

C. The Planned Development District shall conform to all other sections of the ordinance unless specifically exempted in the granting ordinance.

D. The ordinance granting a PD District shall state that a Homeowners Association or other legal entity shall be established to provide for the on-going maintenance of all common open space, private utilities and private streets.

4.28.4 CONCEPTUAL AND DEVELOPMENT PLAN

In establishing a Planned Development District, the City Council shall approve and file as part of the amending ordinance appropriate plans and standard for each Planned Development District. During the review and public hearing process, the City Council shall require a conceptual plan and a development plan (or detailed site plan).

A. Conceptual Plan: This plan shall be submitted by the applicant. The plan shall show the applicant's intent for the use of the land within the proposed Planned Development District in a graphic manner and shall be supported by written documentation of proposals and standards for development.

a. a conceptual plan for residential land use shall show general use, thoroughfares, and preliminary lot arrangements. For residential development which does not propose platted lots, the conceptual plan shall set forth the size, type, and location of buildings and building sites, access, density, building height, fire lanes, screening, parking areas, landscaped areas, and other pertinent development data;

b. a conceptual plan for uses other than residential uses shall set forth the land use proposals in a manner to adequately illustrate the type and nature of the proposed development. Data which may be submitted by the applicant, or required by the City Council, may include but is not limited to the types of use(s), topography, and boundary of the PD area, physical features of the site, existing streets, alleys, and easements, location of future public facilities, building heights and locations, parking ratios, and other information to adequately describe the proposed development and to provide data for approval which is to be used in drafting the final development plan; and

c. changes of detail which do not alter the basic relationship of the proposed development to adjacent property and which do not alter the uses permitted or increase the density, building height, or coverage of the site and which do not decrease the off-street parking ratio, reduce the yards provided at the boundary of the site, or significantly alter the landscape plans as indicated on the approved conceptual plan may be authorized by the Community Development Director or his designated representative. If an agreement cannot be reached regarding whether or not a detail site plan conforms to the original concept plan, the City Council shall determine the conformity.

B. Development Plan or Detailed Site Plan: This plan shall set forth the final plans for development of the Planned Development District and shall conform to the data presented and approved on the conceptual plan. Approval of the development plan shall be the basis for issuance of a building permit. The development plan may be submitted for the total area of the PD or for any section by the City Council. A public hearing on approval of the development plan shall be required at the Council level, unless such a hearing is waived pursuant to *Section 5.28.4,C* at the time of conceptual plan approval in the original amending ordinance. The development plan shall include:

a. a site inventory analysis including a scale drawing existing vegetation, natural water courses, creeks or bodies of water, and an analysis of planned changes in such natural features as a result of the development. This should include a delineation of any flood prone areas;

b. a scale drawing showing any proposed public or private streets and alleys; building sites or lots; and areas reserved as parks, parkways, playgrounds, utility easements, school sites, street widening and street changes; the points of

ingress and egress from existing streets; general location and description of existing and proposed utility services, including size of water and sewer mains; the location and width for al curb cuts and the land area of all abutting sites and the zoning classification thereof on an accurate survey of the tract with the topographical contour interval of not more than five (5) feet;

c. a site plan for proposed building complexes showing the location of separate buildings, and between buildings and property lines, street lines, and alley lines. Also to be included on the site plan is a plan showing the arrangement and provision of off-street parking;

d. a landscape plan showing screening walls, ornamental planting, wooded areas, and trees to be planted; and

e. an architectural plan showing elevations and signage style to be used throughout the development in all districts except single family and two family may be required by the City Council if deemed appropriate. Any or all of the required information may be incorporated on a single drawing if such drawing is clear and can be evaluated by the Community Development Director or his designated representative.

C. Procedure for Establishment: The procedure for establishing a Planned Development District shall follow the procedure for zoning amendments as set forth in *Section 1.10 Authority to Amend Ordinance*. This procedure is expanded as follows for approval of conceptual and development plans.

D. Separate public hearings shall be held by City Council for the approval of the conceptual plan and the development plan or any section of the development plan, unless such requirements is waived by the City Council upon a determination that a single public hearing is adequate. A single public hearing is adequate when:

a. the applicant submits adequate data with the request for the Planned Development District to fulfill the requirements for both plans;

b. information on the concept plan is sufficient to determine the appropriate use of the land and the detail site plan will not deviate substantially from it; and

c. the requirement is waived at the time the amending ordinance is approved. If the requirement is waived, the conditions shall be specifically stated in the amending ordinance.

E. The ordinance establishing the Planned Development District shall not be approved until the conceptual plan is approved.

F. The development plan may be approved in sections. When the plan is approved in sections, the separate approvals by the City Council for the initial and subsequent sections will be required.

G. An initial development plan shall be submitted for approval within six (6) months from the approval of the conceptual plan or some portion of the conceptual plan. If the development plan is not submitted within six (6) months, the conceptual plan is subject to reprove by the City Council. If the entire project is not completed within two (2) years, the City Council may review the original conceptual plan to ensure its continued validity.

H. Regardless of whether the public hearing is waived for the development plan, approval by the City Council is still required.

4.28.5 WRITTEN REPORT MAY BE REQUIRED

When a PD is being considered, a written report may be requested of the applicant discussing the impact on planning, engineering, water utilities, electric, sanitation, building inspection, tax, police, fire, and traffic. Written comments from the applicable public school district and from private utilities may be submitted to the City Council.

4.28.6 PLANNED DEVELOPMENTS TO BE RECORDED

All Planned Development Districts approved in accordance with the provisions of this ordinance in its original form, or by subsequent amendment thereto, shall be referenced on the Zoning District Map, and a list of such Planned Development Districts, together with the category of uses permitted therein, shall be maintained in an appendix of this ordinance.

4.29 H-C HISTORICAL-CULTURAL LANDMARK PRESERVATION OVERLAY DISTRICT REGULATIONS

4.29.1 GENERAL PURPOSE AND DESCRIPTION

The H-C, Historical-Cultural Landmark Preservation Overlay District, in general is intended to provide for the protection, preservation and enhancement of buildings, structures, sites and areas of architectural, historical, archaeological or cultural importance or value. More specifically, this district has the following expressed purposes:

- To stabilize and improve property values;
- To encourage neighborhood conservation;
- To foster civic pride in the beauty and accomplishments of the past;
- To protect and enhance the City's attractions to tourists and visitors;
- To strengthen and help diversify the economy of the City; and
- To promote the use of historical-cultural landmarks for the education, pleasure and welfare of the community.

This district supplements the regulations of the underlying zoning district classifications. The Zoning map shall reflect the designation of a Historical-Cultural Landmark Preservation Overlay District by the letters "H-C" as a suffix to the underlying zoning district classification.

4.29.2 PERMITTED USES

The permitted uses in the H-C, Historical Cultural Landmark, Preservation Overlay District, shall be determined by the underlying zoning district classification.

4.29.3 HEIGHT AND AREA REGULATIONS

The area and height regulations shall be determined by the underlying zoning district classification.

4.29.4 SUPPLEMENTAL REGULATIONS

Buildings, structures, sites and areas zoned "H-C" shall be subject to the underlying district unless otherwise set forth in this Section.

4.29.5 EXTERIOR ALTERATIONS AND CHANGES

No person or entity shall construct, reconstruct, alter, change, restore, remove, demolish, or obscure any exterior architectural feature of a building or structure located in an H-C District, unless first applying to and receiving from the Landmark Commission a Certificate of Appropriateness as set forth in *Article 4, Section 4.29*.

4.29.6 DEMOLITION OR REMOVAL OF A BUILDING OR STRUCTURE

No building or structure located in an H-C District, shall be demolished or removed without the approval of the Landmark Commission or the City Council as set forth in the City Ordinances.

4.29.7 OMISSION OF NECESSARY REPAIRS

Buildings and structures located in an H-C District, shall be maintained so as to insure the structural soundness and integrity of the building or structure and its exterior architectural features as set forth in Article 4, Section 4.29.

4.30 HUD CODE MANUFACTURED HOME OVERLAY ZONE

4.30.1 PURPOSE

The HUD Code Manufactured Home Overlay Zone establishes a zoning designation that permits diversity in housing style in certain parts of the City where such diversity is appropriate and desireable.

4.30.2 DISTRICT REGULATIONS AND REQUIREMENTS

The regulations established in the underlying districts shall apply unless otherwise modified in these HUD Code Manufactured Home district regulations and as follows:

A. Be no less than forty (40) feet in length and twenty-eight (28) feet in width; and

B. Comply with the *Article 3, Section 3.21*, "*MH" HUD Code Manufactured Housing District, Section 3.21.5, Development and Installation Regulations, and Section 3.21.6, Site-Built Additions.*

Article 5 Supplemental Provisions

5.31 SUP (S) SPECIFIC USE PERMITS

5.31.1 PURPOSE

Certain land uses, because of their nature and location, may be appropriate under certain conditions in zoning districts where they are not expressly permitted. This Section sets forth the procedure to grant a permit for a specific use in a specific location. This procedure to approve a specific use permit includes a public hearing. The amending ordinance may provide for certain restrictions and standards for operation. The indication that it is possible to grant a specific use permit is noted elsewhere in this ordinance and does not constitute a grant of privilege for such use, nor is there any obligation to approve a specific use permit unless it is the finding of the City Council that such a special use is compatible with adjacent property use, consistent with the character of the neighborhood and, consistent with the requirements of this Section.

5.31.2 PERMIT REQUIRED

No specific use shall be erected, used, altered, occupied nor shall any person convert any land, building or structure to such a use unless a specific use permit has been issued by the City Council. The granting of a specific use permit shall be done in accordance with the provisions for amendment of this zoning ordinance.

5.31.3 APPLICATION PROCEDURE

An application for a special permit shall be filed with the administrative official on a form prepared by the City. The application shall be accompanied by the following:

5.31.4 A COMPLETED APPLICATION FORM SIGNED BY THE PROPERTY OWNER;

A. An application fee as established by the City's latest adopted schedule of fees; certificate stating that all City and school taxes have been paid to date;

B. A property description of the area where the specific use permit is proposed to apply;

C. A site plan complying with the requirements stated in this Section which will become a part of the specific use permit, if approved; and

D. Any other material and/or information as may be required by the City Council or the administrative official to fulfill the purpose of this subsection and to ensure that the application is in compliance with the ordinances of the City.

5.31.5 SITE PLAN INFORMATION

A site plan shall contain, at a minimum, information as set forth in *Section 5.32, Site Plan Requirements*:

5.31.6 ADDITIONAL INFORMATION

The following additional information may also be required if deemed appropriate by staff or the City Council.

A. Copies of studies or analyses upon which have been based projections for need or demand for the proposed facility.

B. Description of the present use, assessed value and actual value of the land affected by the proposed facility.

C. Description of the proposed use, anticipated assessed value and supporting documentation.

D. A description of any long-term plans or master plan for the future use or development of the property.

E. A description of the applicant's ability to obtain needed easements to serve the proposed use.

F. A description of any special construction requirements that may be necessary for any construction or development on the subject property.

G. A traffic impact analysis prepared by a qualified professional in the field of traffic evaluation and forecasting may be required.

5.31.7 COUNCIL ACTION

The City Council may waive any of the above requirements only upon finding that the information submitted is sufficient to determine that the proposed building, use, structure, development or activity will have an insubstantial impact on the surrounding area and that providing the information required by the submittal requirements is unreasonably burdensome on the applicant.

5.31.8 CONDITIONS OF PERMIT APPROVAL

A specific use permit shall not be approved by the City Council unless the Council finds that all of the following conditions have been found to exist:

A. The proposed use complies with all the requirements of the zoning district in which the property is located.

B. The proposed use is in accordance with the City of Hillsboro Comprehensive Land Use Plan.

C. The proposed use as located and configured will contribute to or promote the general welfare and convenience of the City.

D. The benefits that the City gains from the proposed use outweigh the loss of or damage to any home, business, agricultural lands, historical or cultural landmark or site, or any other element of the City or natural environment that would be detrimental to the general welfare and convience of the City.

E. Adequate utilities, road access, drainage and other necessary supporting facilities are provided.

F. The movement of vehicular and pedestrian traffic shall not adversely affect the general public or adjacent developments.

G. The issuance of the specific use permit does not impede the normal and orderly development and improvement of neighboring vacant property.

H. The location, nature and height of buildings, structures, walls and fences are not out of scale with the neighborhood.

I. The proposed use will be compatible with and not injurious to the use and enjoyment of neighboring property, nor significantly diminish or impair property values within the vicinity.

J. Adequate nuisance prevention measures shall be taken to prevent or control offensive odors, fumes, dust, noise, vibration and visual blight.

K. Sufficient on-site lighting is provided for adequate safety of patrons, employees and property, and such lighting is in accordance with *Section 5.46, Outdoor Lighting Requirements.*

L. There is sufficient landscaping and screening to ensure harmony and compatibility with adjacent properties.

M. The proposed operation is consistent with the applicant's submitted plans, master plans, projections, or, where inconsistencies exist, the benefits to the community outweigh the costs.

5.31.9 ADDITIONAL CONDITIONS

In authorizing a Specific Use Permit, the City Council may impose additional reasonable conditions necessary to protect the public interest and the welfare of the community.

5.31.10 TIME LIMIT

A Specific Use Permit issued under this division shall become null and void unless construction or use is substantially underway within one year of the granting of the permit, unless an extension of time is approved by the City Council.

5.31.11 REVOCATION OF PERMIT

A Specific Use Permit may be revoked or modified, after notice and hearing, for either of the following reasons:

A. The permit was obtained or extended by fraud or deception.

B. One or more of the conditions imposed by the permit has not been met or has been violated.

5.31.12 AMENDMENTS TO SPECIFIC USE PERMIT

The procedure for amending a Specific Use Permit shall be the same as for a new application, provided the administrative official may approve minor variations from the original permit which do not increase density, change traffic patterns, or result in an increase in external impacts on adjacent properties or neighborhoods.

5.32 SITE PLAN REGULATIONS

5.32.1 GENERALLY

Whenever a site plan is required by this ordinance, such site plan must conform to the requirements of this Section. Unless otherwise specified in this ordinance, all site plans must be approved by the City Council, upon recommendation of the Planning and Zoning Commission. The site plan submitted in support of an application shall satisfy the requirements for site plan submittals as set forth by the city staff. Site plans shall be reviewed by the city staff, and comments shall be returned after the review by the city staff. The submittal date of the site plan shall be the date upon which the site plan is found to be in compliance with the provisions of the site plan application by the city staff.

5.32.2 REQUIRED PRIOR TO BUILDING PERMIT

When required by this ordinance, a site plan must be approved prior to the issuance of a building permit by the city.

5.32.3 CHANGES TO THE SITE PLAN

Changes to the site plan shall be processed in the same manner as the original approved site plan.

A. Except as otherwise provided in paragraph C, below, any site plan that is amended shall require approval of the City Council, upon recommendation of the Planning and Zoning Commission.

B. Changes to the site plan which will affect the use of the land may require either an amendment to a Planned Development or a rezoning of property, whichever applies.

C. Changes of details within a site plan which do not alter the basic physical relationship of the property to adjacent properties; do not alter the use permitted; and do not increase the density, floor area, height, or reduce the yards provided at the boundary of the site as indicated on the approved site plan, may be authorized by the Community Development Director or his/her designee. An aggrieved party may appeal the decision of the Community Development Director or his/her designee to the Board of Adjustment in accordance with the provisions of this ordinance.

5.32.4 COUNCIL APPROVAL

Council approval of a site plan that accompanies a zoning change request shall become part of the amending ordinance.

5.32.5 SITE PLAN CONTENT

The site plan shall contain the information listed below, and any or all of the required features may be incorporated on a single drawing if the drawing is clear and capable of evaluation by the City Council and the staff personnel required to enforce and interpret this ordinance. Site plan shall be prepared by a licensed professional.

The boundary lines and dimensions of the property, existing subdivision lots, available utilities, easements, roadways, sidewalks, emergency access easements, and public rights-of-way.

A. Topography of the property proposed for development in contours of not less than two feet (2) , together with any proposed grade elevations, if different from existing elevations.

B. Proof of ownership

C. Tax certificates, indicating that all taxes on the land being rezoned have been paid to the current year.

D. Flood plains, water courses, marshes, drainage areas, and other significant environmental features including, but not limited to, rock outcroppings and major tree groupings. Topographic and drainage map information provisions may be waived by the reviewing body when the inclusion of such data would not materially contribute to the necessary evaluation of the project petition.

E. The location and use of all existing and proposed buildings or structures, including all refuse storage areas, and the minimum distance between buildings. Where building complexes are proposed, the location of each building and the minimum distances between buildings, and between buildings and the property line, street line, and /or alley.

F. Total number, location, and arrangement of off-street parking and loading spaces, where required.

G. All points of vehicular ingress, egress, and circulation within the property and all special traffic regulation facilities proposed or required to assure the safe function of the circulation plan.

H. Setbacks, lot coverage, and when relevant, the relationship of the setbacks provided and the height of any existing or proposed building or structure.

I. The location, size, and arrangement of all outdoor signs, exterior auditory speakers, and lighting.

J. The type, location, and quantity of all plant material used for landscaping, and the type, location, and height of fences or screening and the plantings around them.

K. If multiple types of land uses are proposed, a delineation of the specific areas to be devoted to various land uses.

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

M. Current land uses and zoning district of the property and current land uses and zoning districts of contiguous properties.

N. Buildings on the exterior of the site and within twenty-five feet (25) of all property lines.

O. The location and size of existing and proposed surface and subsurface drainage facilities, including culverts, drains, and detention ponds, showing size and direction of flow.

P. The number of square feet of the property after construction which will constitute impervious area or impervious surface and vegetated areas.

Q. Architectural drawings, such as elevations, concept sketches or renderings depicting building types and other significant proposed improvements including the treatment and use of open spaces, etc., where the submission of such drawings would more clearly portray the nature and character of the applicant's land use and development proposals.

R. Legal description in metes and bounds of the total site area proposed for rezoning, development or specific use permit.

S. Signature, title and date of the applicant, shall be placed at the conclusion of the written documents. The application shall be prepared by an appropriate licenced professional certifying that the information presented in the plans, and supporting documents reflect a reasonably accurate portrayal of the general nature and character of the applicant's proposals.

5.33 SIGN REGULATIONS

The regulations established in this Section are intended to provide minimum standards to safeguard life, property, and public welfare, and to regulate and control the use, materials, construction, location, number, maintenance, and the permitting of certain onsite signs and sign structures. In addition, the Ordinance is intended to enhance the beauty of the City by limiting visual clutter. The provisions of this Section are not intended to permit a violation of any provision of any other ordinance or federal or state law.

5.33.1 GENERAL STANDARDS

A. **Height of signs**: Sign height shall be measured from ground level at the base of the sign to the highest part of the sign.

B. **Building & electrical codes applicable**: All signs must conform to the regulations and design standards of the Building Code and other ordinances of the City of Hillsboro. Wiring of all electrical signs must conform to the electric code of the City of Hillsboro.

C. **Illumination of signs**: Signs shall be designed, located, shielded, and directed to prevent the casting of glare or direct light from artificial illumination upon adjacent public right-of-way and surrounding property.

D. **Requirement to repair**: Whenever a sign is damaged by wind, is inadequately maintained, is of faulty construction, or is damaged by any other cause, it shall be considered a public nuisance and the owner shall be required to repair such sign to its original condition or, at the owner's election, such sign shall be removed. A sign which has been permitted to remain in place as a nonconforming use shall be removed when the sign, or a part of it, is blown down or otherwise destroyed or dismantled for any purpose other than maintenance operations or for changing the letters, symbols, or other material on the sign. For purposes of this ordinance, a sign or a substantial part of it is considered to have been destroyed if the cost of repairing the sign is more than fifty percent (50%) of the cost of erecting a new sign of the same type at the same location.

E. **Placement of signs**: No sign may be erected or placed on public right-of-way. Any signs so erected or placed may be removed by the designated official without notice.

F. **Visibility triangle**: No permanent or temporary sign over 3 ft. in height shall be located to block visibility at any intersection of public roadways or intersection of public roadway with a private drive.

G**.** **Noncommercial messages**: Any sign authorized in this Ordinance is allowed to contain a noncommercial message in place of any other authorized message.

H. **Off premise signs**: Off premise signs shall be prohibited in the City of Hillsboro, with the exception of builder's directional signs, church/civic/charitable directional signs, or instructional signs, when written permission has been given by the property owner and such documentation is provided to the designated City Official.

I. **Painted signs**: No sign shall be permitted to be painted on the wall of any building or on any part of a building.

5.33.2 PROHIBITED SIGNS

The following signs are prohibited from installation, construction, repair, alteration, or relocation within the City, except as otherwise permitted in this Ordinance:

A. Off-premise pole or pylon signs(billboards), with the exception that signs adjacent to I-35 are permitted (See "Schedule for Permanent Signs").

B. Roof signs.

C. Portable signs, "A" Frame Signs, or Sandwich Board Signs except as used by Agencies and Departments of the City of Hillsboro for public service/safety announcements or information and then only with the approval of the City Manager or his/her designee, or as otherwise designated in this ordinance.;

D. Moving, flashing, animated, or rotating signs, signs with moving lights, or signs which create the illusion of movement, except for reader boards which convey a message;

E. Signs placed on or affixed to vehicles and/or trailers which are parked on a public right-of-way, public property, or private property so as to be visible from a public right-of-way where the apparent purpose is to advertise a product or direct people to a business or activity located on the same or nearby property. However, this does not prohibit signs placed on vehicles and trailers that are incidental to the primary use or ownership of the vehicle or trailer as transportation;

F. Signs attached to utility poles or other surfaces which are not the property of the utility or serve a public purpose located within a public right-of-way or easement.

5.33.3 ON-SITE SIGNS EXEMPT FROM REGULATION

The following on-site signs are exempt from the provisions and regulations of this Section:

A. Public signs. Signs required by governmental bodies or specifically authorized for a public purpose by any law, statute, or ordinance. Such public signs may be of any type, number, area, height, location, or illumination as required by law, statute, or ordinance.

B. Signs on vehicles. Signs placed on or affixed to vehicles and/or trailers where the sign is incidental to the primary use of the vehicle or trailer as transportation.

C. Warning signs. Signs warning the public of the existence of danger but containing no advertising material; to be removed within three days upon the subsidence of danger. Such warning signs may be of any type, number, area, height, location, or illumination as deemed necessary to warn the public of the existence of danger.

D. Flags. Flags of governmental entities or non-profit organizations. Nothing in this Ordinance shall be construed to prevent the display of a national or state flag, or to limit flags, insignias, or legal notices, or informational, directional, or traffic signs which are legally required and necessary to the essential functions of government agencies.

E. Governmental signs. Signs of a duly constituted governmental body, including traffic or similar regulatory devices, legal notices, warnings at railroad crossings, and other instructional or regulatory signs having to do with health, hazards, parking, swimming, dumping, etc.

F. Address numerals. Address numerals and other signs required to be maintained by law or governmental order, rule, or regulation are allowed, provided that the content and size of the sign do not exceed the requirements of such law, order, rule, or regulation.

G. Athletic signs. Signs used as scoreboards in athletic stadiums.

H. Off premise signs: Off premise signs shall be prohibited in the City of Hillsboro, with the exception of builder's directional signs, church/civic/charitable directional signs, governmental instructional signs, or instructional signs, when written permission has been given by the property owner and such documentation is provided to the City Official. Written permission and documentation to the City Official shall not be required for the placement of governmental instructional signs.

I. Directory signs. Signs which are located in or adjacent to entrances or foyers.

J. Instructional signs. Signs providing no advertising of any kind, which provide direction or instruction to guide persons to facilities intended to serve the public, including but not specifically limited to the signs identifying restrooms, public telephones, public walkways, parking areas, and other similar facilities.

K. Political Signs. (Permit not required but otherwise regulated.)

L. Seasonal decorations when located on property used for residential purposes.

M. Governmental instructional signs. Signs placed by City of Hillsboro, which provide direction or instruction to guide persons to facilities intended to serve the public, including but not specifically limited to signs identifying restrooms, public telephones, public walkways, parking areas, places of business open to the public, and other similar facilities.

Schedule for Permanent Signs

TYPE OF SIGN	DISTRICTS PERMITTED	MAXIMUM AREA	MAXIMUM HEIGHT	NUMBER OF SIGNS	REQUIREMENTS
Primary Wall (Attached)	NC,OP,C, CBD, I-1, I-2	10% of Primary wall area, 200 s.f. maximum	Top of parapet wall or roof eave height	Signage area can be composed of multiple signs	

Schedule for Permanent Signs					
TYPE OF SIGN	**DISTRICTS PERMITTED**	**MAXIMUM AREA**	**MAXIMUM HEIGHT**	**NUMBER OF SIGNS**	**REQUIREMENTS**
Pole/Pylon	C, I-1, I-2	200 sq.ft. in NC,OP 400 sq. ft. in C, I-1, I-2	40'; 10' min. height from bottom to grade, except for pole signs in a commercial zoning district & within 750' on ***West Side of I-35 & 2000' on East Side of I-35 may be a max. height of 100'***	One sign for each premises or each street front	5' setback any portion of sign; 100' separation from adj. ground sign on ea. premises; min. 50' separation on adj. premises; either pole or monument signs ony
Off-Premise Pole/Pylon Signs (billboards)	NC, OP, C, I-1, I-2	***672 sq. ft***.	50 ft. - 10' min. height from bottom grade	One sign permitted for each street frontage	Within a 100' setback from the I-35 ROW
Secondary Wall (Attached)	NC,OP, CBD, C, I-1,I-2	50% of allowed Primary wall sign area, 100 s.f. maximum	Top of parapet wall or roof eave height	Signage area can be composed of multiple signs	
Individual Freestanding Monument	NC,OP, C, I-1,I-2	80 s.f.	8 ft.	2 freestanding signs per street frontage, 4 maximum	Either one pole or one monuments signs
Multi-tenant Freestanding Monument	NC,OP, C, I-1,I-2	32 s.f. per business	25 ft.	1 freestanding sign per street frontage, 2 maximum	Either one pole or one monuments signs
Bed and Breakfast Sign	SUP: AR-1,SF-9, SF-7,SF-5, ZLL, R-2, MF-12, MF-29 By Right: CBD,C	1.5 sq. ft.	5 ft.	One	Address and name of occupant, only
Canopy sign (covering gas pumps, drive thru lanes or parking areas)	NC,OP C, I-1,I-2	32 s.f.	Top of canopy fascia	On 2 sides of canopy only	Canopies are not considered separate buildings for signage purposes
Multifamily Entry Monument	MF-12,MP-29	80 s.f.	7 ft.	1 pair per entrance	Lighting allowed per Section 5.46, Outdoor Lighting
Subdivision Entry Monument	AR-1,SF-9, SF-7, S-F5,	50 s.f. each	7 ft.	1 pair per "main" entrance	Lighting allowed per Section 5.46, Outdoor Lighting
Reader Board	NC,OP,CBD. C, I-1,I-2	50 s.f.	7 ft. for freestanding, or on wall or face of primary structure	1 per premise	Lighting and movable letters allowed
Church, Civic or Community	All	6 sq. ft.	8 ft.		Directional signs allowed, No Lighting

Schedule for Permanent Signs					
TYPE OF SIGN	DISTRICTS PERMITTED	MAXIMUM AREA	MAXIMUM HEIGHT	NUMBER OF SIGNS	REQUIREMENTS
CBD Signs	CBD	Variable	Variable	Variable, may include signs in sidewalk area (public right-of-way)	Signs in CBD shall be submitted to the Community Development Director for processing review and approval through the Main Street Board

Schedule for Temporary Signs					
TYPE OF SIGN	DISTRICTS PERMITTED	MAXIMUM AREA	MAXIMUM HEIGHT	TIME LIMIT	REQUIREMENTS
Balloons over 24" diameter	MF-12,MF-29, NC,OP,CBD, C,I-1,I-2	Not applicable	50 ft.	14 days	Only during Special Events or Grand Openings
Church, charity & civic, On-Premises	All	32 s.f.	15 ft.	21 days prior to event & during event, 30 days max.	On private property, not on R.O.W. No lighting, Removed 24 hr. after event
Church, charity/civic, Off-Premises	All	12 s.f.	3 ft.	21 days prior to event & during event, 30 days max.	On private property, not on R.O.W.,No lighting, Removed 24 hr. after event
Decorative Flag (color only, Logo allowed, no text allowed)	MF-12,MF-29, I-1,I-2	6 s.f.	25 ft. max.; 6 ft. min. to bottom of flag	Not applicable	Street frontage 0-150' - 4 flags 151-200' - 5 flags 201-250' - 6 flags 251-300' - 7 flags Over 300'- 8 flags
Horizontal Banner	NC,OP,CBD, C, I-1,I-2	50 s.f.	Highest point of roof, Attached to building	20 days per year	Only one allowed, No lighting
Inflatable objects	Not Permittable				
Multifamily Units for Rent or Lease Banner	MF-12,MF-29	32 s.f.	Highest point of roof on building, or 15 ft. max. for free-standing signs	60 days per year, in 10 day periods	1 per street frontage; maximum 2; no lighting
New Business "Coming Soon"	NC,OP, CBD, C, I-1,I-2	32 s.f.	Highest point of roof, Attached to building	During lease space finish- out, 60-day max., or 30-day max. with no finish out	1 sign per lease space, on building, No lighting
New Business "Now Open"	MF-12,MF-29	32 s.f.	Highest point of roof, Attached to building	30 days from C.O.	Must be affixed to store front
New Commercial Building	NC,OP, CBD, C, I-1,I-2	100 s.f.	15 ft.	Till 80% complete	1 sign per major ex. street frontage, Lighting allowed

Schedule for Temporary Signs					
TYPE OF SIGN	**DISTRICTS PERMITTED**	**MAXIMUM AREA**	**MAXIMUM HEIGHT**	**TIME LIMIT**	**REQUIREMENTS**
Pennants	Not Permittable				
Political	All	32 s.f.	8 ft.	None for yard signs	See visibility triangle, not permitted in public right-of-way
Real Estate Land Sale	All	100 s.f.	15 ft.	Remove prior to development	1 acre min., 2 sign max., 1 sign per frontage,.No lighting
Residential Construction	AR-1,SF-9, SF-7,SF-5, MH, MF-12, MF-29	100 s.f.	15 ft.	Till project 80% complete	1 sign per major existing street frontage, No lighting
US, Texas or Patriotic Flag	All	32 s.f.	25 ft.	Not applicable	1 per flag type. No spacing requirements
Vertical Banner	NC,OP,CBD, C,I-1,I-2	32 s.f.	25 ft. max., 6 ft. min. to bottom of vertical banner	20 days per year	50 ft. min. spacing, 100 ft. min. street frontage, 25' min. to side prop. Line
Weekend Builders Advertising	All	6 s.f.	3 ft.	12-noon Fri. untill 12-noon Monday, except holidays	25 max., 5 ft. from curb, 200 ft. or 1 block apart, 40 ft. min. from intersection, No lighting

5.33.4 PERMIT REQUIREMENTS

Except as herein provided, no permanent on-site sign shall be erected, placed, displayed or located without first obtaining a sign permit from the City.

A. **Application for Permit**: Application for a permit for a permanent sign shall be made in writing upon forms furnished by the Community Development Director. Such application shall contain the location by street and address number of the proposed sign, height, area, sign function, as well as the name, address and phone number of the owner and sign contractor or erector. The Community Development Director may require the filing of plans or other pertinent information which, in the Community Development Director's opinion, is necessary to ensure compliance with this Ordinance.

B. **Termination of Permit:** A sign permit may be terminated in accordance with the following provisions:

a. a permit shall be active for the life of the sign, as long as it is in compliance with this Ordinance;

b. permit shall be terminated if the sign for which it has been issued has not been constructed within one (1) year from the date of issuance; or

c. a permit issued for any sign including its supporting structure shall automatically terminate in the event the sign shall fail and not be corrected within sixty (60)days

C. **Permit Fees**: A sign permit fee shall be paid to the City in accordance with the most current fee schedule adopted by the City.

5.33.5 NONCONFORMING ON-SITE SIGNS

Any existing on-site sign that does not conform to the regulations stated herein shall be deemed a nonconforming sign and shall be subject to the provisions of nonconforming uses as provided in the City of Hillsboro Zoning Ordinance. It is the declared purpose of this Section that nonconforming signs and signs directing attention to nonconforming uses eventually discontinue and the signage comply with the regulations stated herein, having due regard for the investment in such signs.

5.33.6 REMOVAL OF NONCONFORMING ON-SITE SIGNS

The City Council may order nonconforming on-site signs which (1) are permanently affixed to the ground on the effective date of this Ordinance, (2) were erected in conformity with City ordinances in effect at the time of their erection and (3) remain in place after six months from the effective date of this Ordinance, to be removed upon and subject to compliance with Chapter 216, Texas Local Government Code.

5.33.7 ON-SITE SIGNS FOR A NONCONFORMING USE

Any lawfully existing nonconforming use or building may erect and maintain a sign in accordance with the regulations contained herein.

5.33.8 MERITORIOUS EXCEPTIONS AND APPEALS

It is not the intention of these criteria to discourage innovation. It is entirely conceivable that signage proposals could be made that, while clearly nonconforming to this Article and thus not allowable under these criteria, have obvious merit in not only being appropriate to the particular site or location, but also in making a positive contribution to the visual environment.

Upon request of an interested party, the City Council, upon recommendation by the Planning and Zoning Commission, shall hear and shall seriously and fairly consider a request for a meritorious exception under this Section.

5.33.9 PROHIBITION

All on-site signs not specifically authorized herein are prohibited. The Community Development Director shall have the authority to remove any sign in violation of this Ordinance which is not permanently affixed to the ground on the effective date of this Ordinance.

5.33.10 DEFINITIONS

For the purposes of this Section, the following definitions shall apply:

Area of Sign. The total area within the extreme rectangular perimeter of the attraction area intended to draw attention to the sign. Supporting structures shall not be included in the calculations. The area of the sign with two (2) faces, approximately opposed, shall be that of the larger face if such condition prevails; but, if the angle between the panes of the opposing faces exceeds thirty (30) degrees, the total area of both faces shall be considered the sign area. For multi-sided or circular signs, the calculation shall include all of the projected area.

Awning. An architectural projection which provides weather protection, identity, or decoration, and is supported by the building to which it is attached. It is composed of a lightweight rigid or retractable skeleton structure over which another cover is attached, which may be of fabric or other material. Such sign may be raised or retracted to a position against the building, and may be illuminated.

Banner. A sign made of paper, plastic, or fabric, with or without a frame, containing characters, letters, illustrations, or ornamentations applied to paper, plastic, or fabric. Banner does not include a flag.

Billboard. A sign which directs attention to a business, person, organization, activity, event, place, commodity, product, or service conducted, sold, or offered at a location other than the premises on which the sign is located.

Builder's Directional Sign. A temporary sign which provides direction or instruction to guide persons to sites where new homes are under construction, usually off-premise.

Canopy. A structure made of metal or other material with a frame supported by either one (1) or more columns or the building to which it is accessory, and which is open on two (2) or more sides.

Church/Civic/Charitable Directional Sign. An off-premise sign which provides direction to guide persons to a church, civic organization meeting place, or other charitable organization offices.

Construction Sign. A temporary sign identifying individuals or companies involved in design, construction, wrecking, financing, or improvements of the premises where work is under construction.

Directory Sign. A sign which indicates the name and/or address of the tenants or occupants, the address of the premises, and/or identification of any business or occupation which may exist on the premises.

External Iillumination. Illumination of a sign by an artificial source of light which is not contained within the sign itself.

Flag. Any fabric containing distinctive color, pattern, or symbols, used as a symbol of a government, political subdivision, non-profit organization, or corporation that is flown from flagpoles.

Flashing Sign. An illuminated sign on which the artificial source of light is not maintained stationary or constant in intensity and color at all times when the sign is illuminated. For the purpose of this ordinance, any moving illuminated sign affected by intermittent lighting shall be deemed to be a flashing sign.

Gross Surface Area. The area of the smallest rectangle enclosing the extreme limits of characters, lettering, illustrations, ornamentation, or other fixtures, material, or color forming part of the sign. Structural supports bearing no sign copy shall not be included in gross surface area; however, if any portion of the required structural supports become enclosed for decorative or architectural purposes, that portion will be included in the total gross surface area of the sign. Gross surface area shall be measured on one (1) side only of a two-faced (back to back) sign carrying the same image and message on both

faces. Two-faced signs carrying different messages and images on each side shall be considered as separate signs.

Ground Sign. A sign not wholly supported on a building, or which has its main supporting structure depending on the ground for attachment.

Illuminated Sign. A sign which has characters, letters, figures, or designs illuminated by electric lights, luminous tubes, or other means that are specifically placed to draw attention to, or provide night time viewing of, the subject matter on the sign face.

Illumination, External. Lighting by means of an unshielded light source (including neon tubing) which is effectively visible as an external part of the sign.

Illumination, Internal. Lighting by means of a light which is within a sign having translucent background, silhouetting opaque letters, or designs, on which letters or designs are placed, which are themselves made of translucent material.

Incidental Signs. Small signs of a non-commercial nature, intended primarily for convenience of the public. Included are signs designating restrooms, address numbers, hours of operation, entrances to buildings, directions, help wanted, public telephones, and so forth.

Inflatable Sign. Any display capable of being expanded by air or other gas and used on a permanent or temporary basis to advertise a product or event.

Instructional Sign. A sign limited to directional messages, principally for pedestrian and vehicular traffic, such as one-way, entrance, and exit.

Logo. Any design or insignia of an organization, individual, company, or product which is commonly used in advertising to identify that organization, individual, company, or product.

Marquee. Any hood or awning or permanent construction projecting from the wall of a building or other structure containing either permanent or changeable advertising.

Menu Board. A sign displaying the menu for a drive-up window for a food establishment.

Monument Sign. A permanent ground sign generally constructed out of brick, stone, or cast concrete supported on a concrete foundation across the entire base of the structure.

Moving Sign. A sign which revolves, rotates, swings, undulates, or otherwise attracts attention through the movement of parts or through the impression of movement, including automatic electronically controlled copy changes, but not including flags, banners, or pennants.

Nameplate Sign. An on-premise non-illuminated sign identifying only the name, address, and/or profession of the occupant of the premises on which the sign is located.

Off-Premise Sign. A sign which directs attention to a business, person, organization, activity, event, place, commodity, product or service not conducted, sold, or offered upon the premise on which the sign is located.

On-Premise Sign. A sign which promotes or advertises a business, person, organization, activity, event, place, commodity, product, or service which is conducted, sold, or offered upon the premise where the sign is located.

Parapet (Parapet Wall). A low wall, extending above the edge of a roof, terrace, or balcony. Said parapet shall be an integral extension of the wall and not a separate structure added for signage.

Pennant. A wind device usually made of lightweight plastic, fabric, or other material whether or not containing a message of any kind, usually triangular in shape and attached to a single cord.

Permanent Sign. A sign which is fixed in nature that is erected, affixed, or maintained on a premises for a period of time which is regulated by the Schedule for Permanent Signs in Article 5, 33.3.

Pole Sign (also called pylon sign). A freestanding ground sign supported by one (1) or more poles columns, uprights, or braces placed in or upon the ground and having no guys or braces to the ground or to any other structure.

Political Sign. A temporary sign, that contains primarily a political message pertaining to any national, state, county, or local election that supports or opposes an announced candidate, political party, or issue of political significance. Such sign must be located on private real property and may not have an effective area greater than thirty-two (32) feet; may not be more than eight (8) feet high; may not be illuminated; and may not have any moving elements. For purposes of this ordinance, "private real property" does not include; real property subject to an easement or other encumbrance that allows a municipality to use the property for a public purpose. "Political sign" does not include a sign, including a billboard, that contains primarily a political message on a temporary basis and that is generally available for rent or purchase to carry commercial advertising or other messages that are not primarily political.

Portable Sign. Any temporary sign supported by the ground but not attached to the ground, which can be regularly moved from a location at periodic intervals, and which is located upon the premises where the business, profession, activity, commodity, service, or entertainment referred to by the sign is located. The term "portable sign" shall include the following:

a. a sign which is mounted on a trailer or wheels or is part of a trailer and by its design can be towed from one (1) location to another by the use of attached wheels or by attaching an axle to existing mounts;

b. an "A-frame" type sign;

c. sign affixed by pole or poles to a portable base made of wood, metal, or concrete;

d. a sign suspended or attached to a stand with an inverted “T” base; and

e. any sign that the base is inserted into a sleeve mounted or driven into the ground which can be easily extracted from said sleeve by simply lifting or removing bolts.

Premises. A lot or tract, or a combination of contiguous lots or unplatted tracts if the lots or tracts or combination are under a single ownership and are reflected in the plat or deed records of Hill County. Multi-tenant locations shall be considered as being one (1) premise.

Projecting Sign. A sign suspended from a building or structure and projecting out there from more than one (1) foot.

Pylon Sign. See pole sign.

Qualified Street Frontage. The width of property along the street of a commercial or industrial development which bears the address of the property.

Reader Board Sign. A sign comprised of non-permanent letters, numerals, or symbols which may be changed by adding, removing, or rearranging the letters, numerals, or symbols, either manually or electronically.

Real Estate Sign. A sign relating to the sale, lease, or rental of the premises upon which such a sign is placed.

Roof Sign. A sign mounted upon, against, or directly above the roof or parapet line of a building or structure, or that is wholly dependent upon a building for support, and that projects above the top walk or edge of a building with a flat roof, the eave line of a building with a gambrel, gable, or hip roof, or the deck line of a building with a mansard roof.

Search Light. A large outdoor lighting apparatus used to attract attention to a business or a specific location.

Secondary Sign. A sign located on-premise identifying individual uses in a mixed-use multi-tenant commercial shopping center.

Sign. Any name, number, identification, description, announcement, declaration, demonstration, device, display, flag, banner, pennant, illustration, logo, balloon, streamer, valance, advertising display, poster, beacon, light, or insignia, illuminated or non-illuminated, affixed directly or indirectly to or upon any building, window, door, or outdoor structure, which is visible to the general public and calls attention to any business, person, organization, event, commodity, object, product, service, place, or activity, including any permanently installed or situated merchandise or facsimile.

Street Grade. The average elevation of the projected corners of a property, adjacent to a dedicated street right-of-way or roadway easement, the elevation of the corners being measured at the top of the curb, or the centerline of the street if no curb is present.

Temporary Event. An event such as a "grand opening," or a "going out of business sale" which lasts for a period of time not to exceed sixty (60) days.

Temporary Sign. A non-permanent sign designed or intended to be displayed for a short period of time erected, affixed, or maintained on a premises. Trailer and portable signs are classified as temporary signs.

Vehicular Sign. Any sign, not including bumper stickers, on or in a vehicle moving along the ground or on any vehicle parked temporarily, incidental to its principal use for transportation. This definition shall not include signs which are being transported to a site of permanent erection or lettering of company vehicle that advertises only the company name, address, and/or logo, or temporary signs (with an area less than three (3) feet) attached to vehicles which may be removed daily.

Visibility Triangle. All of that portion of land lying within a triangular shaped area on each street corner within the city beginning at the precise corner of intersection point of the curbs of

each of the two (2) streets forming each corner and extending twenty (20) feet along each such curbline from said curb intersection point, the third side being determined by the drawing of a straight line from the ends of such twenty foot extensions, whether said land be privately owned or unpaved or untraveled street right-of-way property. Where no curbs are in existence at such street intersections, said twenty (20) foot lines shall coincide with the central flow line of the ditches paralleling such uncurbed streets as shall be determined by the city.

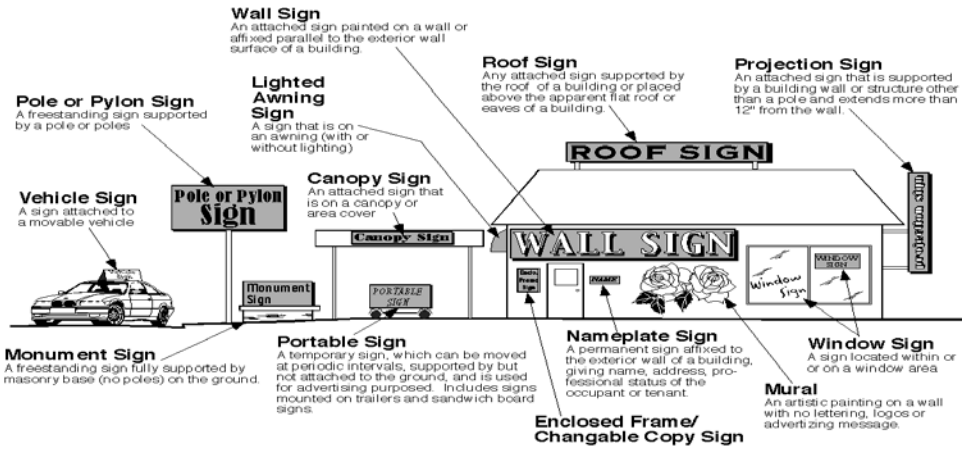
Wall Sign. A sign attached or affixed to an exterior wall of a building or structure or dependent upon a building for support, with the exposed face of the sign located in a place substantially parallel to the exterior building wall to which it is attached or by which it is supported, and not extending more than twelve (12) inches from said wall. A wall sign shall not extend above the wall or parapet to which the sign is attached. For the purpose of this section, awnings, canopy fascias, mansards extending along a building side shall be considered a part of the wall.

Warning Sign. A sign containing no advertising material, warning the public of the existence of danger.

Window Sign. A sign attached to, placed upon, or painted on the exterior or interior of a window or door of a building, which is intended for public viewing from the exterior of such building.

Yard Sign. Any sign of a temporary nature other than a development, real estate, builders or construction sign, which includes the advertisement of a service which has been performed on-premise, or construction / repair that has been performed on-premises.

Sign Types Illustration



5.34 GENERAL HEIGHT REGULATIONS

5.34.1 NON-RESIDENTIAL STRUCTURES

A non-residential building may exceed the permitted height in a zoning district by twenty (20) feet if the following conditions are met:

A. A Site Plan is provided;

B. For every two (2) foot exceeding the maximum permitted height, an additional one (1) foot of setback is provided on the front, side, and rear yards. The height of a building shall not exceed twenty (20) feet over the maximum permitted height established in the zoning district;

C. When an interior side yard in the NC or OP districts, or property in any residential district, the setback shall be increased by one (1) foot for each two (2) feet in height for that portion of any structure or building in excess of forty-five (45) feet in height; or

D. A building may exceed the height described in item 2, above, only upon approval of a special exception.

5.34.2 EXCEPTIONS

Height regulations do not apply to belfries, chimneys, conveyors, cooling towers, elevator bulkheads, fire towers, storage towers, flag poles, monuments, ornamental towers or spires, stage towers and scenery lofts, tanks, water towers, steeples, domes, cupolas, or other architectural design elements usually required to be placed above the roof level and not intended for human occupancy.

5.35 GENERAL AREA REGULATIONS

The following general requirements provide additional criteria which apply to yard requirements of structural features all zoning districts.

Ordinary sills, belt courses, cornices, chimneys, bay Windows, buttresses and ornamental features may project not more than twelve (12) inches into a required yard; and eaves may project not more than thirty six (36) inches into a required yard.

A. Porte-Cochere: A porte-cochere may project into a required side yard, provided every part of such porte-cochere is unenclosed except for necessary structural supports.

B. Double frontage lots: Where lots have double frontage, running through from one street to another, a required front yard shall be provided on both streets unless otherwise established by plat or by ordinance, in which case only one required front yard need be provided.

C. Shared yards prohibited: No part of a yard or other open space required about or in connection with any building for the purpose of complying with this ordinance shall be included as part of a yard, open space or off-street parking or loading space similarly required for any other building.

D. Corner lots: For the purposes of determining yard requirements on corner lots and through lots, all sides of a lot adjacent to streets shall be considered frontage, and yards

shall be provided as indicated in the appropriate zoning district area regulations. On corner lots where a side yard of one lot abuts the front of another lot, both yards shall be considered as front yards.

E. Two or more zoning districts: Where the frontage on one side of the street between two intersecting streets is divided by two or more zoning districts, the front yard shall comply with the requirements of the most restrictive district for the entire frontage from one intersecting street to the other.

F. Carport permitted: Where an existing residential structure does not contain a garage or carport and where there is no adequate area for an accessible parking space behind the front yard area, a carport having no side walls may be constructed in the front yard area.

G. Established building line: Where a building line has been established by plat or previous ordinance, and the line requires a front yard setback greater or lesser in depth than is prescribed by this ordinance for the district in which the building line is located, the required front yard shall comply with the building line established by the previous ordinance or plat.

H. Measurement: The front yard shall be measured from the property line to the front face of the building, covered porch, covered terrace, or attached accessory building. Eave and roof extensions may project into the required front yard for a distance not to exceed twenty four (24) inches.

I. Side yard setback:

a. the side yard setback may be reduced upon approval of a reduced side yard setback as platted on an approved final plat;

b. in an industrial district, no structural setback shall be required from a railroad right-of-way not less than fifty (50) feet in width; and

c. In the NC, OP, C, I-1 and I-2 Districts, the minimum interior side yard which abuts any property located in an AR-1, SF-5, SF-9, SF-7, MF-12, MF-29, MH district shall be increased by one (1) foot for each two (2) feet in height for that portion of any structure or building in excess of forty-five (45) feet in height.

J. The height regulations of this Chapter shall not apply to belfries, chimneys, church spires, conveyors, cooling towers, elevator bulkheads, fire towers, storage towers, flag poles, monuments, ornamental towers or spires, cranes, construction equipment, smoke stacks, stage towers and scenery lofts, tanks, water towers, ham radio and television antennas, and microwave relay, radio and television transmission towers.

K. Permitted residential uses in the CBD, Central Business District, shall not be subject to the restrictions of a more restricted residential district.

L. Minimum rear yards for lots of record existing at the time of the adoption of this Ordinance in multiple family dwelling districts and commercial districts shall be reduced to a minimum of ten (10) percent of the depth of the lot, but not less than a minimum of ten (10) feet.

M. Minimum rear yards in all commercial districts except for Zoning District “C” shall be reduced to ten (10) feet when the rear yard abuts a commercial district.

N. In an industrial district, there shall be no setback requirement for railway loading docks in cases where the railroad right-of-way is a minimum of fifty (50) feet in width.

5.36 OFF-STREET PARKING AND LOADING REGULATIONS

Whenever any ordinance, regulation, or plan, enacted or adopted by the city council is for the purpose of providing off-street automobile parking spaces or of establishing requirements that such spaces be provided within any section or sections of the city, then such plan or requirements shall govern within such sections. Otherwise off-street automobile parking spaces shall be provided as follows, applicable to buildings hereafter erected and uses hereafter established, to such nonconforming uses as may be required to conform to the regulations hereof, and to extensions and enlargements of buildings and uses.

5.36.1 PARKING GROUP REQUIREMENTS

The number of off-street parking spaces required for each building or use shall be determined by reference to the table labeled "Parking Groups," on the following page. Parking groups are identified for each building or use in *Article 2, Permitted Use Table*.

For any use not listed, or where the listed regulations are not applicable in the judgement of the Community Development Director, the parking requirements shall be determined by the Community Development Director. Computations of required parking spaces by the Community Development Director shall be final.

PARKING GROUPS	
PARKING GROUP	**REQUIRED ON- PREMISE PARKING SPACES**
1	1 per unit
2	2 per unit
3	1.5 per 1 bedroom unit
4	1 per bedroom unit plus 1 per 4 patron seats in rooms open to public plus 1 per 200 s.f. of display/ballroom area.
5	1 per residential unit plus 1 space per 200 s.f. of exhibit or ballroom space plus 1 space per 100 s.f. of meeting rooms plus 1 space per 2.5 seats in
6	1.5 per 2 persons at maximum occupancy
7	1. 1 per 250 s.f. of floor area
8	1 per 350 s.f. of floor area
9	1 per 600 s.f. or floor area
10	1 per 500 s.f. of total area
11	1 per 500 s.f. of total area or 1 per 3 employees, whichever is less
12	1 per 2.5 seats
13	1 per 4 seats
14	1 per 3 seats in the sanctuary or auditorium
15	50 spaces per nine holes
16	1 per 5 students
17	1 per 18 students
18	1 per 25 students
19	4 per lane
20	1 per tee
21	Minimum of 6
22	1.5 per bed
23	3 stacking spaces per wash bay
24	1 per employee on each shift or 1 per 1,000 s.f. of floor area, whichever is greater
25	1 per stall
26	1 per 2000 sq.ft. of lot area
27	To be determined upon site plan or permit approval

5.36.2 LOCATION ON-PREMISE PARKING

A. Required commercial and residential off-street parking spaces shall be located on the same lot, tract, parcel, or premises as the use being served or on other property of the same or less restrictive zoning classification that the owner of the premises being served has a continuing right to use for parking.

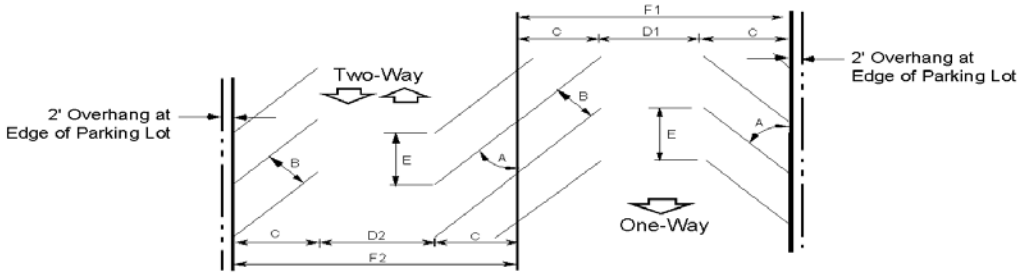
B. When the required off-street parking spaces are not located on the same lot, tract, parcel, or premises being served, the distance from the parking lot to an entrance to the building or use shall not exceed three hundred (300) feet in distance, measured along the shortest available pedestrian route with public access.

5.36.3 GENERAL PARKING REGULATIONS

A. **Reduction:** If the applicant can provide documentation that required parking spaces exceed the number necessary for the proposed use of the premises, a reasonable alteration of spaces may be approved. Such reduction shall not exceed fifteen percent (15%) of the total required spaces and shall require a special exception from the Board of Adjustment.

B. **Existing parking spaces:** In cases when new development is being proposed for a site where development already exists, existing parking spaces may only be used to satisfy additional off-street parking requirements if the existing spaces exceed the number of spaces required by this ordinance for the existing use.

C. **Drive lane widths and parking space sizes:** Drive lanes and parking space sizes shall be required as shown in the following illustration. A driveway for access to any non-residential, single parking space or to a parking lot shall not measure less than that shown in the parking layout illustration. All drive approach widths shall be no less than those indicated in the below graphic. All two-way drive lanes shall be a minimum of twenty-four (24) feet in width. Parking spaces shall be nine (9) feet wide by eighteen (18) feet deep for all ninety (90) degree parking spaces. Angled spaces shall be as

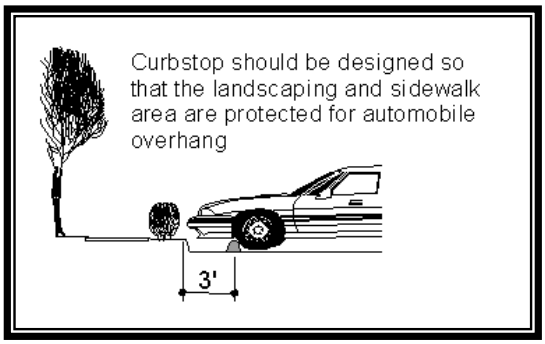


Parking Angle	Stall Width	Stall Depth	Min. Aisle Width One-Way	Min. Aisle Width Two-Way	Aisle Length Per Stall	Module Width One-Way	Module Width Two-Way
(A)	(B)	(C)	(D1)	(D2)	(E)	(F1)	(F2)
Parallel	8.0	8.0	12.0	18.0	22.0	28.0	34.0
45	9.0	19.1	12.0	24.0	12.7	50.2	62.2
60	9.0	20.1	18.0	24.0	10.4	58.2	64.2
90	9.0	18.0	24.0	24.0	9.0	60.0	60.0

shown in the illustration.

D. **Parking access requirements**: Parking areas which would require the use of public right-of-ways for maneuvering shall not be acceptable for the furnishing of required off-street parking spaces other than for single-family detached and duplex dwelling structures. Parking parallel at the curb on a public street shall not be substituted for off-treet requirements.

E. **Wheel stops (curb stops):** When vehicles extend over the curb, wheel stops shall be required for all head-in parking spaces adjacent to landscaped areas. Wheel stops shall be designed so that the overhang of vehicles is contained totally within the parking space. When wheel guards are used, they shall be centered 3 feet from the property line for 90 degree parking, 2.3 feet for 60 degree parking, and 2.0 feet for 45 degree and 30 degree parking.



F. **Striping:** All parking lots shall be striped in a manner that will clearly delineate parking spaces, fire lanes, and pedestrian crosswalks. In large lots with two-way drive lanes, directional arrows shall be provided. Directional arrows shall be provided for all one-way drive lanes and driveways.

G. **Central Business District**: Buildings and land uses within the Central Business District shall be exempt from requirements to provide off-street parking provided that when off-street parking is furnished, it shall be approved by the Community Development Director.

H. **Mixed use buildings:** Where a building or a site contains two (2) or more uses, the off-street parking requirement shall be computed as the sum of the required off-street parking spaces for each individual use with the exception of shopping centers and multi-use purposes.

5.36.4 RESIDENTIAL PARKING DEVELOPMENT STANDARDS

The following regulations shall apply to all residentially zoned districts and apply to any required front or side yard being used to park or store vehicles, including boats and trailers:

A. All vehicles which are parked or stored on private property in residential areas are to be on a paved surface. The paved surface may be concrete, asphalt, or concrete pavers (normally used in paving construction and to be two (2) inches or more in thickness). Gravel driveways and parking areas may be approved under special conditions by the Building Official.

B. Pavers are not to exceed one-half (1/2) inch above the surface of the yard in which they are placed to allow them to be properly mowed and trimmed around;

C. Vehicles are to be completely resting on such surfaces from the point they leave the public street to the point upon which they are parked or stored;

D. All vehicles which are parked or stored in a required rear yard shall be placed behind screening partitions of fencing materials or dense vegetation so as to obscure the vehicle from view from a public street;

E. All vehicles shall be so parked in relation to the street and dwelling at right angles and not to extend over any walkway or be closer than eight (8) inches from the back of the curb so they will not obstruct the pedestrian ways; or

F. Any vehicle found in violation of this provision must be made operable or moved to an enclosed building within ten (10) days from the notification of such condition existing. All repeat violations which occur at the same address shall be subject to immediate penalties and/or fines as allowed by law.

5.36.5 NON-RESIDENTIAL PARKING DEVELOPMENT STANDARDS

The off-street parking or loading facilities required for nonresidential uses mentioned in these regulations shall be paved according to any of the following standards:

A. Four (4) inches of reinforced Portland Cement concrete over compacted sub-grade in districts;

B. Not less than two (2) inches of hot mixed asphalt over at least six (6) inches of lime treated sub-grade in all districts;

C. Not less than two (2) inches of hot mixed asphalt over six (6) inches of crushed stone, flexible base in I-1 or I-2 zoned districts only;

D. Lots shall be graded and drained in such a manner that run-off shall be properly channeled into a storm drain, watercourse, pond area or other appropriate facility; and

E. To insure that all requirements set forth in this section are carried forward, it will be the responsibility of the owner of the parking area to maintain the facility. All off-street parking areas shall be kept free of trash, debris, vehicle repair operation or display and advertising uses. At no time after initial approval of the parking area layout can changes be made in the location and number of provided spaces without approval of the city.

5.37 PARKING FOR SPECIAL EVENTS AND OTHER ONE-TIME EVENTS

"Special Event" means a festival, celebration, performance or other such special event which occurs no more frequently than once per year, and which will or should be reasonably anticipated to attract patrons or visitors in such numbers as to exceed the capacity of the permanent parking spaces required and provided under other provisions of this section for the property upon which the special event is to be held. Events which are conducted more frequently than once per year are not considered "special events" under the provisions of this subsection, and the property upon which these events are conducted must conform to the other provisions of this Article concerning parking requirements.

A. The persons or entities conducting any such special event shall submit to the Community Development Director at least forty-five (45) business days prior to said event a plan for the accommodation and parking of vehicles of persons reasonably expected to attend such event. The plan must include, at a minimum, the following information:

   a. a description and the address of the premises where the event is to be held;

   b. a description and the address of any property, other than the premises described in (a) above, where parking is to be provided for patrons or visitors to the event;

c. the name and address of the owner of the premises upon which parking for the event is to be provided, and a statement describing the terms and conditions of the agreement whereby the owner of such premises has authorized their use for parking;

d. the dates and times that the event is to be held;

e. the measures which will be taken by the persons or entities conducting the special event to ensure safe and orderly traffic flow to and from the event site and any parking area; and

f. a plan or diagram of the proposed layout of the parking scheme upon the property to be used for parking for such event.

B. All parking for any such special event shall be provided off-street and on an area and surface reasonably anticipated to be dry and safe for vehicular and pedestrian traffic. No public property or rights-of-way may be utilized or included in such parking areas except upon express, prior written permission by the City Council.

C. Subject to the above requirements, the surface of such parking areas need not be paved or otherwise surfaced as required by the other provisions of this Article for permanent parking areas, but it must be suitable for the type and amount of vehicular and pedestrian traffic reasonably anticipated for the special event at issue.

D. Upon submittal of the required parking plan to the City, the Community Development Director shall review it and shall advise the applicants whether any changes or modifications to said plan will be required. The Community Development Director has the sole discretion to approve or reject, or require modifications to, any parking plan required hereunder. No vehicles may be parked in any location not otherwise allowed under other subsections of this Section, in connection with any special event, unless and until the City Council has issued a written approval of the parking plan of the special event.

E. Such written permission may be revoked at any time by the City Council if it is found that false or misleading information was contained in the proposed parking plan.

5.38 PARKING FOR HANDICAPPED

All areas of newly designed or newly constructed buildings and facilities required to be accessible under federal and state law shall comply with the standards set forth in the Texas Accessibility Standards of the Architectural Barriers Act, Tex. Rev. Civ. Stat. Art. Ann. §9102

A. The dimensions of each "H" parking space shall be twelve (12) feet wide and eighteen (18) feet long.

B. Each and every "H" parking space required by this Section of the parking regulations or by other applicable regulations shall be clearly identified as reserved for the handicapped.

C. The number of "H" parking spaces required shall be determined by the following table:

Total Parking Spaces	Number of Accessible
1 to 25	1
25 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1,000	2% of total
More than 1,000	20 plus one for each 100 over

5.38.1 OFF-STREET LOADING REQUIREMENTS

Provisions for loading and unloading shall be provided on the site according to the following regulations:

A. In the following cases all retail, office and service buildings shall provide and maintain off-street facilities for the loading and unloading of merchandise and goods within the building or on the lot adjacent to a public alley or private service drive to facilitate the in movement of traffic on the public streets:

a. when deliveries are made by truck more than once a day between the hours of 8:00 a.m. and 6:00 p.m.;

b. when the time of loading and unloading materials or goods exceeds ten (10) minutes between those hours; or

c. individual loading space dimensions shall be required as a minimum to be thirty-five (35) feet in length, twelve (12) feet width with a height clearance of fifteen (15) feet.

B. The number of off-street loading spaces shall be placed according to the following table:

Square Feet of Gross Floor Area in Structure	Maximum Required Spaces or Berths
0 to 10,000	None
10,000 to 50,000	1
50,000 to 100,000	2
100,000 to 200,000	3
Each additional 200,000	1 Additional

Buildings and land uses in CBD, Central Business District, shall be exempt from the off-street loading requirements of this Chapter unless an owner or occupier of business property in the CBD, Central Business District, elects to provide off-street loading facilities, in which event, such facilities shall be approved as provided in these regulations.

5.38.2 ADDITIONAL REGULATIONS

Nothing in this Section shall require the furnishing of additional parking spaces for buildings existing and used on the date of adoption of this ordinance. However, any enlargement or addition to an existing building shall not be approved unless such building and addition or enlargement shall be brought into full compliance with the provisions of this Section.

5.39 NON-RESIDENTIAL MASONRY AND ARTICULATION REGULATIONS

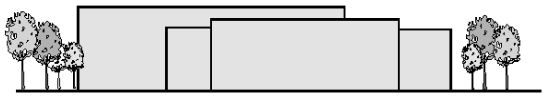
The following design requirements shall apply in the NC, OP, C and CBD Districts.

A. Exterior Masonry Requirements: Structures in applicable zoning districts shall be a minimum of seventy-five percent (75%) masonry construction. Masonry material shall be defined as brick, stone, stucco, decorative block or sheet masonry products such as “Hardiplank/Hardiboard”. Alternative materials of similar characteristics may be allowed upon approval of the City Council. (Masonry does not include exterior insulated finish systems (EIFS). Metal buildings used as a main structure without a masonry or wood exterior surface shall be prohibited.

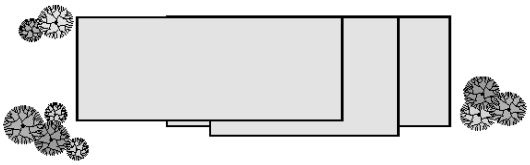
B. Articulation: The structure shall include articulation in the walls and roof design. Single, uninterrupted surface-planes shall not be permitted. The roof of the structure may be a flat roof construction, but must provide a variation of the roofline, which may include a pitched roof for architectural relief.

C. Facades shall meet the following mimimum standards for articulation:

a. Horizontal Articulation: No building wall shall extend for a distance over one hundred (100') feet without having an off-set of at least three (3') feet, and that new plane shall extend for a distance of at least ten (10') feet.



Elevation View of Building Articulation



Plan View of Building Articulation

b. Vertical Articulation: No horizontal wall shall extend for a distance over one hundred (100') feet without changing height by a minimum of three (3') feet.

5.40 HOME OCCUPATIONS REGULATIONS

The purpose of the home occupation provisions is to permit the conduct of home occupations which are compatible with the neighborhoods in which they are located.

5.40.1 REGULATIONS

Home occupations are a permitted accessory use in all residential districts and are subject to the requirements of the district in which the use is located, in addition to the following:

A. Only the members of the immediate family occupying the dwelling shall be engaged in the home occupations;

B. The home occupation shall be conducted only within the enclosed area of the dwelling unit or the garage;

C. There shall be no exterior alterations which change the character thereof as a dwelling and/or exterior evidence of the home occupation;

D. No storage or display of materials, goods, supplies, or equipment related to the operation of the home occupation shall be visible outside any structure located on the premises;

E. No use shall create smoke, glare, noise, dust, vibration, fire hazard, small electrical interference or any other nuisance not normally associated with the average residential use in the district;

F. The home occupation shall not create any greater vehicular traffic than normal for the district; and

G. No signs of any kind shall be allowed on premises advertising a home occupation or service.

5.41 ACCESSORY BUILDING REGULATIONS

5.41.1 INTENT OF REGULATIONS

It is the expressed intent of this Section to regulate the placement, size, number of and height of any and all detached accessory use structures commonly referred to as storage buildings and similar structures.

5.41.2 AREA ALLOWED

The maximum allowable area for any accessory building or accumulative total floor area is four hundred and forty (440) square feet. There shall be no more than two buildings per lot The total of buildings being not larger than twenty-five percent (25%) of the required rear yard of the lot as determined the zoning district.

5.41.3 CONSTRUCTION DETAILS

The maximum height allowed is twelve (12) feet, measured from the tallest portion of the building to the finished floor, providing the finished floor is not over eighteen (18) inches above the average grade of the yard on which the building is located. All buildings over one hundred twenty (120) square feet must be on a permanent foundation, either pier and beam or slab. Any single detached building in excess of three hundred (300) square feet of floor area shall be faced with materials similar in type and color to the principal structure. All detached structures must be kept maintained in a manner so as to prevent the weathering of the building materials. This shall be subject to the inspection by the Community Development Director or staff for ensuring compliance.

5.41.4 PERMIT REQUIRED

Building permits are required for any buildings over one hundred and twenty (120) square feet in area. The maximum number of detached storage buildings on the lot is two.

5.41.5 ROOF COVERING

Material of a minimum of twenty six (26) gauge thick aluminum or steel with proper protection by paint or other materials to prevent corrosion and oxidation or by application of composition shingles applied over approved decking. Corrugated galvanized metal and all fiberglass panels are expressly prohibited.

5.41.6 SETBACK

A. Front Yard: Attached accessory buldings, including garages, shall have a front yard not less than the main building, or as specified in the particular district. Detached accessory buildings shall be located in the area defined as the side yard or rear yard.

B. Rear Yard: There shall be a rear yard setback not less than five (5) feet from any lot line, alley line, or easement line. Garages or other accessory buildings located within the rear portion of a lot, as heretofore described, shall not be located closer that fifteen (15) feet to the main building nor nearer than five (5) feet to any side lot line.

C. Only portable buildings may be located within any utility easement providing the owner has letters from all affected utility companies acknowledging and allowing its placement in the utility easement accompanying the permit application for such building.

5.42 NONCONFORMING USES, LOTS, AND STRUCTURES

5.42.1 CATEGORIES OF NONCONFORMITIES

Within the districts established by this ordinance, or established by amendments that may later be adopted, there exists:

A. Lots and uses of land;

B. Buildings and structures;

C. Uses of land and buildings in combination; and

D. Characteristics of use which were lawful before this ordinance was passed or amended, but which would be prohibited, regulated, or restricted under the terms of this ordinance or future amendments. It is the intent of this ordinance to permit these nonconformities to continue under regulations contained herein until they are removed, but not to encourage their survival. It is further the intent of this ordinance that such nonconformities shall not be enlarged upon, expanded or extended, nor be used as ground for adding other buildings and structures or uses prohibited elsewhere in the same district.

5.42.2 NONCONFORMING USES REGULATED

Nonconforming uses are declared by this ordinance to be incompatible with permitted uses in the districts involved. Nonconforming use of land or buildings, nor any nonconforming structure shall be enlarged, changed, altered, or repaired is prohibited except in conformance with the regulations contained in this Section.

5.42.3 NONCONFORMING STATUS

Any use, lot, or structure which does not conform to the regulations of the zoning district in which it is located, is nonconforming when:

A. The use, lot, or structure was in existence and lawfully operating on the date of the passage of this ordinance, and has since been in regular and continuous use;

B. The use, lot, or structure is lawful at the time of the adoption of any amendment to this ordinance, but because of the amendment, no longer complies with applicable regulations; or

C. The use, lot, or structure was in existence at the time of annexation to the city and has since been in regular and continuous use.

5.42.4 NONCONFORMING LOTS OF RECORD

In any district in which residential, commercial, or industrial buildings are permitted, buildings may be erected on any single lot of record, or multiple lots of contiguous street frontage in the same ownership, which were recorded prior to the effective date of this ordinance. This provision shall apply even though such lot or lots fail to meet the minimum requirements for area, width, or both, as governed by the applicable area regulations for that particular zoning district; however, all other provisions of the applicable zoning district area regulations shall apply. Any required variances shall be obtained only through the Zoning Board of Adjustment.

5.42.5 NONCONFORMING USES OF LAND

Where at the time of passage of this ordinance lawful use of land exists which would not be permitted by the regulations imposed by this ordinance, the use may be continued so long as it remains otherwise lawful, provided:

A. Nonconforming use shall not be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this ordinance;

B. Nonconforming use shall not be moved, in whole or in part, to any portion of the same lot or parcel other than that occupied by such use at the effective date of adoption or amendment of this ordinance; or

C. If any such nonconforming use of land is deemed to be abandoned for any reason for a period of more than twelve (12) months, any subsequent use of such land shall conform to the regulations specified by this ordinance for the district in which such land is located.

5.42.6 NONCONFORMING BUILDINGS

Where a lawful building exists at the effective date of adoption or amendment of this ordinance that could not be built under the terms of this ordinance by reason of restrictions on area, lot coverage, height, yards, its location on the lot, or other requirements concerning the building, such building may be continued so long as it remains otherwise lawful, subject to the following provisions:

A. Nonconforming building shall not be enlarged or altered in a way which increases its nonconformity, but any building or portion thereof may be altered to decrease its nonconformity or to comply with city building codes;

B. Should such nonconforming building or nonconforming portion of a building be destroyed by any means to an extent of more than sixty percent (60%) of its replacement cost at the time of destruction, it shall not be reconstructed except in conformity with the provisions of this ordinance, or when approved by the Zoning Board of Adjustment, after public hearing thereon, when the Board's findings, having due regard for the property rights of persons affected, were considered in the light of public welfare and the character of the area surrounding the nonconforming building and the conservation and protection of property; or

C. Should such building be moved for any reason for any distance whatever, it shall thereafter conform to the regulations of the district in which it is located after it is moved.

5.42.7 NONCONFORMING USES OF BUILDINGS

If lawful use involving individual buildings exists at the effective date of adoption or amendment of this ordinance, that would not be allowed in a particular district under the terms of this ordinance, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

A. Existing buildings devoted to a use not permitted by this ordinance in the district in which it is located shall not be enlarged, extended, constructed, reconstructed, moved or structurally altered except in changing the use of the building to a use permitted in the district in which it is located, or to comply with city building codes;

B. 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;

C. If no structural alterations are made, except as required by the city's building codes, any nonconforming use of a building, or building and premises, may be changed to another nonconforming use provided that the zoning board of adjustment, either by general rule or by making findings in the specific case, shall find that the proposed use is equally appropriate or more appropriate to the district than the existing nonconforming use. In permitting such change, the zoning board of adjustment may require appropriate conditions and safeguards in accord with the provisions of this ordinance;

D. Any building in 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;

E. When a nonconforming use of a building is discontinued or abandoned for twelve (12) consecutive months, the building shall not thereafter be used except in conformity with the regulations of the district in which it is located;

F. Where nonconforming use status applied to a building and premises in combination, removal or destruction of the building 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 percent (50%) of the replacement cost at time of destruction; or

G. Where nonconforming use status applies to a conforming building, such use shall be immediately terminated upon transfer to another ownership or lease.

5.42.8 REPAIRS AND MAINTENANCE

On any nonconforming building or portion of a building containing a nonconforming use, work may be done in any period of twelve (12) consecutive months on ordinary repairs, or on repair or replacement of nonbearing walls, fixtures, wiring or plumbing, to an extent not exceeding fifty percent (50%) of the current replacement cost of the nonconforming building or nonconforming portion of the building, as the case may be, provided that the cubic content existing when it became nonconforming shall not be increased.

If a nonconforming building or portion of a building containing a nonconforming use becomes physically unsafe or unlawful due to lack of repairs and maintenance, and is declared by any duly authorized city official to be unsafe or unlawful by reason of physical condition, it shall not thereafter be restored, repaired or rebuilt except in conformity with the regulations of the district in which it is located.

Nothing in this ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

5.42.9 NONCONFORMING USES DISCONTINUED

A nonconforming use of any building or structure which has been discontinued shall not thereafter be returned to any nonconforming use. A nonconforming use shall be considered discontinued when:

A. It has been replaced with a conforming use;

B. Such building or structure is or hereafter becomes vacant and remains unoccupied or out of use for a continuous period of six (6) months, or the equipment and furnishings of the nonconforming use have been removed from the premises and have not been replaced within such six (6) month period; or

C. The intention of the owner to permanently discontinue the use is apparent.

5.42.10 CHANGES THAT LESSEN NONCONFORMITY

Changing to a more restricted or less intensive nonconforming use that lessens the extent of the original nonconformity may be permitted by the Zoning Board of Adjustment.

5.42.11 CERTIFICATE OF OCCUPANCY

Nonconforming buildings or uses shall not be maintained, renewed, changed or extended until a Certificate of Occupancy shall have been issued by the Community Development Director. The Certificate of Occupancy shall state specifically wherein the nonconforming use differs from the provisions of this ordinance, provided that upon enactment or amendment of this ordinance, owners or occupants of nonconforming uses or buildings shall have three (3) months to apply for certificates of occupancy. Failure to make such application within three (3) months shall be presumptive evidence that the property was in conforming use at the time of enactment or amendment of this ordinance.

5.42.12 EXEMPTIONS

A. The limitations and restrictions of this Section shall not apply to any single family residential use existing at the time of the adoption of this Ordinance.

B. The limitations and restrictions of this Section shall not apply to any conforming uses lawfully existing at the time of the adoption of this Ordinance. When the use has been changed in the district from a permitted use to a use permitted by a Specific Use Permit (SUP), the conditions of the SUP shall remain in effect for the term of the SUP or until the use is abandoned or unoccupied for a period of six (6) months or more.

5.43 SCREENING AND BUFFER REQUIREMENTS

5.43.1 PURPOSE

Standards set forth in this Section are intended to encourage the appropriate use of land and conserve and protect the privacy and value of adjacent permitted uses. Regulations are prescribed for the location and type of various screening devices to be used when required in the various zoning districts or in this Section in accordance with the following standards:

A. When a boundary of a non-residential Zoning District sides or backs upon an AR-1, SF-9, SF-7, SF-5, ZLL, R2, MH, MF-12 or MF-29 district, a solid screening wall or fence of not less than eight (8) feet in height shall be erected on the property line separating these districts. The purpose of the screening wall or fence is to provide a visual barrier between the properties;

B. The owner of such property of the lesser restrictive use shall be responsible for and shall build the required wall or fence on his property line dividing his property from the more restrictive zoning district;

C. Unless otherwise provided for herein, a screening wall or fence required under the provisions of this Section shall be constructed of a permanent, solid masonry material. Such wall or fence shall not contain openings constituting more than forty (40) square inches in each one square foot of wall or fence surface, and the surface of such wall or fence shall constitute a visual barrier;

D. All wall or fence openings shall be equipped with gates compatible in height and screening characteristics to the wall or fence;

E. In cases where City staff finds this requirement to be better met by a screen of living, irrigated plant materials, a landscape plan may be submitted in lieu of a screening wall. Such landscape screening must be no less than four (4) feet deep and must demonstrate screening characteristics equal to that of a masonry screening wall;

F. In cases where City staff finds this requirement better met by a decorative fence or a combination of decorative fence and masonry screening wall and/or living plant materials, the same may be submitted to the City for approval along with a landscape plan;

G. All required screening walls shall be equally finished on both sides of the wall;

H. Required walls or fences shall not be constructed of chain link, barbed wire or other similar materials;

I. Electric fences are not permitted in any zoning district;

J. All required screening elements shall be permanently maintained by the nonresidential property owner; or

K. Dumpsters and trash receptacles located on non-residentially zoned property and on sites used for non-residential purposes shall be located on a concrete pad constructed for that purpose. Said dumpsters and trash receptacles shall be screened on three (3) sides by a masonry wall and shall contain a solid self-latching gate. The masonry wall shall be of similar construction as the principal building. A screening device shall be

erected along side and rear property lines adjacent to residential districts. The screening device shall be a minimum height of eight (8') feet, unless otherwise approved by City Council.

5.44 LANDSCAPE REGULATIONS

5.44.1 PURPOSE

It is the purpose of this Section to establish certain regulations pertaining to landscaping within the City. These regulations provide standards and criteria for new landscaping and the retention of existing trees which are intended to:

A. Promote the value of property, enhance the welfare, and improve the physical appearance of the City;

B. Reduce the negative effects of glare, noise, erosion and sedimentation caused by expanses of impervious and un-vegetated surfaces within the urban environment; and

C. Preserve and improve the natural and urban environment by recognizing that the use of landscaping elements and retention of existing trees can contribute to the processes of air purification, oxygen regeneration, groundwater recharge, abatement of noise, glare and heat, provision of habitats for wildlife, and enhance the overall beauty of the City of Hillsboro.

5.44.2 LANDSCAPE REQUIREMENTS ESTABLISHED

These landscape regulations establish requirements in the AR-1, SF-9, SF-7, SF-5, ZLL, R-2, MF-12, MF-29, MH, NC, OP, C, I-1 and I-2 zoning districts.

Non-residential uses located within the AR-1, SF-9, SF-7, SF-5, ZLL, R-2, MF-12, MF-29, MH zoning districts, which consist of principle structures, parking areas, and signage, shall be required to comply with the requirements contained in this Section.

5.44.3 EVENTS CAUSING COMPLIANCE

Land uses not previously subject to landscaping requirements may be required to comply with this Section upon the occurrence of one of the following events:

A. A change in zoning;

B. Requirement of landscaping as conditions of a Specific Use Permit;

C. Issuance of a building permit; or

D. Loss of legal non-conforming status.

5.44.4 LANDSCAPING GENERALLY

A. Landscape installation required:

a. Ten percent (10%) of the total land area in any lot upon which development or construction occurs for any use after the effective date of this ordinance, shall be landscaped in accordance with this Section; or

b. Ten percent (10%) of the required landscape area shall consist of shrubs, trees, and flowering plants.

c. In the I, Industrial districts, only the front yard percent twenty (20%) of the total ten percent (10%) shall be required. The rear and side yard landscape requirements may be waived upon submittal of a landscape plan showing other requirements.

B. Where the construction is to be a single phase of a multi-phase development, only the area being constructed in the current phase need be subject to the landscape regulations. However, each phase will be required to meet the landscaping requirements as they are being developed.

C. The use of drought tolerant landscape materials is encouraged.

D. Caliper of trees are to be measured at a point twelve (12) inches above top of ground.

E. All landscaped areas shall be irrigated with an irrigation system designed according to current professional irrigations standards, unless the landscaping is a xeriscape design of native plants that does not need irrigation.

5.44.5 LANDSCAPE PLAN REQUIRED

The landscape plan may be prepared by the applicant or his/her designee. The landscape plan is not required to be prepared by a registered or certified professional.

A landscaping plan shall be submitted to the city for approval. The landscape plan may be submitted as a part of the site plan or as a separate submittal; however, a landscape plan meeting the requirements of this ordinance shall be provided and approved prior to the issuance of a building permit.

The landscape plan shall contain the following information:

A. Drawn to scale; Minimum scale of one (1) inch equals fifty (50) feet;

B. Location of all trees to be preserved. Method of tree protection during the construction phase of development shall be approved by the director of parks and recreation;

C. Location of all plants and landscaping materials to be used including paving, benches, screens, fountains, statues, or other landscape features;

D. Species of all plant materials to be used;

E. Size of all plant materials to be used;

F. Spacing of plant materials where appropriate;

G. Layout and description of irrigation, sprinkler or water system, including placement of water sources;

H. Description of maintenance provisions of the landscape plan;

I. Persons responsible for the preparation of the landscape plan; and

J. The location, spacing, size and species of trees to be used for credit must be shown on the landscape plan.

5.44.6 LOCATIONAL CRITERIA

A. Not less than forty percent (40%) of the total required landscaping shall be located in the designated front yard.

B. All landscape materials shall comply with visibility requirements of the Hillsboro Subdivision Regulations.

5.44.7 INSTALLATION AND MAINTENANCE

A. All required landscaped area shall be permanently landscaped with living plant materials, and shall have either an irrigation system installed or shall be accessible to a bibcock, faucet, or other water source on the same lot or tract parcel. Synthetic or artificial lawn or plant materials shall not be used to satisfy the landscape requirements of this ordinance.

B. Landscaped areas shall be kept free of trash, litter, weeds, and other such materiel or plants not a part of the landscaping.

C. All plant materials shall be maintained in a healthy and vigorous growing condition as is appropriate for the season of the year. Maintenance shall include mowing, watering, trimming, pruning, etc.

D. Plant materials which die shall be replaced with plant materials of similar variety and size within ninety (90) days, with a one time extension not exceeding ninety (90) days being provided upon approval of the director of community development or his designee.

E. Areas of the required planting area that are not covered with plant materials (between and under plant materials), shall be permanently mulched with hardwood, pine bark or other suitable mulching materials.

5.44.8 LANDSCAPING OF PARKING LOTS

It is the intent of these landscape regulations to encourage design and construction of parking areas so that areas within the interior of the parking lot are landscaped as well as areas considered unusable for parking or maneuvering space. The following minimum requirements shall be observed:

A. A minimum of five percent (5%) of the gross parking area shall be devoted to living plant materials. Gross parking area shall be measured from the edge of the parking and/or driveway paving and sidewalks;

B. Interior areas of parking lots that contain landscaped areas shall be located so as to best relieve the expanse of paving;

C. Landscape materials which are located within the interior of a parking lot shall be surrounded by a curb of four (4) inches in height;

D. Landscaping within a parking lot shall not create a visibility obstruction. A visibility obstruction within a parking lot is defined as landscaping between) twenty-four (24 inches in height and seven (7) feet in height. No shrubs shall exceed twenty-four (24) inches in height at ultimate growth. Tree canopies shall be at least seven (7) feet above grade;

E. Irrigation shall be provided to all required landscaping in accordance with *Section 5.44.4, Landscaping Generally,* of this ordinance; and

F. Credit: For each new tree that is a minimum of three (3) caliper inches, located within a landscaped island in a parking lot, credit of one hundred (100) square feet will be provided. For the retention of each existing tree that is a minimum of eight (8) caliper inches, credit of two hundred (200) square feet will be provided. Credit for landscaping cannot reduce the overall parking lot landscape requirement by more than twenty percent (20%).

5.44.9 LANDSCAPING AS RELATED TO CERTIFICATE OF OCCUPANCY

All landscaping shall be completed and installed in accordance with the approved landscape plan prior to a Certificate of Occupancy being granted.

5.44.10 NONCONFORMING LANDSCAPING CONDITIONS

Developments, structures, and uses that are in existence at the time of the adoption of this ordinance which do not meet the requirements of this ordinance, shall be considered legal nonconforming. These nonconforming uses/structures will be subject to *Section 5.42, Nonconforming Uses*, of the Hillsboro Zoning Ordinance, unless otherwise provided for in this Section.

5.44.11 RELIEF FROM LANDSCAPING REQUIREMENTS

Upon completion of the following, relief from landscaping requirements may be granted in situations where the individual circumstances, such as the presence of existing facilities or unusual topography, limit the applicant's ability to comply with the landscaping requirements of this ordinance:

A. The applicant shall provide the Community Development Director or his designee with an alternative landscape plan for review and approval;

B. The said landscape plan will illustrate a plan to landscape area as available, provide for irrigation, and provide a phasing schedule for completing the plan; and

C. The installation of landscaping as indicated by the landscape plan is completed and approved by the Community Development Director or his designee.

5.44.12 LANDSCAPING IN THE "MF" AND "MH" DISTRICTS

The following minimum requirements shall be observed for development located within the MF-12, MF-29 and MH districts:

A. A landscape buffer of twenty (20) feet will be required along any property line abutting a residentially zoned district;

B. Not less than twenty percent (20%) of the gross site area shall be devoted to open space, including required yards and buffer areas. Open space shall not include areas covered by structures, parking areas, driveways, and internal streets;

C. Landscaping consisting of the planting of new or retention of existing shrubs, trees, and flowering plants shall be placed in the yard facing any public roadway;

D. The method of irrigation must be indicated on site plan;

E. All landscaping shall be permanently maintained. Should any plant material used in any landscaping required under this ordinance die, the owner of the property shall have ninety days after notification from the City to obtain and install a suitable replacement plant material; and

F. Landscaped area shall be kept free of trash, litter, weeds, and other material or plants not a part of the landscaping.

Recommended Plant List	
Common Name	**Scientific Name**
* indicates a street tree	
CANOPY TREES	
Ash, Texas	Fraxinus texensis
Cedar Elm	Ulmus crassifolia
Cedar, Eastern Red	Juniperus virginiana
Cypress, Bald	Taxodium distichum
Elm*, Lace Bark	Ulmus parvifolia
Magnolia, Southern	Magnolia grandiflora
Maple, Bigtooth	Acer gradidentatum
Maple, Caddo	Acer saccharum
Oak, Bur	Quercus macrocarpa
Oak, Chinquapin	Quercus muhlenbergil
Oak, Escarpment Live	Quercus fusi formis
Oak, Lacey	Quercus glaucoides
Oak, Live	Quercus virginiana (Escarpment)
Oak, Post	Quercus stellata
Oak, Red	Quercus shumardi
Oak, Texas Red	Quercus texana
Osage Orange	Maclura pomifers (thornless and fruitless)
Pecan (native)	Carya illinoinensis
Pistache*, Chinese	Pistacia chinenis
Soapberry, Western	Sapindus drummondii
Walnut, Black	Juglans nigra
ORNAMENTAL TREES	
Buckeye, Mexican	Ungnadia speciosa
Buckeye, Texas	Aesculus glabra var. arguta
Buckthorn, Carolina	Rhamnus caroliniana
Chaste Tree*	Vitex agnus-castus
Crabapple, Prairie	Pyrus ioensis
Crape Myrtle*	Largerstroemia indica
Eves Necklace	Sophora affinis
Goldenball Leadtree	Leucaena rietusa
Hawthorne*	Crataegus phaenopyrum
Hawthorne*	Cratoegus crus-galli

Recommended Plant List	
Common Name	**Scientific Name**
* indicates a street tree	
Hawthorne*	Cratoegus reverchonii
Holly, Possumhaw	Ilex decidua
Indigo, False	Amorpha fruticosa var. Angustipolic
Mountain Laurel, Texas	Sophora secundiflora
Pear, Bradford	Pyrus calleryana
Persimmon, Texas	Diospyros texana
Plum, Mexican	Prunus mexicana
Redbud	Cercis canadensis
Smoketree	Cotinus obovatus
Smoketree*	Cotinus caggyria
Sumac, Prairie Flame-leaf	Rhus lanceolata
Viburnum, Rusty Blackhow	Viburum rufidulum
Wax Myrtle	Myrica cerifera
Willow, Desert	Chilopsis linearis
Yaupon Holly	Ilex vomitoria
SHRUBS	
Agarita	Berberis trifoliolata
Althea	Hibiscus syriacus
American Beautyberry	Callicarpa americana`
Aspidistra	Aspidistra eliator
Barberry, Red	Berberis thunbergii
Barberry, Texas	Berberis thunbergii
Bayberry	Myrica pensylvanica
Bird of Paradise	Caesalpinia gilliesii
Burning Bush	Euonymus alata compacta
Butterfly Bush	Buddleia sp.
Cactus, Prickly Pear	Opuntia phaceacantha
Cenizo	Leucophyllum frutescens
Chokeberry, Red	Aronia arbutifolia
Coralberry	Symphoricarpos obiculatus
Dogwood, Rough Leaf	Cornus drummondii
Elaeagnus	Elaeanus macrophylla
Forsythia	Forsythia sp.
Germander, Upright	Teucrium chamaedrys
Holly, Dazzler	Ilex cornuta 'Dazzler'
Holly, Dwarf yaupon	Ilex vomitoria
Holly, Nellie R. Stevens	Ilex x 'Nellie R. Stevens'
Honeysuckle, Bush	Lonicera fragrantissima
Hydrangea, Oakleaf	Hydrangea quercifolia
Hypericum, Upright	Hypericum patulum

Recommended Plant List	
Common Name	**Scientific Name**
* indicates a street tree	
Jasmine, Italian	Jasmine nudiflorum
Lantana	Lantana horrida
Mahonia, Leatherleaf	Mahonia bealeii
Mimosa, Fragrant	Mimosa borealis
Nandina, Compact	Nandina domestica compacta
Nandina, Gulfstream	N.d. 'Gulfstream'
Nandina, Standard	N. domestica
Pavonia	Pavonia lasiopetala
Photinia, Chinese	Photinia serrulata
Privet, Southern River	Ligustrum vulgare
Privet, Variegated	Ligustrum luicidum 'variegata'
Quince, Flowering	Chaenomeles japonica
Sage, Cherry	Salvia greggii
Spiraea, Bridal Wreath	Spiraea sp.
Spiraea, Anthony Waterer	Spiraea x bumalda 'Anthony Waterer'
Spiraea, Goldflame	Spiraea x bumalda 'Goldflame'
Spiraea, Little Princess	Spiraea x bumalda 'Little Princess'
Spiraea, Shirobana	Spiraea japonica 'Shirobana'
Sumac, Aromatic	Rhus aromatica
Sumac, Evergreen	Rhus virens
Sumac, Smooth	Rhus glabra
Turk's Cap	Malvaviscus drummondii
Viburnum, various	Viburnum sp.
Viburnum, Small Leaf	Viburnum obavatum
Virginia Sweetspire	Itea virginica
Wax Myrtle, Dwarf	Myrica pusilla
Yucca, Red	Hespenaloe paruiflora

5.45 TEMPORARY USES AND SPECIAL EVENTS

5.45.1 GENERALLY

Certain temporary uses of land are essential to the full development and utilization of the land and are deemed to promote the health, safety, and general welfare of the City. The temporary uses and special events hereinafter enumerated shall not be deemed violations of this ordinance when conducted under the conditions herein provided.

5.45.2 PERMITTED TEMPORARY USES

The permitted temporary uses, the conditions of use, the zoning districts wherein the same shall be permitted, and approvals required are as follows:

A. Construction Office: Temporary field or construction offices and temporary building material storage areas to be used solely for on-premise construction purposes in connection with the property on which they are erected, or within the same platted subdivision may be permitted in all zoning districts when approved by the Community Development Director. The application for a temporary use permit shall include a scale drawing showing the location and size of the building(s), all outside storage areas, and proposed construction fencing. Such permit shall be issued for temporary buildings on construction sites for a period of six (6) months, with a renewal clause for a similar period. Such buildings must be removed within thirty (30) days after substantial completion or abandonment of such new construction to which they are accessory, or upon the request of the Community Development Director or his/her designee.

B. Temporary outdoor sales on properties zoned NC, OP, C, I-1, and L-2 by the existing occupants of existing businesses of such properties, may be permitted by the city enforcement officer for a period not to exceed thirty (30) days upon the application and granting of a temporary use permit.

C. In no event shall such temporary uses be allowed for more than thirty (30) consecutive days or more than once per year. All sales shall meet the special conditions, if any, imposed by the city enforcement officer and/or fire marshal for the protection of public interest and the welfare of the community.

D. No tent or similar structure shall be erected in any required setback or designated easement. Tents shall conform to the International Fire Code 2003 and no tent shall be erected without first obtaining a permit. No outside use of property for sales will be allowed except by the existing occupants of the property. This includes parking of vehicles for a purpose other than conducting business on the premises.

E. The temporary outdoor sale of Christmas trees may be permitted on those properties zoned NC, OP, C, and I-1 and I-2 for a period of forty (40) days prior to Christmas Day. The Community Development Director may issue a permit for such sale when it is found that there is available adequate off-street parking area, either improved or unimproved, as determined by the Community Development Director; and that location and layout of drives, parking areas, lighting, and sale signs will not constitute a hazard to public travel on the abutting public streets. Trees, stands, equipment, trash, signs, lighting and shelters shall be removed by the permit holder no later than January 4 following the Christmas holiday.

F. Carnivals and circuses may be allowed as a temporary use for a period not exceeding fourteen (14) consecutive days. Such events shall be on a site in the C, and I-1 and I-2 zoning districts. Adequate parking and sanitary facilities shall be made available to the satisfaction of the Community Development Director. No carnival or circus shall begin operation before 8:00 A.M. and operation shall cease before 11:00 P.M. on all nights except on Saturday when the event shall cease operation at midnight. The Community Development Director shall establish the terms and conditions for the temporary use at the time of approval. In the event that a sponsor is dissatisfied with the Community Development Director's decision, the sponsor may appeal the requested use to the City Council.

G. Refreshment Stands (Temporary and Seasonal): Refreshment Stands shall be exempt from the area and masonry requirements of the underlying zoning district; however, they are subject to setback and masonry requirements as may be required by the Director of Community Development or his designee.

5.45.3 PERMITTED SPECIAL EVENTS

For the purpose of this Section, "Special Events" are defined as any activity or event meeting the following criteria:

A. The event of activity is carried on for a period of time not exceeding three (3) consecutive days;

B. No retail sales are conducted except those that are incidental to the primary activity such as refreshment and souvenir sales. Charitable and nonprofit organizations may conduct retail sales for fund-raising purposes in any zoning district;

C. Public assemblies carried on out-of-doors or in temporary shelters or tents.

5.45.4 CONTENTS OF APPLICATION

An application for approval of a temporary use or special event shall include the following information:

A. Brief description of the event;

B. Exact location;

C. Expected attendance;

D. Anticipated number of automobiles and proposed methods of providing parking for the same;

E. Location and construction of any temporary signs to be used in connection with the event;

F. Exact dates of commencement and termination of the event;

G. Signed certification by the responsible party and the record owner of the land that all information provided is true and correct and that all schedules will be strictly adhered to; and

H. A fee in accordance with the City of Hillsboro fee schedule.

5.45.5 APPROVAL BY THE CITY COUNCIL

Approval of a permit for a temporary use or special event must be approved by the Community Development Director or his/her designee. The Community Development Director or designee may elect, at his/her discretion, to forward any request to the City Council.

5.46 OUTDOOR LIGHTING REQUIREMENTS

5.46.1 APPLICABILITY

All outdoor electrically powered illuminating devices shall be installed in conformance with the provisions of this Section, the Building Code and the Electrical Code of the City of Hillsboro as

applicable and under appropriate permit and inspection. These lighting standards shall apply to all non-residential uses in the City of Hillsboro. Unless otherwise stated, this ordinance does not regulate lighting in public road rights-of way.

5.46.2 OUTDOOR LIGHTING PLAN

An Outdoor Lighting Plan must be submitted separately from any required site plan or landscape plan on all public or private properties, including rights-of-ways, public easements, franchises and utility easements for approval by the Community Development Director. An Outdoor Lighting Plan shall be submitted prior to issuing a building permit. Plans shall include the following:

A. A layout of the proposed fixture locations;

B. The light source;

C. The luminous area for each proposed light source with proposed foot candle measurements;

D. The type and height of the light fixture or of the light source above grade; and

E. The type of illumination.

5.46.3 GENERAL LIGHTING REQUIREMENTS

A. Unless otherwise provided herein, illumination, where required by this Ordinance, shall have intensities and uniformity ratios in accordance with the current recommended practices of the Illuminating Engineering Society of North America (IESNA) as from time to time amended.

B. Unless otherwise provided herein, all building lighting for security or aesthetics will be fully-shielded type, not allowing any upward distributing of light. Wall pack type fixtures are acceptable only if they are full-shielded with eighty (80) degree cut-off.

C. No use or operation in any district shall be located or conducted so as to produce glare of either direct or indirect illumination across the bounding property line from a source of illumination into a residentially zoned property, nor shall any such light be of such intensity as to create a nuisance or detract from the use and enjoyment of adjacent property. For the purposes of this Section, a nuisance shall be defined as more than one tenth (0.10) of one foot-candle of light measured at the residential property line and twenty-five one hundredths (.25) of one foot-candle at any adjoining non-residential property line.

D. Shielding shall be required in all outdoor lighting installations as specified below:

Lamp Type	Shielding
Low Pressure Sodium (LPS)	Fully Shielded, with 80° cut-off
High Pressure Sodium (HPS)	Fully Shielded, with 80° cut-off
Metal Halide	Fully Shielded, with 80° cut-off
Halogen	Fully Shielded, with 80° cut-off

Lamp Type	Shielding
Fluorescent	Fully Shielded, with 80° cut-off
Incandescent	Fully Shielded, with 80° cut-off
Any light source 50 watts and under	Unshielded Permitted
Low intensity Neon, Krypton or Argon Discharge Tubes	Unshielded Permitted

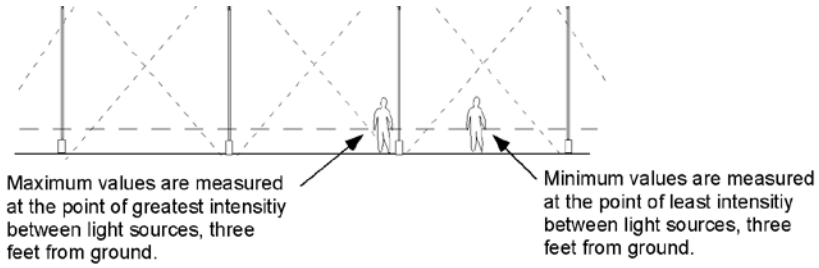
5.46.4 ILLUMINATION

A. Measurement:Illumination levels of outdoor lighting shall be measured by a qualified professional according to generally accepted IESNA methods.

B. Computation of Illumination. Illumination at a point may be computed in lieu of measurement. Computation methods shall consist of a generally accepted IESNA method, using certified photometric data furnished by the fixture manufacturer, lamp manufacturer, photometric laboratory, or other reliable authority satisfactory to the city. Computations shall be based on new, properly seasoned lamps, diffusers and other appurtenances in place and with proper regard taken for mounting height, relative elevation, natural and man made objects.

Footcandles	
Land Use Type	Horizontal
Single-family & two-family residential districts.	0.25
Non-residential districts	2.25

C. Limitations on neighboring property. The limit of illumination on neighboring property from one (1) establishment shall be by zoning of the neighboring property. Maximum computed or measured footcandles at the neighboring property line shall not exceed:



5.46.5 NON-RESIDENTIAL LIGHTING PARAMETERS

A. All non-essential lighting shall be turned off after business hours, leaving only necessary lighting for non-residential districts site security.

B. Floodlights, accent, aesthetic and security lights must be fully shielded and no plighting shall be permitted except that lighting of seventy five (75) watts or less are excepted if necessary for security purposes.

C. Parking lots and vehicle movement areas shall not exceed a maximum illuminating value of ten (10) foot-candles or a minimum illuminating value of 1.0 foot-candles. Lamps in decorative lantern type fixtures shall not exceed a maximum of one hundred (100) watts. Total pole and fixture height shall not exceed a maximum of thirty-two (32) feet, measured from grade at the base. Taller poles may be considered in some situations upon approval of a Special Exception by the Zoning Board of Adjustments.

D. Display, building and aesthetic lighting must be externally lit from the top and shine downward. The lighting must be fully-shielded to prevent direct glare and/or light trespass. The lighting must also be substantially contained to the target area.

E. Limitations on establishment property. The maximum outdoor initial computed or measured luminance level on the establishment property shall not exceed twenty (20) foot-candles outdoors at any point, except that lighting under canopies (such as service stations) shall not exceed forty (40) foot-candles.

5.46.6 PUBLIC AND SEMI-PUBLIC RECREATIONAL FACILITIES

Any light source permitted by this Section may be used for lighting of outdoor recreational facilities (public or private), such as, but not limited to, football fields, soccer fields, baseball fields, softball fields, tennis courts, or show areas, provided all of the following conditions are met:

A. Any illumination level exceeding a maximum of twenty (20) foot-candle must receive prior approval by the Zoning Board of Adjustments;

B. All fixtures used for event lighting shall be fully shielded, or be designed or provided with sharp cut-off capability, so as to minimize up-light, spill-light, and glare; and

C. All events shall be scheduled so as to complete all activity before or as near to 10:30 p.m. as practical, but under no circumstances shall any illumination of the playing field, court, or track be permitted after 11:00 p.m. except to conclude a scheduled event that was in progress before 11:00 p.m. and circumstances prevented concluding before 11:00 p.m.

5.46.7 PROHIBITED LIGHTING ELEMENTS

Unless otherwise authorized, the following shall be prohibited except upon prior approval of a Special Exception by the Zoning Board of Adjustments:

A. Laser Source Light. The use of laser source light or any similar high intensity light for outdoor advertising or entertainment, when projected above the horizontal is prohibited;

B. Searchlights: The operation of searchlights for advertising purposes is prohibited.

5.46.8 EXEMPTIONS

A. All temporary emergency lighting needed by the Police or Fire Departments or other emergency services, as well as all vehicular luminaries.

B. All hazard warning luminaries required by Federal regulatory agencies are exempt from the requirements of this Section, except that all luminaries used must be red and must be shown to be as close as possible to the federally required minimum lumen output requirement for the specific task.

C. Any luminarie of seventy five (75) watts or less provided the accumulated illumination of luminaries does not exceed seventy five (75) watts.

D. Seasonal decorative lighting.

5.46.9 TEMPORARY EXEMPTIONS

A. Upon approval by the Administration Official, temporary exemptions from the requirements of this ordinance for a period not to exceed thirty (30) days may be approved.

B. Any person may submit a written request, on a form prepared by the City for a temporary exemption request. The request shall contain the following information:

a. specific exemption(s) requested;

b. type/use of outdoor lighting fixture involved;

c. duration of time requested;

d. type of lamp and calculated footcandles;

e. total wattage of lamp(s);

f. proposed location of fixtures;

g. previous temporary exemption requests;

h. physical side of fixtures and type of shielding provided;

i. such other data or information as may be required by the Community Development Director designee;

j. requests for renewal of exemptions shall be processed in the same way as the original request. Each renewal shall be valid for not more than fourteen (14) days or a time period designated by the Community Development Director; and

k. approval for temporary exemptions will be based on the effect of location and use of outdoor lighting fixture.

5.46.10 NON-CONFORMING LIGHTING

All luminaries lawfully in place prior to the date of the Ordinance shall be considered as having legal non-conforming status. However, any luminare that replaces a legal non-conforming luminare, or any legal non-conforming lumainare that is moved, must meet the standards of this Ordinance.

5.47 WIRELESS COMMUNICATION FACILITIES

5.47.1 PURPOSE

Certain radio equipment used in transmitting and receiving signal energy are essential and are deemed to promote the health, safety, and general welfare of the citizens of the City. The placement of such equipment shall be located such that the health, safety, welfare, and aesthetic quality of the community shall not be compromised. Therefore the regulations governing the location of such equipment shall consider the aesthetic quality of the community equal to the health, safety, and general welfare of the community. The antennas, masts, and towers hereinafter enumerated shall not be deemed violations of this ordinance when made under the conditions herein provided.

5.47.2 RESIDENTIALLY ZONED DISTRICTS-AMATEUR RADIO EQUIPMENT AND TV ANTENNAS

Amateur radio equipment, including ham radio and CB equipment and personal use TV antennas, shall be allowed in all residentially zoned districts if they comply with the following regulations:

A. Antenna facilities may be building attached, monopoles, or lattice towers;

B. Up to three (3) antenna facilities may be located on a lot of record, co-location is encouraged;

C. An antenna facility, exclusive of the height of any antenna or mast, shall not exceed thirty-five (35) feet in height. Provided, however, that an antenna facility shall be permitted additional height at the ratio of one added foot in height for each additional foot of setback beyond the minimum setback required of an accessory building in the zoning district regulations contained in *Section 5.41, Detached Accessory Building Regulations.* Regardless of the above, the maximum height for a tower permitted without a Special Exception in any residential district shall be sixty-five (65) feet;

D. The height of an antenna, including the height of any antenna facility to which they may be fastened or attached shall not exceed sixty- five (65) feet in height without a Special Exception;

E. An antenna not fastened to a antenna facility shall not exceed fifty (50) feet without a Special Exception, except for an antenna which does not extend more than eight feet above a building on which it is mounted;

F. An antenna facility shall be limited to having the number and size of antennas attached to it that are allowed by the antenna facility manufacturer's designs and specifications for maximum wind load requirements;

G. Setbacks:

   a. antennas and antenna facilities shall not be permitted in front or side yards. Guy wires are not permitted in front yards;

   b. guy wires are permitted in required side and rear yards; and

   c. setback for antenna facilities shall be the same as is required for accessory buildings in residential districts.

H. Separation: There shall be no minimum or maximum separation requirements for antenna facilities from other structures on the same lot of record;

I. Antenna facilities shall not be permitted in any easement;

J. Lights: No auxiliary or outdoor lighting shall be allowed on antenna facilities located on residentially zoned property except such lights or lighting as may be required by the Federal Aviation Authority or the Federal Communications Commission;

K. Construction standards: A building permit must be obtained prior to the construction and/or installation of an antenna facility. Antenna facilities must be installed as per the manufacturer's recommendations or under the seal of a registered professional engineer of the State of Texas. Regardless of the above, all such antenna facilities must meet the Electronic Industries Association Standard EIA-222-D, Structural Standards for Steel Antenna Towers and Antenna Supporting Structures and the Building Code;

L. Maintenance: Antennas and/or antenna facilities obviously not in use or obviously in need of maintenance as determined by the Community Development Director, shall be removed or brought into compliance within thirty (30) days following notice given by the Community Development Director. This shall not preclude immediate action by the Community Development Director to safeguard life, limb, health, property, and public welfare;

M. Parts of an antenna facility or any attachment thereto may not extend beyond the property lines of the owner of such antenna or antenna facility;

N. Permits shall not be issued for the installation of an antenna facility on a multi-family structure or property unless a notarized statement of permission from the owner is presented to the building department; and

O. All antenna facilities shall be subject to an inspection every five years by a qualified expert, such inspection to be conducted and charged for by the City in accordance with provisions in the building code.

5.47.3 NON-RESIDENTIAL DISTRICTS WIRELESS EQUIPMENT

Radio, television, microwave broadcast relay, receiving towers, transmission and re-transmission facilities, satellite receiving only earth stations (home dish antenna), and any electronic emission equipment of a commercial nature shall be allowed in the non-residential zoning districts if it complies with the following regulations:

A. Up to three (3) antenna facilities may be located on a lot of record, co-location is encouraged;

B. Antenna facilities shall be limited to building attached and monopoles only;

C. An antenna facility, exclusive of the height of any attached antenna, shall not exceed three (3) feet in height. Provided, however, that an antenna facility shall be permitted additional height at the ration of one added foot in height for each additional foot of setback beyond the minimum setback required of a accessory building in the zoning district regulations herein. Regardless of the above, the maximum height for an antenna facility permitted without a Special Exception in any nonresidential district shall be sixty-five (65) feet;

D. With the exception of stealth facilities, the height of an antenna, including the height of any antenna facility to which they may be fastened or attached, shall not exceed sixty-five (65) feet in height without a Special Exception;

E. With the exception of stealth facilities, an antenna shall not extend more than eight (8) feet above a building on which it is attached;

F. An antenna facility shall be limited to having the number and size of antennas attached to it that are allowed by the antenna facility manufacturer's designs and specifications for maximum wind load requirements;

G. Setbacks: With the exception of stealth facilities, antennas and antenna facilities shall not be permitted in front or side yards;

H. Antenna facilities shall not be permitted in any easement;

I. Lights: Auxiliary or outdoor lighting shall not be allowed on antennas located on residentially zoned property except such lights or lighting as may be required by the Federal Aviation Authority or the Federal Communications Commission;

J. Construction standards: A building permit must be obtained prior to the construction and/or installation of a tower, antenna, or mast. Antenna facilities must be installed as per the manufacturer’s recommendations or under the seal of a registered professional engineer of the State of Texas. Regardless of the above, all such antenna facility and antennas must meet the Electronic Industries Association Standard EIA-222-D, Structural Standards for Steel Antenna Towers and Antenna Supporting Structures and the Building Code;

K. Maintenance: Antenna facilities and antennas obviously not in use or obviously in need of maintenance as determined by the Community Development Director, shall be removed or brought into compliance thirty within days (30) following notice given by the Community Development Director. This shall not preclude immediate action by the Community Development Director to safeguard life, limb, health, property, and public welfare;

L. An antenna facility or parts of or any attachment thereto may not extend beyond the property lines of the owner of such antenna or antenna facility;

M. A permit shall not be issued for the installation of an antenna or antenna facility on a multi-family structure or property unless a notarized statement of permission from the owner is presented to the building department;

N. All antennas, or antenna facilities shall be subject to an inspection every five (5) years by a qualified expert, such inspection to be conducted and charged for by the City in accordance with provisions in the Building Code;

O. A Specific Use Permit must be obtained in nonresidential zoning districts for any antenna or tower which does not comply with the regulations specified hereinabove; and

P. Stealth facilities, which meet the definition of stealth as provided in *Article 7, Section 7.51, General and Land Use Definitions, Stealth Facility,* shall be exempt from the height and location requirements of this Section. In addition, the Community Development

Director or his designee shall be the final authority as to whether or not any facility meets the definition of "stealth".

5.47.4 WRITTEN REPORT UPON DENIAL OF REQUEST

The City of Hillsboro shall document any denial of a request to place, construct, or modify personal wireless service facilities in writing. Such documentation shall be supported by substantial evidence within the written record.

5.47.5 SATELLITE RECEIVE-ONLY ANTENNAS GENERALLY

Satellite receive-only antennas assist individuals in the receipt of satellite transmitted television signals. Satellite receive-only antennas shall not be deemed violations of this ordinance when made under the conditions herein provided. Such conditions are hereby found to be reasonable and clearly defined health, safety and aesthetic objectives.

5.47.6 SATELLITE RECEIVE-ONLY ANTENNAS

A satellite receive only antenna shall be allowed if it complies with the following:

A. The satellite receive-only antenna is two meters or less in diameter and is located or proposed to be located in any area where commercial or industrial uses are generally permitted by non federal land use regulations or;

B. The satellite receive-only antenna is less than one meter in diameter in any residential zoning district.

5.47.7 LARGE SATELLITE RECEIVE-ONLY ANTENNAS

Satellite receive-only antennas that are greater than one meter in diameter in residential districts or greater than two meters in diameter in non-residential districts shall be allowed in any zoning district if they comply with the following regulations:

A. Only one satellite receive-only antenna per lot of record;

B. A satellite receive-only antenna shall not exceed ten (10) feet in height;

C. Setbacks;

D. Front and side: Satellite receive-only antennas shall not be permitted in front or side yards;

E. Rear: Meet the minimum setback as is required for accessory buildings in residential districts and as Satellite receive-only antennas shall be permitted in rear yards provided they for all buildings in nonresidential districts; satellite receive-only antennas from other structures on the same lot of record;

F. Satellite receive-only antennas shall not be permitted in easements;

G. Lights: Auxiliary or outdoor lighting shall not be allowed on satellite receive-only antennas except such lights or lighting as may be required by the Federal Aviation Authority or the Federal Communications Commission;

H. Construction standards: A building permit must be obtained prior to the construction and/or installation of a satellite receive-only antenna. Satellite receive-only antennas must be installed as per the manufacturers recommendations or under the seal of a registered professional engineer of the State of Texas;

I. Maintenance: Satellite receive-only antennas obviously not in use or obviously in need of maintenance as determined by the Community Development Director, shall be removed or brought into compliance within thirty (30) days following notice given by the Community Development Director. This shall not preclude immediate action by the Community Development Director to safeguard life, limb, health, property, and public welfare;

J. Any part of a satellite receive-only antenna or any attachment thereto may not extend beyond the property lines of the owner of such satellite receive-only antenna;

K. A permit shall not be issued for the installation of a satellite receive-only antenna on a multi-family structure or property unless a notarized statement of permission from the owner is presented to the Building Department;

L. All satellite receive-only antennas shall be screened from view from adjoining properties by fencing or evergreen plants. A satellite receive-only antenna located within a fence surrounding the yard in which the satellite receive-only antenna is located shall be considered to be screened; and

M. A Special Exception must be obtained for any satellite receive only antenna which does not comply with the regulations specified hereinabove.

Article 6 Administration

6.48 Enforcement, Violations and Penalties

6.48.1 ADMINISTRATION AND ENFORCEMENT

The provisions of this Ordinance shall be administered and enforced by the Community Development Director or designee.

6.48.2 VIOLATIONS AND PENTALTIES

Any person, firm, corporation or entity that violates or assists in the violation of any of the provisions of this Chapter, or fails to comply with any of the requirements thereof, or who shall build or alter any building or use in violation of any plan or permit submitted and approved hereunder, shall be guilty of a misdemeanor and upon conviction shall be punished as provided in the Code of Ordinances of Hillsboro, Texas. The Community Development Director or designee will notify in writing the person responsible for such violations, indicating the nature of the violation and ordering action necessary to correct it. Each day such a violation exists shall constitute a separate offense.

6.48.3 CIVIL REMEDIES

In order to enforce the provisions of this Ordinance, the City Attorney is authorized to institute any civil action in the appropriate court upon the prior approval of the Community Development Director.

6.48.4 SEVERABILITY

It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs and sections of this ordinance are severable, and if any phrase, clause, sentence,

paragraph or section of this ordinance shall be declared unconstitutional by the valid judement or decree of any court of competent juridiction, such unconstituionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such unconsitutinal phrase, clause, sentence, paragraph or section.

6.49 PLANNING AND ZONING COMMISSION

6.49.1 CREATION

The Planning and Zoning Commission of the City of Hillsboro in accordance with Texas Local Government Code section 211.007, is hereby organized to:

A. Identify community needs and to advise the city council of their short-term and long-term range implications for the orderly development for the city;

B. Recommend achievable community goals as a basis for long-range planning and development programs;

C. Recommend plans, programs and policies that will aid the entire community in achieving its defined goals; and

D. Interpret the adopted plans and programs to concerned citizens so that private activities and desires may be accomplished in harmony with public needs and policies.

6.49.2 MEMBERSHIP AND APPOINTMENT

A. The Planning and Zoning Commission shall consist of seven (7) members appointed by the City Council at the first regular City Council meeting in January;

B. The members of the Planning and Zoning Commission shall serve for no more than three (3) consecutive full terms, two (2) year terms or until a successor is appointed. Appointments are contingent upon attending training covering ethics, the Public Information Act, and the Open Meetings Act. Training shall be completed prior to appointees taking the oath of office.

C. Four appointments shall be made to the Planning and Zoning Commission in even-numbered years and three appointments in odd-numbered years.

D. Each member of the Planning and Zoning Commission may be removed by an affirmative majority vote of the entire City Council. “Entire council” is defined as the entire membership of the council, excluding any vacant positions.

E. Vacancies shall be filled for the unexpired term of any member whose position becomes vacant for any cause. Vacancies shall be filled in the same manner as the original appointment was made.

F. The members of the Planning and Zoning Commission existing on the effective date of this Section shall continue to serve as members of the Commission until the terms for which they were originally appointed expire. Members of the Commission shall serve without compensation.

G. Members are required to attend a minimum of seventy (75) five percent of all meetings.

H. The Commission shall meet quarterly, or more frequently as the Commission shall deem necessary, and at a time and location determined by the Commission members.

6.49.3 OFFICERS

Officers shall be elected by the Planning and ZoningCommission at their first meeting after appointments have been made by the City Council in January. Officers shall include a Chair, Vice-chair, and Secretary. The duties of the officers shall be as follows:

A. Duties of the Chair include calling and presiding over meetings of the Commission, and ensuring that all resolutions of the committee are implemented.

B. Duties of the Vice-chair shall be to serve as Chair in the absence or disability of the Chair.

C. Duties of the Secretary include maintaining correct and complete records of the Commission and forwarding originals of all records to the City Secretary in a timely, reasonable, and prudent manner.

6.49.4 PROCEEDING

A. The Planning and Zoning Commission shall adopt rules, regulations and bylaws to govern its proceedings; provided that such rules shall not be inconsistent with this Chapter or the laws of the State of Texas.

B. All meetings of the Planning and Zoning Commission shall be open to the public.

C. Four (4) members of the Planning and Zoning Commission shall constitute a quorum for the transaction of business.

6.49.5 POWERS AND DUTIES

The Planning and Zoning Commission shall have the following powers and duties:

A. To make studies and project plans for the improvement of the City, with a view toward its future development and extension, and to recommend to the City Council all matters for the development and advancement of the City's facilities, layout and appearance, and to perform duties imposed upon the City Planning and Zoning Commission by the statutes of the State;

B. To investigate, consider and report to the City Council upon the layout or platting of new subdivisions of the City or of property situated within the City's extraterritorial jurisdiction, and to approve all plans, plats, or replats of additions within the City limits, or within the City's extraterritorial jurisdiction;

C. To recommend to the City Council for adoption and promulgation rules and regulations governing plats and subdivision of land within the corporate limits of the City to promote the health, safety, morals and general welfare of the community, and the safe, orderly and healthful development of such community;

D. The Planning and Zoning Commission is authorized to recommend to the City Council the boundaries of the various zoning districts and appropriate regulations to be enforced therein; to make preliminary reports as to such zoning districts and regulations;

E. To hold public hearings on same before submitting a final report;

F. To submit such final report to the City Council; and

G. To perform all other powers conferred upon it by the statutes of the State.

6.49.6 RECOMMENDATION BY PLANNING COMMISSION

Before taking any action on any proposed amendment, supplements, change or a Specific Use Permit, the City Council shall submit the same to the Planning and Zoning Commission for its recommendation and report. The Planning and Zoning Commission shall hold a public hearing before submitting its recommendation and report to the City Council.

6.49.7 PUBLIC HEARING AND NOTIFICATION REQUIREMENTS

Any regulation, restriction or zoning district boundary shall not be amended, supplemented or changed and a Specific Use Permit shall not be approved or revoked until after a public hearing in relation thereto is held by the Planning and Zoning Commission and the City Council at which parties in interest and citizens shall have an opportunity to be heard. At least fifteen (15) days

prior to such public hearing, notice of the time and place of such hearing shall be published in an official paper, or a paper of general circulation in the City of Hillsboro. The City Council may hold a joint public hearing with the Planning and Zoning Commission for any public hearing required to be held by the Planning and Zoning Commission.

Written notice of all public hearings before the Planning and Zoning Commission on proposed changes in classification shall be sent to owners of real property lying within two hundred (200) feet of the property on which the change in classification is proposed, such notice to be given, not less than ten (10) days before the date set for hearing to all such owners who have rendered their said property for City taxes as the ownership appears on the last approved City tax roll. Such notice may be served by depositing the same, properly addressed and postage paid, with the United States Postal Service.

6.49.8 PROTEST

The City Council shall not amend, supplement, change, or modify or repeal any regulation, restriction or boundary or approve a Specific Use Permit where a protest against such change, signed by the owners of twenty (20) percent or more either of the area of the lots included in such proposed change or of the lots or land immediately adjoining the same and extending two hundred (200) feet therefrom except by the favorable vote of three-fourths (3/4) of all members of the City Council.

6.50 BOARD OF ADJUSTMENT

6.50.1 CREATION AND MEMBERSHIP

A Zoning Board of Adjustment is hereby established in accordance with the provisions of Texas Local Government Code, 211.008, as amended, regarding the zoning of cities and with the powers and duties as provided in said Code.

There is hereby created a Board of Adjustment as follows:

A. Board shall consist of seven members appointed by the City Council at the first regular City Council meeting in January;

B. Four (4) member appointments shall be made to the Board in even-numbered years and three (3) member appointments in odd-numbered years.

C. Appointments are limited to a maximum of three consecutive full terms and are contingent upon completing training covering ethics, the Public Information Act and Open Meetings Act prior to apointees taking the Oath of Office.

D. Members are required to attend a minimum of seventy five (75) percent of all meetings.

E. Each member of the Board of Adjustment shall serve for a term of two (2) years or until a successor is appointed and may be removed by an affirmative majority vote of the entire City Council.

F. The Board shall meet as the Board shall deem necessary, and at a time and location determined by the Board.

G. Vacancies shall be filled for the unexpired term of any member whose position becomes vacant for any cause. Vacancies shall be filled in the same manner as the original appointment was made;

H. The members of the Board of Adjustment heretofore existing shall continue to serve as members of the Board until the terms for which they were originally appointed expire; and

I. Members of the Board shall serve without compensation.

6.50.2 OFFICERS

Officers shall be elected by the Board at their first meeting after appointments have been made by the City Council in January. Officers shall include a Chair, Vice-chair, and Secretary. The duties of the officers shall be as follows:

A. Duties of the Chair include calling and presiding over meetings of the Board, and ensuring that all resolutions of the Board are implemented.

B. Duties of the Vice-chair shall be to serve as Chair in the absence or disability of the Chair.

C. Duties of the Secretary include maintaining correct and complete records of the committee and forwarding originals of all records to the City Secretary in a timely, reasonable, and prudent manner.

6.50.3 PROCEEDINGS

The Board of Adjustment shall adopt rules to govern its proceedings that are consistent with this Ordinance and statutes of the State of Texas. Meetings of the Board shall be held at the call of the Chairman, or in his absence, the Acting Chairman, who may administer oaths and compel the attendance of witnesses. All meetings of the Board shall be open to the public. The Board shall keep minutes of its proceedings that indicate the vote of each member on each question or the fact that a member is absent or fails to vote. The board shall keep records of its examinations and other official actions. The minutes and records shall be filed immediately in the City Secretary's Office and are public records.

6.50.4 APPEAL PROCESS

Appeals to the Board can be filed by any person aggrieved or by an officer, department, or board or bureau of the municipality affected by any decision of the administrative officer, by filing with the officer from whom the appeal is taken and with the Board, a notice of appeal specifying the grounds thereof. The officer from whom the appeal is taken shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed was taken. In the event the application is withdrawn prior to the mailing of the required written notification or publication in the official newspaper, the fee shall be refunded.

6.50.5 STAY OF PROCEEDING

An appeal shall stay all proceedings in furtherance of the action that is appealed unless the official from whom the appeal is taken certifies in writing to the board, votes supporting the official's opinion that a stay would cause imminent peril to life or property. In that case, the proceedings may be stayed only by a restraining order granted by the board or a court of record on application, after notice to the official, if due cause is shown.

6.50.6 GENERAL POWERS

The Board shall have the following powers:

A. To hear and decide appeals when it is alleged there is an error in any order, requirement, decision, or determination made by an Community Development Director in the enforcement of this Section. The Board may reverse or affirm, in whole or in part, or modify the Community Development Director's order requirement, decision or determination which an appeal is taken and make the correct order, requirement, decision, or determination, and for that purpose the board has the same authority as the Community Development Director;

B. To hear and decide special exceptions to the terms of the City's Zoning Ordinance; and

C. To authorize in specific cases such variance from the terms of the Zoning Ordinance if the variance is not contrary to the public interest, and, due to special conditions, a literal enforcement of the provisions of ordinance would result in unnecessary hardship, and so that the spirit of the Ordinance shall be observed and substantial justice done.

6.50.7 USE VARIANCE PROHIBITED

A variance shall not be granted to permit a use in a zoning district in which that use is prohibited.

6.50.8 ADDITIONAL CONDITIONS

The Board is empowered to impose upon any variance or special exception any condition reasonable necessary to protect the public interest and community welfare.

6.50.9 NOTIFICATION AND HEARING PROCESS

Any request for an appeal, variance or special exception shall require a public hearing before the Board. Notice of said hearing shall be published at least one (1) time in a newspaper of the City of Hillsboro, at least ten (10) days prior to the day of the hearing. A written notice of the hearing shall be sent to owners of property situated within two (200) hundred feet of the exterior boundary of the property with respect to which such appeal, variance or exception is requested. It shall be sufficient that such written notice is addressed to the owner appearing on the most current tax roll of the City and addressed to such owner is stated on the tax roll, or no address appears thereon, the written notice to such property owner shall not be required.

6.50.10 ACTION OF THE BOARD

The concurring vote of four (4) members of the Board shall be necessary to reverse any order, requirement, decision or determination of any such Community Development Director, or to decide in favor of the applicant on any matter upon which it is required to pass under any such ordinance, or to effect any variation in such ordinance.

6.50.11 APPEAL FROM DECISION OF BOARD

Any person aggrieved by any decision of the Board of Adjustment, or any officer, department or other board or commission of the City or the City Council, may appeal the decision or action of the Board of Adjustment by filing a petition for same in a court of competent jurisdiction, setting forth that such decision is illegal in whole or in part; and specifying the grounds for the alleged illegality. Such petition shall be filed with the court within ten (10) days from the day the Board renders its decision, and not thereafter, the time period set forth herein shall be deemed jurisdictional.

6.50.12 REAPPLICATION

No application for a variance, special exception, or appeal which has been denied shall be again filed earlier than one (1) year from the date of original denial.

6.50.13 H. AUTHORIZED SPECIAL EXCEPTIONS

The Board shall have the power to hear and decide special exceptions in the districts indicated below, subject to full and complete compliance with any and all conditions listed, together with such other conditions as the Board may impose for protection of the public health or safety:

Special Exception	District Where Permitted
Special Exception is required for a Wireless Communications Facilities according to Section 5.47, D.1	All Districts

Article 7 General and Land Use Definitions

7.51 General and Land Use Definitions

Abutting. Shall mean to physically touch or border upon; or to share a common border, boundary, or property line but not to overlap.

Accessory Banking. A banking service(s) office, which may or may not include automated teller machines, that does not include drive-through services of any kind.

Accessory Building. A subordinate building, located on the same lot as the main building, having a use customarily incident to the main building. A building housing an accessory use is considered an integral part of the main building when it has any part of a wall in common with the main building, or is under an extension of the main roof and designed as an integral part of the main building.

Accessory Building,Residential. Any building customarily incidental to the principal building, including among other things, a garage for parking of vehicles, storage shed, greenhouse, pool cabana or tool storage shed and similar such structures not used for any commercial purposes.

Accessory Use. A use which is clearly incidental to and customarily found in connection with the prinicipal use of the premises and which is located on the same lot as the principal use.

Adjacent. Shall mean to be near or close to but not necessarily touching. Lot lines separated by a street, utility, drainage, railroad, or other public use right-of-way shall be considered to be adjacent.

Adult Day-Care Facility. A facility that provides services under an adult day-care program on a daily or regular basis but not overnight to four (4) or more elderly or handicapped persons who are not related by blood, marriage, or adoption to the owner of the facility.

Agricultural Use. The use of a parcel of land for farming or ranching and shall include the structures that are normally associated with agricultural uses. However, this use shall not include commercial dairies, commercial dog kennels, commercial hatcheries, and commercial mink, fox, rat, orother fur bearing animal farms, or the farming of swine or exotic animals.

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

Ambulance Service. An establishment which provides ambulatory transport of persons, to or from a medical facility, for a fee.

Amusement Center, Indoor. A facility providing game equipment for entertainment and amusement as its primary source of income. Games contained in the facility may include coin operated machines utilizing balls, pins, and baskets, video equipment, and pinball. Other equipment may include skill games such as pool, billiards, bowling, shuffle board, darts, and batting cages. Any combination of these games may be used in the facility.

Games of wagering and chance, including 8-liners, categorized as gambling are prohibited and not included in this use.

Amusement Center, Outdoor. An amusement enterprise offering entertainment or games of skill to the general public for a fee or charge wherein any portion of the activity takes place in the open.

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

Animal Pound, Shelter. A facility used to house or contain stray, homeless, abandoned, or unwanted animals and that is owned, operated, maintained by a public body, or other nonprofit organization devoted to the welfare, protection, and humane treatment of animals.

Antenna Facility. A building or independent support structure and the antennas mounted thereon, along with an associated and necessary equipment building.

Antenna, Building Attached. Antenna attached to existing structures in two (2) general forms: (1) roof-mounted, in which antennas are placed on the roofs of buildings, or (2) building-mounted, in which antennas are mounted to the sides of buildings. These antennas can also be mounted on structures such as water tanks, billboards, church steeples, electrical transmission towers, etc.

Antenna, Microwave. Also known as "dish" antenna. A dish-shaped antenna used to link communications sites together by wireless transmission of voice or data, utilizing electromagnetic radiation frequencies from 3 GHz to 300 GHz; and using relatively low transmitter power levels when compared to other forms of transmission.

Antenna, Panel. Also known as "directional" antenna. An antenna or array of antennas designed to concentrate a radio signal in a particular area. Panel antenna are typically flat, rectangular devices approximately six (6) square feet in size.

Antenna, Whip. Also know as "omni-directional antenna". Shaped cylindrically, whip antennas have diameters between two (2) and six (6) inches, and measure between one (1) and eighteen (18) feet in height. They are used to emit signals in a 360-degree horizontal plane and a compressed vertical plane.

Antenna. A device used in communications which transmits or receives radio signals.

Antique Shop. An establishment offering for sale articles such as glass, china, furniture, or similar furnishings, and decorations which have value and significance as a result of age, design, or sentiment.

Apparel Alteration and Repair or Tailor Shop. An establishment offering individual alteration, repair, or creation of clothing apparel to the public.

Appliance Repair, Household. A shop specializing in repair of household appliances.

Art Gallery. An establishment offering works of art for viewing and sale to the general public.

Arts, Crafts, and Hobby Shop. An establishment offering for sale those items commonly associated with hobbies, including display areas for hobbies.

Assembly Hall. Any building and associated facility dedicated to social or recreational activities serving the city or a neighborhood.

Athletic Field and Play Field, Commercial. An athletic field or stadium owned and operated privately, including a baseball field, golf course, football field, or stadium which may be lighted for night-time play.

Athletic Field and Play Field, Public. An athletic field or stadium owned and operated by a public agency for the general public, including a baseball field, golf course, football field, or stadium which may be lighted for night-time play.

Auction House. A place where objects of art, furniture, or other goods are offered for sale to persons who bid on the object in competition with each other.

Auditorium. A large building and associated facilities for gathering an audience for speeches and performances.

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

Auto Car Wash. An area and/or structure with machine or hand operated facilities used principally for the cleaning, washing, polishing, or waxing of motor vehicles.

Auto Impound Lot/Wrecker Business. An establishment offering the services of towing, impounding, and temporary storage of vehicles which have either been in an accident or are illegally parked.

Auto Paint and Body Shop. An automotive shop with a primary purpose of repairing and painting the outside surfaces of automobiles, trucks, and vans, and repairing and replacing the upholstery of such vehicles.

Auto Parts and Accessory Sales. An automotive shop with a primary purpose of selling new parts and accessories for automobiles, trucks, and vans.

Auto Rental (Car and Truck). An establishment primarily engaged in the short-term rental or extended term leasing of automobiles and trucks, not including truck tractors or semi-trailers.

Auto Repair Garage. An enclosed facility designed for the repair and maintenance of automobiles, trucks, and vans with outside storage allowed but no outside repair or maintenance conducted.

Auto Sales, New and Used. An open area or lot used for the display or sale of automobiles, trucks, and vans, where no repair work is done except minor reconditioning of the cars to be displayed and sold on the premises, and where there is no dismantling of cars for sale or keeping of used car parts or junk on the premises.

Auto Service Station. An establishment for the retail sales of petroleum products, automobile accessories, auto tune-up, muffler installation incidental to the primary use, tire installation or repair, oil change or other lubricate services, in which all services provided and all storage, supplies, parts, equipment, and accessories are indoors, with the exception of fuel-dispensing operations.

Bakery, Retail Confectionery. A shop offering for sale on-premises those baked goods or candies made on-premises or off-premises. Production for off-premise sale is not allowed.

Bakery, Wholesale Candy. A manufacturing facility for either baked goods or candy with the purpose of selling the products at off-site retail locations.

Bank, Savings and Loan Association, Financial Institution. A building or premise offering banking, savings and loan, and other financial services, not including pawn shops as herein defined.

Banquet Hall, A building or structure used for the purpose of social gatherings, family reunions, weddings, business meeting or conferences, quinceaneras, the promotion of the performing arts, theatre, art shows, arts and crafts shows, and siilar community , family, social, or business events.

Barber Shop, Beauty Salon, and other Personal Shop. An establishment which provides personal services including hair cuts, perms, color treatments, manicures, pedicures, and other personal beauty services.

Basement. A building story which is partly underground but having at least one-half of its height above the average level of the adjoining ground. A basement shall be counted as a story in computing building height.

Bed and Breakfast. A house or portion thereof, where short-term lodging rooms and meals are provided. The operator or a caretaker of the bed and breakfast establishment shall live on the premises or on adjoining premises.

Block. An area enclosed by streets and occupied by or intended for buildings; or if used as a term of measurement, it shall mean the distance along a side of a street between the nearest two (2) streets which intersect said street on the said side.

Board. The Board of Adjustment.

Boarding House. A building other than a hotel, where lodging and meals for five (5) or more persons, not members of the principal family therein, are served for compensation.

Bottling Works. A facility for the bottling of products for off-site retail sales.

Breezeway. A covered passage one (1) story in height and six (6) feet or more in width connecting a main structure and an accessory building. A breezeway shall be considered an accessory building.

Buffer Yard. A buffer yard is a unit of land, together with a specified amount of planting thereon, and any structures which may be required between, land uses to eliminate or minimize conflicts between them.

Building Footprint. The area of the building in contact with the ground.

Building Line. A line parallel or approximately parallel to the street line at a specific distance therefrom marking the minimum distance from the street line that a building may be erected.

Building Material Sales. A distribution and sales center for retail and wholesale hardware, plumbing, lumber, and other materials used in the building trade.

Building Materials Manufacturing. A facility for the production of building materials which include fiberglass, wallboard, shingles, etc.

Building. Any structure built for the support, shelter and enclosure of persons, animals, chattels or movable property of any kind. When subdivided in a manner sufficient to prevent the spread of fire each portion so subdivided may be deemed a separate building.

Build-To Line. An alignment established at the property line adjacent to a street right-of-way along which the building shall be built, exept that, a maximum variation of up to three (3) feet from the property line is permitted to allow for articulation, windows and entryways.

Bus, Train, and Taxi Station or Terminal. A facility that provides for regularly scheduled transit services, passenger lounges, ticketing, and customer parking.

Cabinet and Upholstery Shop. A shop for the assembly of cabinetry for domestic use and furniture repairing, refinishing, and upholstery.

Caliper. Diameter of the trunk measured one (1) foot above ground level. Diameter of the trunk measured one (1) foot above ground level.

Camp Ground and Related Facilities. An area that is occupied or intended or designed for occupancy by transients using recreational vehicles, tents, or other temporary dwellings for dwelling, lodging, or sleeping purposes. The use may also include cooking facilities, bathhouses, and recreation areas. This does not include a manufactured housing community.

Canopy Trees. A perennial woody plant single or multiple trunk, contributing to the uppermost spreading branch layer of a forest and may be commonly referred to as shade trees.

Caretaker's Residence, Guard's Residence, Servant's Quarters. A residence located on a premise with a main non-residential or residential use occupied only by an employee of the principal use, and serviced through the same utility meters or connections as the principal use to which it is accessory. Manufactured homes are not permitted for this use.

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

Cellar. A building story with more than one-half its height below the average level of the adjoining ground. A cellar shall not be counted as a story in computing building height.

Cemetery, Mausoleum, Crematorium. An area or structure designed to contain the remains of humans or animals for permanent interment.

Certificate of Occupancy. An official certificate issued by the city through the Community Development Director which indicates conformance with or approved conditional waiver from the building or zoning regulations and authorizes legal use and occupancy of the premises for which it is issued.

City Council. The governing and legislative body of the City of Hillsboro, Texas.

Clinic. A public or private, profit or non-profit facility for the reception and treatment of outpatient persons physically or mentally ill, injured, handicapped, or otherwise in need of physical or mental diagnosis, treatment, care, or similar service.

Co-location. The act of locating wireless communications equipment from more than one (1) provider on a single antenna facility.

Commission. Shall mean the "Planning and Zoning Commission" of the City of Hillsboro, Texas.

Community Center. A building dedicated to social or recreational activities, serving the city or a neighborhood and owned and operated by the city, or by a non-profit organization dedicated to promoting the health, safety, morals, or general welfare of the city.

Community Development Director. The individual charged with the administration and enforcement of this ordinance, or his duly authorized representative for the City of Hillsboro, Texas.

Comprehensive Plan. Graphic and written form policies which govern the future development of the City and which consist of various components governing specific geographic areas and functions and services of the City.

Contractor, No Outside Storage Permitted. A business such as an electrician, mechanic, or plumber whose primary use provides a service by installing electrical, mechanical, or plumbing systems; which also may have limited sales of electrical, mechanical, or plumbing supplies or equipment as a secondary use incidental to its primary use. No outside storage permitted.

Contractor, Outside Storage Permitted. A business such as an electrician, mechanic, or plumber whose primary use provides a service by installing electrical, mechanical, or plumbing systems; which also may have limited sales of electrical, mechanical, or plumbing supplies or equipment as a secondary use incidental to its primary use. Outside storage permitted.

Contractors Storage or Equipment Yard. An area located on the same lot or separate lot as a principal use, used for outside storage of construction equipment, including vehicles and construction material.

Convenience Store, with or without Fuel Sales. A premise where gasoline and/or other petroleum products are sold as a principal use, and in connection with the principal use, a convenience store offering for sale prepackaged food products, household items, and other goods commonly associated with the same.

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

Convent, Rectory, Monastery. The building, buildings, or premises occupied by a religious community or association as a residence and a place of work and worship.

Copy Shop. A small commercial printing shop which sells on-site most of the items printed, along with associated items.

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

Country Club. An area containing a golf course and a clubhouse and available only to private specific membership. Such a club may contain adjunct facilities such as a private club (only in conformance with these regulations and applicable state statutes), dining room, swimming pool, tennis courts, and similar recreational or service activities.

Court. An open, unoccupied space bounded on three (3) or more sides by the walls of a building. An inner court is a court entirely surrounded by the exterior walls of a building. An outer court is a court having one side open to a street, alley, yard or other permanent space.

Day Care Center, Adult. An agency at which six (6) or more disabled or elderly adults notrelated to the proprietor, are left for care for a part of the twenty-four (24) hours of the day.

Day Care Center, Child. An agency at which four (4) or more children, under the age of sixteen (16) and not related to the proprietor, are left for care for a part of the twenty-four (24) hours of the day.

Day Care, in the Home. A private residence where care, protection, and supervision are provided on a regular schedule, at least twice a week to no more than four (4) children, excluding children of the adult provider.

Density. The number of dwelling units permitted per net acre of land. A net acre of land does not include portions of streets or alleys.

Department Store. A store offering a variety of comparison and consumptive goods at retail price to the general public.

Development. The changing of the excising topography in order to promote the construction of structures or infrastructure to accommodate any improvements necessary to erect facilities for dwelling or commercial or industrial uses resulting in developed property. The changing of the existing topography in order to promote the construction of structures or infrastructure to accommodate any improvements necessary to erect facilities for dwelling or commercial or industrial uses resulting in developed property.

Disabled. In reference to an individual, a physical or mental impairment that substantially limits one or more of the major life activities.

District or Classification. A section of the City of Hillsboro within which regulations governing the area, height or use of land and buildings are uniform and apply under this Ordinance.

Dwelling Unit. A building or portion of a building which is arranged, occupied or intended to be occupied as living quarters for one family and including facilities for food preparation and sleeping.

Dwelling, Assisted Living Facility. A facility intended to provide dwelling units for occupancy by persons requiring the level of care and support defined by the State of Texas as "supervised living".

Dwelling, Guesthouse. A residential dwelling, which may include living, sleeping, bathing, and kitchen facilities but is secondary to the main dwelling structure and is used solely for habitation of guests on a temporary basis and at no compensation.

Dwelling, Industrialized Housing. A detached residential building that is designed for the use and occupancy of one (1) family, that is constructed in one (1) or more modules or constructed using one (1) or more modular components, built at a location other than the permanent residential site, and that is designed to be used as a permanent residential structure when the modules or modular components are transported to the

permanent residential site and are erected or installed on a permanent foundation system. The term does not include any residential structure that is in excess of three (3) stories or forty-nine (49) feet in height as measured from the finished grade elevation at the building entrance to the peak of the roof. The term shall not mean nor apply to 1. housing constructed of sectional or panelized systems not utilizing modular components; or 2. any ready-made home which is constructed so that the entire living area is contained in a single unit or section, at a temporary location for the purpose of selling it and moving it to another location.

Dwelling, Manufactured Housing or Mobile Home. See Article 3, Section 3.21.17, MH HUD Code Manufactured Home, Definitions.

Dwelling, Multi-family. A residential building containing three (3) or more dwelling units, with the number of families in residence not exceeding the number of dwelling units provided.

Dwelling, Single Family Attached. An attached residential building, not including a mobile home or HUD Code Manufactured Home, which contains not more than one (1) dwelling unit per lot of record.

Dwelling, Single Family Detached. A detached residential building, not including a mobile home or a HUD Code Manufactured Home, which contains not more than one (1) dwelling unit per lot of record.

Dwelling, Two-family. A residential building containing two (2) dwelling units.

Dwelling, Zero Lot Line. A development approach in which a detached single-family unit is sited on one or more lot lines with no yard existing between the structure and the lot line.

Easement. A grant of one or more property rights by the owner to, or for the use by, the public, a corporation, or another person or entity.

Electrical Sub-Station. A facility designed to convert electrical current to a different phase or voltage prior to consumption by dwellings and other structures.

Electrical Transmission Line. A high voltage line used to transmit electrical current to or between electrical substations or long distances and customarily associated with towers.

Electronics Manufacturing. A facility for the production of printed circuit boards, microchips, and other electronic parts which may be assembled on site into end products such as computers, televisions, radios, and communication equipment.

Enhanced Pavement. Any permeable or non-permeable decorative pavement material intended for pedestrian or vehicular use. Enhanced pavement includes brick or stone pavers, grass pavers and stamped and stained concrete.

Equipment Storage. A small unmanned, single story equipment building less than five hundred (500) square feet in size used to house radio transmitters and related equipment.

Exterminating Service. A business providing extermination services for household pests, including insects and rodents.

Factory Outlet, Retail or Wholesale Store. An establishment that offers goods and products to the public that are obtained direct from the manufacturer at prices that reflect savings due to the reduced cost of said direct distribution.

Family. (1) Persons related by genetics, adoption, or marriage; or,

(2) A group of six (6) or fewer unrelated persons living together and occupying a single housekeeping unit with a single kitchen facility.

Farm Machinery and Implement Sales and Service. An enclosed area designed for sales and repair of farm machinery.

Farmer's Market. The seasonal selling or offering for sale of vegetables or produce, occurring in a pre-designated area, where the vendors are generally individuals who have raised the vegetables or produce or have taken the same on consignment for retail sale.

Fence. An open or solid enclosure designed to contain or prevent intrusion. An open fence is one in which the vertical surface thereof is not less than seventy percent (70%) open. A solid fence is one in which the vertical surface thereof is not greater than thirty percent (30%) open, and may be considered as a screening element. (See also *Screening and Buffers, Section 5.43*)

Flea Market. An occasional or periodic market held in an open area or structure where goods are offered for sale to the general public by individual sellers from open or semi-open facilities or temporary structures.

Flood Plain. Any land area susceptible to being inundated by water from any source.

Floodway. The channel, river, or other watercourse and the adjacent land area that must be reserved in order to discharge the 100-year flood without cumulatively increasing the water surface elevation more than one (1) foot at any point.

Floor Area Ratio (FAR). An indicated ratio between the number of square feet of total floor area in the main building(s) on a lot and the total square footage of land in the lot; it is the number resulting from dividing the main building floor area by the lot area.

Floor Area, Gross. The total square feet of floor space within the outside dimensions of a building including each floor level, but excluding cellars, attics, carports, or garages.

Floor Area, Net. Is the area actually occupied not including accessory unoccupied areas such as corridors, stairs, closets, thickness of walls, columns, toilet room, mechanical area or other features.

Flowering Bed. A flowering bed is any area where the soil has been specifically prepared for the planting of flowering plants. In addition, in order to be considered for credit calculations, at least eighty percent (80%) of the prepared area must be covered with flowering plant materials at the time of peak growth.

Funeral Home, Mortuary. A building or part thereof used for human funeral services. Such building may contain space and facilities for cremation facilities, embalming, and the performance of other services used in preparation of the dead for burial; the performance of autopsies and other surgical procedures; the storage of caskets, funeral urns, and other related supplies; and the storage of funeral vehicles. Where a funeral home is permitted, a funeral chapel shall also be permitted.

Furniture, Fixture, and Appliance Store. A retail establishment offering home furnishings, fixtures, and appliances to the general public.

Garage, Private. An enclosed two-car accessory building or portion of a main building on the same lot and used for the storage only of private passenger motor vehicles and recreational vehicles, owned and used by the owners or tenants of the premises.

Garage, Public. A building or portion thereof, except as herein defined as a private garage or as a repair garage, used for the storage of motor vehicles, or where any such vehicles are kept for remuneration or hire; in which any sale of gasoline, oil, and accessories is only incidental to the principal use. Facilities for washing may be provided.

Garage, Repair. A building or space for the repair or maintenance of motor vehicles, not including factory assembly of vehicles, auto wrecking establishments, or junkyards.

Gas Regulator Station. A station used to regulate the flow or pressure of gas in a pipeline.

Glare. A sensation of brightness within the visual field that causes annoyance, discomfort, or loss in visual performance and visibility.

Go Cart Track and Other Motor Vehicle Track or Facility. A private, commercial enterprise offering outdoor go-cart tracks to the general public for a fee or charge. A go-cart is a non-licensed motorized low horsepower vehicle powered by either a gas or electrical motor to be used for the purpose of entertainment, generally having the capacity of one driver/operator. Does not include remote control vehicles.

Golf Course, Driving Range. An establishment offering areas for driving of golf balls including "pitch and putt" facilities.

Golf Course, Miniature. An establishment offering facilities for miniature golf.

Golf Course, Private. Grounds and facilities used in the playing of the game golf, for use by private membership.

Golf Course, Public. Grounds and facilities used in the playing of the game golf, privately owned but open to the public for a fee and operated as a commercial venture.

Governmental Administration Facility. A building or structure owned, operated, or occupied by governmental agency to provide a governmental service to the public.

Grade. The average of the finished ground level at the center of all walls of a building. In cases where walls are parallel to and within five feet of a sidewalk, the ground level shall be measured at the sidewalk.

Greenhouse or Plant Nursery. An establishment operated for commercial purposes, offering plants grown on-premises and off-premises and associated products for sale for use in connection with home gardening activities.

Grocery Store. A retail store primarily engaged in the retail sales of all sorts of canned goods, dry goods, fresh fruits and vegetables, and fresh and prepared meats, fish, and poultry.

Ground Cover. Low growing, dense spreading plants typically planted from containers.

Group Home for the Disabled or Disadvantaged. A dwelling shared by four (4) or more disabled persons, including resident staff, who live together as a single housekeeping unit and in a long-term, family-like environment in which staff persons provide care, education, and participation in community activities for the residents, with the primary goal of enabling

the resident to live as independently as possible in order to reach their maximum potential.

As unsed herein, the term “disabled” shall mean having (1) a physical or mental impairment that substantially limits one (1) or more of the person’s major life activities so that such person is incapable of living independently; (2) a record of having such an impairment; or (3) being regarded as having such an impairment. However, "disabled" shall not include current illegal use of or addiction to controlled substance, nor shall it include any person whose residency in the home would constitute a direct threat to the health and safety of other individuals. The term "group home for the disabled" shall not include alcoholism or drug treatment center, work release facilities for convicts or ex-convicts, or other housing facilities serving as an alternative to incarceration.

Gymnasium. A building or room used for physical education and sports, which may be equipped with gymnastic or other sports-related equipment, and that may have seating in which spectators may view sports activities.

Health Club, Recreation Facility. An indoor facility including uses such as game courts, exercise equipment, locker rooms, jacuzzi, and/or sauna and pro shop, gymnasiums, private clubs (athletic, health, or recreational), reducing salons, and weight control establishments.

Height. The vertical distance of a building measured from the average established grade at the street line or from the average natural front yard ground level, whichever is higher, to:

A. The highest point of the roof’s surface if a flat surface;

B. To the deck line of mansard roofs; or

C. To the mean height level between eaves and ridge for hip and gable roofs and, in any event, excluding chimneys, cooling towers, elevator bulkheads, penthouses, tanks, water towers, radio towers, ornamental cupolas, domes or spires, and parapet walls not exceeding ten feet in height.

If the street grade has not been officially established, the average front yard grade shall be used for a base level.

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

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

Hobby Studio, Private. An accessory activity area used by the occupants of the premises purely for personal enjoyment, amusement, recreation, or cultivation of artistic talents.

Home Improvement Store. The retail sale of a diverse range of hardware and related materials generally used in the maintenance, repair, or construction of buildings or other structures, including lawn and garden supplies. Typically, some retail stock such as lumber or landscape materials may be kept outdoors.

Home Occupation. An occupation customarily conducted for gain or support entirely within a dwelling by a member or members of a family while residing therein, and which is clearly

incidental and secondary to the residential use of the premises and does not change the character thereof. See *Section 5.40, Home Occupations*.

Homeowner's Association. An incorporated nonprofit organization operating under recorded land agreements through which:

Hospital. An institution specializing in giving clinical, temporary, and emergency services of a medical or surgical nature to human patients and injured persons, and licensed by state law to provide facilities and services in surgery, obstetrics, and general medical practice including related facilities such as laboratories, out-patient departments, training facilities, central services facilities, and staff offices that are an integral part of the facilities. Hospitals may include supportive retail and personal service uses operated by or under the control of the hospital primarily for the convenience of patients, staff, and visitors.

Hotel, Motel. A building or portion thereof in which ten (10) or more guest rooms are provided for occupancy for compensation by transient guests.

HUD Code Manufactured Home. See Article 3, Section 3.21.17, MH HUD Code Manufactured Home, Definitions.

Impervious Coverage. Any material that substantially reduces or prevents the infiltration of storm water into previously undeveloped land.

Industrial, Heavy. A use engaged in the basic processing and manufacturing of materials or products, or a use engaged in storage or manufacturing processes using flammable or explosive materials, or storage or manufacturing process that potentially involve hazardous or commonly recognized offensive conditions.

Industrial, Light. A facility used in the processing, manufacturing, compounding, assembly, packaging, treatment, or fabrication of materials and products from previously manufactured materials, for industrial purposes, and that may conduct manufacturing that does no emit noise, odor, dust, or other hazards.

Infrastructure. The essential facilities such as water, sewers, streets, highways, public utilities, libraries, parks, police and fire services, and other facilities related to the protection of the health, safety, and general welfare.

Interior Lot Area. The area of the lot remaining after subtracting out the area included in the buffer yards.

Junk. The term "junk" is defined to mean, and shall include, scrap iron, scrap tin, scrap brass, scrap copper, scrap lead, scrap zinc, and all other scrap metals and their alloys, and bones, rags, used cloth, used rubber, used rope, used tinfoil, used bottles, old cotton or used machinery, used tools, used appliances, used fixtures, used utensils, used boxes or crates, used pipe or pipe fittings, used automobile or airplane tires, and other manufactured goods that are so worn, deteriorated, or obsolete as to make them unusable in their existing condition, subject to being dismantled for junk.

Kennel. A lot or premises on which four (4) or more dogs, cats or other domestic animals at least four (4) months of age are housed or accepted for boarding, trimming, grooming and/or bathing for which remuneration is received.

Kiosk. A freestanding structure upon which temporary information and/or posters, notices, and announcements are posted, or a freestanding building with one (1) or more open sides from which commercial activities are conducted.

Laboratory, Medical and/or Dental. A facility with materials and scientific and technological equipment designed for scientific experimentation, examination, evaluation, and documentation for medical and other technologies.

Laboratory, Research. A facility for scientific laboratory research in technology-intensive fields. Examples include biotechnology, pharmaceuticals, genetics, plastics, polymers, resins, coatings, fibers, fabrics, films, heat transfer, and radiation research facilities.

Laboratory, Support. A facility for scientific laboratory analysis of natural resources, medical resources, and manufactured materials. The scientific analysis is generally performed for an outside customer, to support the work of that customer. This category includes environmental laboratories for the analysis of air, water, and soil; medical or veterinary laboratories for the analysis of blood, tissue, or other human medical or animal products. Forensic laboratories for analysis of evidence in support of law enforcement agencies would also be included in this category.

Landscape Architect. A person registered as a Landscape Architect in the State of Texas pursuant to state law.

Landscape Area. An area covered by natural grass, ground cover, or other natural plant materials.

Landscape Service. A business principally engaged in the decorative and functional alteration, planting, and maintenance of grounds. Such a business may engage in the installation and construction of underground improvements necessary to support or sustain the landscaped surface of the ground.

Landscaping. Live plant material including grass, shrubs, trees, and flowering plants as required by *Section 5.44*, *Landscape Regulations*.

Lattice Tower. A tower having three (3) or four (4) support steel legs and holding a variety of antennas. These towers range from sixty (60) to two hundred (200) feet in height and can accommodate a variety of users.

Laundry, Dry Cleaning Full Service. A retail establishment providing full service laundry and dry cleaning services to the general public.

Laundry, Dry Cleaning Pickup and Receiving Station. A retail establishment providing a drop-off and pick-up point for customers to leave wearing apparel or other material in need of laundry and dry cleaning and pick up of items when laundered and/or dry cleaned.

Laundry, Dry Cleaning Self Service. A retail establishment providing facilities for customers to launder or dry-clean wearing apparel or other materials.

Lawn Grasses. Thin bladed surface growing plants typically planted from seed, sprigs, or plugs.

Library. Buildings and structures open for the general pubic, for which a fee may or may not be charged for the use of book and other media collections.

Licensed Irrigator. A person duly licensed by the State of Texas to design and install irrigation systems.

Light Machine Shop. A shop that manufactures metal products through the use of presses, stamps, and dyes.

Loading Space, Off-street. Space logically and conveniently located for bulk pickups and deliveries, scaled to delivery vehicles expected to be used, and accessible to such vehicles when required off-street parking spaces are filled. Required off-street loading space is not to be included as off-street parking space in computation of required off-street parking space.

Lodge, Fraternal, Sorority, and Clubs. An association of persons meeting regularly for their mutual benefit or for the promotion of some common purpose, supported jointly through payment of membership dues, all members having the right to vote on policies and business.

Lot Area. The area of the horizontal plane bounded by the vertical planes through front, side, and rear lot lines.

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

Lot Depth. The horizontal mean distance between the midpoint of the front and the midpoint of the rear lot lines.

Lot Line Front. In the case of an interior lot, a line separating the lot from the street. In the case of a corner lot, a line separating the narrowest street frontage of the lot from the street (except where the latest tract deed restrictions specifies another line as the front lot line.)

Lot Line, Rear. A lot line which is opposite and most distant from the front lot line.

Lot Line, Side. Any lot line not a front lot line or rear lot line.

Lot Line, Zero. A detached single-family unit distinguished by the location of one exterior wall on a side property line.

Lot or Lot of Record. A lot which is part of a subdivision, the plat of which has been recorded in the office of the County Clerk of Hill County or a parcel of land, the deed for which is recorded in the office of the County Clerk of Hill County prior to April 5, 1983.

Lot Width. The width of a lot at the front building line.

Lot, Corner. A lot abutting upon two (2) or more streets at their intersection.

Lot, Flag. A lot with access provided to the bulk of the lot by means of a narrow corridor.

Lot, Interior. A lot that is other than a corner lot.

Lot, Key. A corner lot that has the rear yard of two (2) or more adjacent lots abutting the side lot line of two (2) or more of the side lots.

Lot, Lines. The lines bounding a lot as defined herein:

Lot, Through. A lot other than a corner lot with frontage on more than one (1) street. Through lots abutting two (2) streets may be referred to as double frontage lots. Such lot(s) shall provide a front yard on each street.

Machinery Sales or Repair. A facility for the storage, repair, outside sales, or rental of heavy machinery or equipment.

Main (Principal) Building. The building or buildings on a lot which are occupied by the primary use.

Manufactured or Industrialized Housing Sales or Rental. An area devoted to outside sales or rental of HUD-Code manufactured homes or industrialized housing. For off-premise residential use only.

Manufacturing Housing Park or Subdivision. A parcel of land not less than three (3) acres in size developed for rental or sale of lots for the installation for residential uses of HUD Code manufactured Housing.

Meat Product Processing. A facility for processing cuts of meat from off-site into finished products.

Meat/Seafood Market. A retail facility that offers meat, fish, and poultry products for sale to the public and shall include the sale of meat and meat products to restaurants, hotels, clubs, and other similar establishments when such sale is conducted as part of the retail business on the premises.

Medical Equipment Sales, Rental and Leasing Service. An establishment including offices, stores, and display rooms for the display, sale, rental and leasing of medical equipment.

Medical, Dental Office. Offices for one or more physicians, surgeons, or dentists engaged in treating the sick or injured, but not including rooms for the abiding of patients.

Medical, Dental, and Optical Retail Sales. An establishment offering prescription and over the counter products for sale.

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

Monopole. An antenna facility composed of a single spire used to support communications equipment. No guy wires are used or permitted.

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

Motorcycle Sales. Storage and display for sales of motorcycles, and where repair or body work is incidental to the operation of the new or used motorcycle sales. Such establishments include retail or wholesale sales.

Movie Theater, Cineplex. Complex structures with multiple movie theaters, each theater capable of providing performances independent of the others in the complex. Structurally, theaters in a cineplex are grouped in a manner that allows them to share box or ticket

offices, parking facilities, lobby areas, restrooms, concession stands, signs and marquee displays, and other service and maintenance facilities.

Museum. An institution for the collection, display, and distribution of objects of art or science which is sponsored by or owned and operated by the city, a public or quasi-public agency, and which facility is open to the general public.

Music Store. An establishment offering music, musical instruments, and other related items for sale to the general public. Such establishment may offer repair services of musical instruments.

Natural Resources Mining. All or any part of the process involved in the mining of minerals by removing overburden and mining directly from the mineral deposits, open pit mining or minerals naturally exposed, mining by auger method, dredging and quarrying, underground mining and surface work incidental to an underground mine.

Nonconforming Building. A building which legally existed prior to the adoption, revision, or amendment of this ordinance but that does not meet the limitations on building size or location on a lot for the district in which the building is located, or for the use being made of the building.

Nonconforming Lot. A lot which was in compliance with applicable regulations prior to the adoption, revision, or amendment of this ordinance, but which fails by reason of adoption, revision, or amendment to conform to the lot requirements for the district in which it is located.

Nonconforming Use. A use of land which legally existed at the time of the effective date of this ordinance, or subsequent amendments thereto, which does not conform to the use regulations of the district in which it is situated.

Nursing Home. A structure used for or occupied by persons recovering from illness or suffering from the infirmities of old age, including developments containing convalescent or nursing facilities.

Occupancy. The use or intended use of the land or buildings by proprietors or tenants.

Office Machine Sales and Service. A shop specializing in the sale and repair of office machinery.

Office, Business. An office in which chattels or goods, wares, or merchandise are not commercially displayed, created, sold, or exchanged.

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

Office, Real Estate Development Tract or Field Office. A temporary office for the purpose of selling real estate to the general public located on or adjacent to the real estate being offered for sale.

Oil and Gas Wells. A well and associated facilities for the extraction, metering, and maintenance of natural gas or petroleum.

Open Space. Area included in any side, rear or front yard or any unoccupied space on the lot that is open and unobstructed to the sky except for the ordinary projections of cornices, eaves or porches.

Optician Shop. A shop that manufactures optical devices, especially eyeglasses.

Park and Ride Lot. The temporary storage of automobiles on a daily basis for persons traveling together to and from work either through carpools, vanpools, buspools, or mass transit.

Park. Public or private land available for recreational, educational, cultural, or aesthetic use.

Parking Lot, Commercial (Auto). A structure or lot devoted to the temporary parking of automobiles for a fee.

Parking Lot, Commercial (Truck). A facility for temporary parking of currently commercial licensed trucks in excess of one ton, for a fee.

Parking Space, Off-street. For the purposes of this ordinance, an off-street parking space shall consist of a space adequate for parking an automobile with room for opening doors on both sides, together with properly related access to a public street or alley and maneuvering room. Required off-street parking areas for three (3) or more automobiles shall have individual spaces marked, and shall be so designed, maintained, and regulated that no parking or maneuvering incidental to parking shall be within any public street, alley, or right-of-way, and so that any automobile may be parked and unparked without moving another. For purposes of rough computation, an off-street parking space and necessary access and maneuvering room shall be estimated at three hundred (300) square feet for residential uses and four hundred (400) square feet for nonresidential uses; but off-street parking requirements will be considered to be met only when actual spaces meeting the requirements in this ordinance are provided, maintained, and improved in a manner appropriate to the circumstances of the case, and in accordance with all ordinances and regulations of the city. All required off-street parking spaces shall be provided and maintained wholly within private property lines and not within any public highway, street or alley right-of-way.

Pawn Shop. A shop specializing in making small loans against personal property or buying used personal goods from individuals.

Permeable Pavement. A paving material that permits water penetration.

Personal Services. An establishment or place of business primarily engaged in the provision of frequent or recurrent needed services of a personal nature. Typical uses include, but are not limited to, beauty and barber shops, shoe repair shops, and trailer shops.

Pharmacy. An establishment offering prescription and over the counter pharmaceuticals and other associated products for sale to the public.

Philanthropic and/or Charitable Use. A nonprofit organization supported mainly by charity and whose principal function is the performance of charitable work.

Planned Development. A district characterized by a unified site development plan which may provide for a mixture or combination of residential, recreation and open space, and commercial uses.

Planning and Zoning Commission. The Planning and Zoning Commission of the City of Hillsboro, Texas.

Plastic Products Manufacturing. A facility for the production of molded products constructed out of plastic, fiberglass, or other composite material.

Plat. A plan of a subdivision of land creating building lots or tracts and showing all essential dimensions and other information essential to comply with the subdivision standards of the city and subject to approval by the planning and zoning commission. Reference to a final plat in this ordinance means an official plat of record which has been approved by the planning and zoning commission and filed in the plat records of Hill County.

Portable Building. Any accessory building which is smaller than one hundred and twenty (120) square feet in size. Constructed to be moved on its structure without lifting and minimal damage to the building and anchored to prevent overturning.

Premises. Land together with any buildings or structures occupying all or any portion of the land.

Print Shop. A large commercial printing shop with multiple presses and capabilities.

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

Private Drive, Street, or Place. An open, unoccupied space, other than a street or alley, permanently established or reserved or dedicated in private ownership as the principal means of vehicular access to property abutting thereon.

Property line. (See lot line).

Public Maintenance Building, Storage Yard. A structure or yard that is used for storage of equipment, materials, or other property and that is owned and maintained by a governmental entity.

Public Safety Facility, Police and Fire. A facility designed to provide public protection from dangers of fire and crime, including civil defense, operational centers, police and fire stations, and training facilities.

Public Utility. Closely regulated enterprise with a franchise for providing to the public a utility service deemed necessary for the public health, safety, and welfare.

R.O.W. Parkway. That area within the public right-of-way (R.O.W.) between the back of curb or edge of pavement and the right-of-way line.

Radio, Television Studio. A facility designed to create and broadcast original source programming, or relay commercial programming from another source, including taped or pre-recorded materials for any part of the radio spectrum for commercial consumption.

Recreational Vehicle Sales and/or Rental. An establishment offering recreational vehicles, including watercraft, for rent to the general public. Said facility may display, store, and maintain said vehicles on site solely for the purpose of renting said vehicles. No short or long term habitation of any recreational vehicle, including watercraft, is permitted on the site. In addition, no manufacture or repair, with the exception of light maintenance, occurs on the site.

Recreational Vehicle Storage (Commercial). A facility or location which, upon payment of a fee, provides for the parking and storage of recreational vehicles.

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

Rehabilitation Care Facility (Criminal-Psychiatric, Mental Disorders and Substance Abuse). A facility whose primary purpose is to provide residential and/or out-patient care, with supervisory personnel, to persons regardless of legal relationship, who have been involved in the criminal justice system or related program including parole or probation as authorized by the criminal justice system, and have demonstrated a tendency toward alcoholism, drug abuse, mental illness, or antisocial or criminal conduct.

Rehabilitation Care Facility (Psychiatric and Mental Disorders). A facility which provides residence and/or out-patient care, with supervisory personnel, to persons regardless of legal relationship, who have demonstrated a tendency toward mental illness.

Rehabilitation Care Facility (Substance Abuse). A facility which provides residential and/or out-patient care, with supervisory personnel to persons regardless of legal relationship who have demonstrated a tendency toward alcoholism and/or drug abuse.

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

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

Rental Yard, Commercial and Heavy Equipment. An establishment that provides heavy equipment for rent to contractors or the general public to be used off-site. The storage of rental equipment or goods may occur either within the limits of the primary structure, or it may be displayed and stored outside of the primary structure. Areas reserved for repairs and maintenance of all equipment or goods must be within the primary structure.

Residence. Same as a dwelling; also when used with the word "district," an area of residential regulations.

Restaurant with Alcohol Sales. A restaurant or eating establishment where alcoholic beverages are sold whose gross sales come from food on an annual basis at the location represent at least sixty percent (60%) of total sales.

Restaurant, Drive-In/Drive-Thru. Any place or premises used for sale, dispensing, or serving of food, refreshments, or beverages in automobiles, including those establishments where

customers may serve themselves and may eat or drink the food, refreshments, or beverages on the premises.

Restaurant, Refreshment Stand (Temporary or Seasonal). Any place or premises used for sale, dispensing, or serving of food, refreshments, or beverages from a temporary or permanent building on a temporary or seasonal basis.

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

Retail Sales. A commercial enterprise that provides goods and/or services directly to the consumer, where such goods are available for immediate purchase and removal from the premises by the purchaser, but excludes those classified more specifically by definition.

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

Room. A building or portion of a building which is arranged, occupied or intended to be occupied as living or sleeping quarters but not including toilet or cooking facilities.

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

Satellite Receive-Only Antenna. An antenna that enables the receipt of television signals transmitted directly from satellites to be viewed on a television monitor. Such antennas are commonly known as a satellite dish, television receive-only antenna, dish antenna, parabolic antenna, or satellite earth station antenna.

School, Business College. A facility that provides a curriculum limited to the teaching of office and business practices and skills.

School, College, or University. An academic institution of higher learning, accredited or recognized by the State, and offering a program or series of programs of academic study leading to a recognized degree or advanced degree which includes junior and senior colleges, universities, conservatories and seminaries.

School, Commercial Instruction. A facility that instructs and trains students in the arts, such as of music, dance, gymnastics, or martial arts, and is primarily operated on a commercial basis.

School, Commercial Trade. A business organized to operate for a profit and offering instruction and training in a trade such as welding, brick laying, machinery operation, and similar manual trades.

School, Home Day. Educational activities consisting of a defined curriculum with the purpose of satisfying the state educational requirements and said educational activities being conducted in a home but not necessarily the home of the student living therein. There shall be no more than six (6) unrelated students not living in the home in which the educational activities are being conducted. The total number of students living in the home in which the activities are being conducted shall not exceed twelve (12) at any given time.

School, Home. Educational activities consisting of a defined curriculum with the purpose of satisfying the state educational requirements and said educational activities being conducted in the home of a student living in the home. Said educational activities shall be considered to be a part of the housekeeping activities of a family.

School, Institution, Rehabilitation, and Training Center. A facility that provides rehabilitation and training operated or sponsored by chartered educational, religious, or philanthropic organizations, but excluding uses such as, trade schools, which are operated primarily on a commercial basis.

School, Nursery. An establishment providing for the care, supervision, and protection of children.

School, Primary, Middle or Secondary. A public or private facility that provides a curriculum of elementary, middle or secondary academic instruction, including kindergartens, elementary schools, junior high schools, and high schools.

School, Vocational. A secondary or higher education facility primarily teaching usable skills that prepare students for jobs in a trade and meeting the state requirements of a vocational facility.

Screening Element/Device. Screening element (device), or suitably screened, as herein referred, shall mean any of the following:

A. Any solid material constructed of brick, masonry, or of a concrete or metal frame, or wood, or base which supports a permanent type material, the vertical surface of which is not more than thirty percent (30%) open; or

B. Any dense evergreen hedge or plant material suitable for providing a visual barrier, for which such material shall be maintained in a healthy growing condition;

C. Landscaped earth berms may, when appropriate in scale, be considered and used as a screening element in lieu of a fence, wall, hedge or other dense planting material.

Seasonal Color. Landscape areas used for annual and perennial flowers intended to maintain year-round color accents.

Semi-trailer. A vehicle designed or used with a motor vehicle so that part of the weight of the vehicle and its load rests on or is carried by another vehicle.

Setback, Building. The minimum horizontal distance between the front wall of any projection of the building (excluding steps) and the street line. (Same as Building line.)

Sexually Oriented Business. See Chapter 4, Sec. 4.1000*, Code of Ordinances, Sexually Oriented Business.*

Shoe Repair. An establishment offering shoe repair service to the general public.

Shooting Range, Indoor. The use of a completely enclosed structure for the discharging of firearms for the purposes of target practice or temporary competitions.

Shooting Range, Outdoor. The use of land for discharging firearms for the purposes of target practice.

Shrubs. Plants that grow vertically in a multi-branched growth pattern.

Sign Shop, Painted or Silk-Screened. A retail business offering signs and banners for sale.

Skating Rink. An establishment that provides facilities for participant ice or roller-skating.

Special Exception. A use that would not be generally appropriate without restriction throughout the zoning district, but which, if controlled as to number, area, location, intensity, or relation to the neighborhood, would or could be compatible therein and promote the public health, safety, welfare, morals, order, comfort, convenience, appearance, prosperity, or general welfare. Such uses may be permitted as special exceptions by the Board of Adjustment, after public hearing thereon. See *Article 6, Section 6.50, Board of Adjustment.*

Specific Use. The use of any building, structure, or land not specifically allowed by district regulations, but permitted as a specific use in accordance with *Article 2,* Specific Use Permits.

Stable, Commercial. A building designed for the keeping of horses or mules used for pleaure riding or driving, for boarding, or for hire, including a riding track.

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

Stealth Facility. An antenna facility that is virtually transparent or invisible to the surrounding neighborhood. Stealth facilities may include totally enclosed antennas, wireless facilities that replicate or duplicate the construction of common structures such as flagpoles, and camouflaged wireless facilities that are constructed to blend into the surrounding environment.

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

Stone Monument Sales. A retail establishment offering for sale stone monuments produced off-premises, excluding cutting of slabs.

Storage and Warehousing Establishment. A facility that is constructed such that large quantities of products or goods may be stored for extended periods of time. Said facility may be equipped with loading ramps and docks that facilitate the loading and off-loading of semi-trailer vehicles.

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

Story. That part of a building included between the surface of one (1) floor and the surface of the floor next above, or if there be no floor above, that part of the building which is above the surface of the highest floor thereof. A top story attic is a half story when the main line of the eaves is not above the middle of the interior height of such story. The first story is above the middle of the interior height of such story. The first story is the highest story having its interior floor surface not more than four (4) feet above the curb level, established or mean street grade, or average ground level.

Street Line. The right-of-way line of a street.

Street. A public way between two right-of-way lines (other than an alley or private drive) which has been dedicated or deeded to the public for public use and affords a principal means of access (vehicular or otherwise) to property abutting thereon, as well as for utilities and sidewalks.

Structural Alterations. Any change in the supporting members of a building, such as bearing walls, columns, beams or girders, or any substantial changes in the roofs or exterior walls, excepting such repair or replacement as may be required for the safety of the building, but not including openings in bearing walls as permitted by the city building code.

Structure. Anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground. Among other things, structures include buildings and mobile homes.

Structure. The outside measurement of all roofed area and supporting structural elements of construction for any accessory building. Constructed of conventional commercial kits or conventional wood framed construction meeting the requirements of the City Building Code as adopted by the City of Hillsboro.

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

Swimming Pool, Private. A swimming pool and accessory facilities constructed for the exclusive use of the proprietor, when located in other than the minimum front yard.

Swimming Pool, Water Park, Commercial. A swimming pool and accessory facilities not part of the municipal or public recreation system, and not a private swim club, but where the facilities are available to the general public for a fee.

Tanning Studio. Any business that uses artificial lighting systems to produce a tan on an individual's body. This use specifically excludes spas, gymnasiums, athletic clubs, health clubs, and any exercise equipment.

Taverns, Bars and Night Clubs. Any place in which serving of alcoholic beverages or intoxicating liquors are sold for consumption upon said premises.

Taxidermist Shop. An establishment offering the services of taxidermy.

Telecommunications, Wireless Facility. A structure or structures supporting antennas and/or commercial satellite antenna dishes which are transmitting or receiving any portion of the radio spectrum including wireless communication facilities, but excluding non-commercial antenna installations for home use of radio or television. See *Section 5.47, Wireless Communication Facilities*.

Telephone Exchange, Switching, or Relay. A facility for the exchange, switching, relaying, or transmission of telephone services, not including public office facilities, storage, or repair facilities.

Textile Manufacturing. Includes knitting, weaving, printing, and finishing of textiles and fibers into fabric goods.

Theater, Indoor Motion Picture. An establishment offering motion pictures for viewing by the public.

Thoroughfare. Those public streets designated on the City of Hillsboro Thoroughfare Plan as "thoroughfares".

Tobacco Shop. A retail establishment offering for sale to the public tobacco products and accessories.

Townhouse. A row three (3) of or more attached, one-family dwellings, separated by vertical party or lot-line walls, and each having private entrances.

Trailer. A vehicle that is designed or used to carry a load wholly on its own structure; and is drawn or designed to be drawn by a motor vehicle.

Understory/Accent Trees. Small evergreen or deciduous perennial woody plants, which would grow below the top layer of the forest and typically has unique branching, textural or seasonal color characteristics.

Use. The purpose for which land or a building is arranged, designed or intended, or for which land or a building is or may be occupied or maintained.

Variance. A variance is a relaxation by the Board of Adjustment of the dimensional regulations of the zoning ordinance, where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions or the situation of the applicant, a literal enforcement of the zoning ordinance would result in unnecessary and undue hardship. See *Article 6, Section 6.50, Board of Adjustment*.

Vehicle. As used herein shall include motor vehicle, motorcycle, trailer and semi-trailer.

Veterinarian Office, Large Animal Practice. The offices of a doctor of veterinary medicine with on-site treatment of large domestic animals, which may consist of livestock and/or other farm animals and may include outside treatment pens, shelters, or barns.

Veterinarian Office, Small Animal Practice. The offices of a doctor of veterinary medicine with on-site treatment of small domestic animals, which consist primarily of household pets and animals that are not sheltered in pens or barns (excluding dog runs and pens).

Veterinary Hospital With Outside Pens. An office and clinic of a doctor of veterinary medicine for small domestic animal practice, including outside treatment pens.

Veterinary Hospital Without Outside Pens. An office and clinic of a doctor of veterinary medicine for small domestic animal practice, without outside treatment pens.

Video/Game Rental. A commercial establishment that provides as a service a library of video movies and video games which may be rented on a short-term basis and returned for reuse.

Warehousing and Freight Office and Storage. A use engaged in storage, wholesale sales, and distribution of manufactured products, supplies, and equipment, but excluding bulk storage of materials that are flammable or explosive or that create hazardous or commonly recognized offensive conditions.

Welding or Machine Shop. A facility for the machining and welding of metals, not including forging or structural welding.

Yard, Front. A yard across the full width of the lot extending from the building line to the front line of the lot abutting a street. Depth of required front yards shall be measured at right angles to a straight line joining the foremost points of the side lot lines. The foremost point of the side lot line, in the case of rounded property corners at street intersections, shall be assumed to be the point at which the side and front lot lines would have met without such rounding.

Yard, Rear. A yard between the rear lot line and the rear line of the main building and the side lot lines. Depth of a required rear yard shall be measured in such a manner that the yard established is a strip of the minimum width required by district regulations with its inner edge parallel with the rear lot line.

Yard, Side. A yard between the building and the sideline of the lot and extending from the front yard to the required minimum rear yard. Width of a required side yard shall be measured in such a manner that the yard established is a strip of the minimum width required by district regulations with its inner edge parallel with the side lot line.

Zoning District Map. The official certified map upon which the boundaries of the various zoning districts are drawn and which is an integral part of the zoning ordinance.