

CHAPTER 14

ZONING

ARTICLE 14.01 GENERAL PROVISIONS^{*}

(Reserved)

ARTICLE 14.02 ZONING ORDINANCE[†]

Sec. 14.02.001 Adopted

The comprehensive zoning ordinance, Ordinance 2019-0129-4, adopted by the city on January 29, 2019, as amended, is included at the end of this chapter as exhibit A. Due to the nature of the zoning ordinance and the technicalities involved in adopting or amending it, such ordinance is printed herein as enacted, with only nonsubstantive formatting and style changes. Capitalization, punctuation and numbering of articles, sections and subsections have been retained as enacted. Subsequent amendments will be inserted in their proper place and denoted by a history note following the amended provisions. The absence of a history note indicates the material is unchanged from the original. Obviously misspelled words have been corrected without notation. Any other material added for purposes of clarification is enclosed in brackets. (Editorially supplied)

ARTICLE 14.03 AIRPORT ZONING^{**}

Division 1. Generally

Sec. 14.03.001 State laws adopted

The provisions of V.T.C.A., Transportation Code, chapter 22, commonly known as the Municipal Airport Act, and the provisions of V.T.C.A., Local Government Code, section 241.001 et seq., inclusive, commonly known as the Airport Zoning Act, all as now or hereafter amended, are hereby adopted and made available and applicable to all proceedings under this article and any future resolution or ordinance affecting zoning regulations for such airport. (2003 Code, sec. 16.36)

Sec. 14.03.002 Definitions

As used in this article and in proceedings pursuant to this article, unless otherwise required by the context:

Airport. The Littlefield Municipal Airport.

Airport hazard. Any structure or tree which obstructs the airspace required for the take-off, landing and flight of aircraft or which interferes with visual, radar, radio, or other systems for tracking, data acquisition, monitoring, or control of aircraft.

Airport hazard area. Any area of land or water upon which an airport hazard might be established if not prevented as provided in the Airport Zoning Act.

Person. Any individual, firm, partnership, corporation, company, association, joint stock association, or body politic, and includes any trustee, receiver, assignee or other similar representative thereof.

Structure. Any object constructed or installed by man, including, but without limitation, buildings, towers, smokestacks, and overhead transmission lines.

This article. This article and the concurrent and corresponding action taken by the commissioners court of the county pursuant to the laws adopted by [section 14.03.001](#), and more particularly V.T.C.A., Local Government Code, section 241.014, whenever necessary for the sake of clarity or whenever necessary to effectuate fully the various provisions hereof.

Tree. Any object of natural growth.

(2003 Code, sec. 16.37)

Sec. 14.03.003 Joint zoning board created; membership

(a) Subject to like provisions being made by the commissioners court of the county, by proper order duly promulgated and entered on their minutes, and as authorized by the provisions of the Airport Zoning Act, Texas Local Government Code, section 241.001 et seq., there is hereby created a joint airport zoning board, to be known as the City of Littlefield-Lamb County Joint Airport Zoning Board, which board shall have the powers and exercise the duties set forth in Texas Local Government Code section 241.014.

(b) The City of Littlefield-Lamb County Joint Airport Zoning Board shall be composed of five (5) members; two (2) members shall be appointed by the city council and two (2) members shall be appointed by the commissioners court of the county; the fifth (5th) member shall be elected by a majority of the members so appointed and said fifth (5th) member shall serve as chairman of the City of Littlefield-Lamb County Joint Airport Zoning Board.

(Ordinance 2005-0425 adopted 4/25/05)

State law reference—Joint airport zoning board, V.T.C.A., Local Government Code, sec. 241.014.

Sec. 14.03.004 Adoption of regulations by joint airport zoning board

No airport zoning regulations shall be adopted, amended or changed under the laws adopted by [section 14.03.001](#) and this article except by action of the municipal airport joint zoning board after a public hearing in relation thereto at which parties in interest and citizens shall have an opportunity to be heard. At least fifteen (15) days' notice of the hearing shall be published in a paper of general circulation in the county. (2003 Code, sec. 16.39)

Sec. 14.03.005 Recommendations by airport zoning commission

Prior to the initial zoning of any airport hazard area pursuant to this article, or the amendment of an existing airport zoning regulation, the municipal airport joint zoning board shall appoint a commission, to be known as the Littlefield Municipal Airport Zoning Commission, which shall recommend the boundaries of the various zones to be established and the regulations to be adopted therefor. Such commission shall make a preliminary report and hold public hearings thereon before submitting its final report, and the municipal airport joint zoning board shall not hold its public hearings or take other action until it has received the final report of the municipal airport zoning commission. The city planning commission may be appointed to serve as the municipal airport zoning commission. At least fifteen (15) days' notice of the hearing shall be published in an official paper or a paper of general circulation in the political subdivision or subdivisions in which is located the airport hazard or compatible land use area to be zoned. (2003 Code, sec. 16.40)

State law reference—Airport zoning commission, V.T.C.A., Local Government Code, sec. 241.016.

Sec. 14.03.006 Regulations to be reasonable; nonconforming uses

(a) All airport zoning regulations adopted under this article shall be reasonable, and none shall impose any requirement or restriction which is not reasonably necessary to effectuate the purposes of the laws adopted by [section 14.03.001](#) and this article. In determining what regulations it may adopt, the municipal airport joint zoning board shall consider, among other things, the character of the flying operations expected to be conducted at the airport, the nature of the terrain within the airport hazard area or areas, the character of the neighborhood, and the uses to which the property to be zoned is put and adaptable.

(b) No airport zoning regulations adopted under this article shall require the removal, lowering or other change or alteration of any structure or tree not conforming to the regulations when adopted or

amended, or otherwise interfere with the continuance of any nonconforming use, except as provided in [section 14.03.007](#)(c) of this article. For purposes of this subsection, permitted nonconforming structures include all phases or elements of a multipurpose structure, whether or not actual construction has commenced, which had received a determination of no hazard by the Federal Aviation Administration under part 77 of the Federal Aviation Regulations (14 Code of Federal Regulations, part 77) before the airport zoning regulations were adopted or amended.

(2003 Code, sec. 16.41)

Sec. 14.03.007 Permits and variances

(a) Any airport zoning regulations adopted under this article may require that a permit be obtained before any new structure or use may be constructed or established and before any existing use or structure may be substantially altered or repaired. In any event, however, all such regulations shall provide that, before any nonconforming structure or tree may be replaced, substantially altered or repaired, rebuilt, allowed to grow higher, or replanted, a permit must be secured from the administrative agency authorized to administer and enforce the regulations, authorizing such replacement, change or repair. No permit shall be granted that would allow the establishment or creation of an airport hazard or permit a nonconforming structure or tree or nonconforming use to be made or become higher or become a greater hazard to air navigation than it was when the applicable regulation was adopted or than it is when the application for a permit is made. Except as provided herein, all applications for permits shall be granted.

(b) Any person desiring to erect any structure, or increase the height of any structure, or permit the growth of any tree or otherwise use his property in violation of airport zoning regulations adopted pursuant to this article, may apply to the board of adjustment for a variance from the zoning regulations in question. Such variances shall be allowed where a literal application or enforcement of the regulations would result in practical difficulty or unnecessary hardship and the relief granted would not be contrary to the public interest but do substantial justice and be in accordance with the spirit of the regulations, the laws adopted by [section 14.03.001](#) and this article; provided that any variance may be allowed subject to any reasonable conditions that the board of adjustment may deem necessary to effectuate the purposes of such laws and this article.

(c) In granting any permit or variance under this section, the administrative agency or board of adjustment may, if it deems such action advisable to effectuate the purposes of the laws adopted by [section 14.03.001](#) and this article and reasonable under the circumstances, so condition such permit or variance as to require the owner of the structure or tree in question to permit the city, at its own expense, to install, operate and maintain thereon such markers and lights as may be necessary to indicate to flyers the presence of an airport hazard.

(2003 Code, sec. 16.42)

Sec. 14.03.008 Appeals

(a) Any person aggrieved, or taxpayer affected, by any decision of an administrative agency made in

its administration of airport zoning regulations adopted pursuant to this article or the county or the city or the municipal airport joint zoning board, when of the opinion that a decision of such an administrative agency is an improper application of airport zoning regulations of concern to such county, city or board, may appeal to the board of adjustment authorized to hear and decide appeals from the decisions of such administrative agency.

(b) All appeals taken under this section must be taken within a reasonable time, as provided by the rules of the board of adjustment, by filing with the agency from which the appeal is taken, and with the board of adjustment, a notice of appeal specifying the grounds thereof. The agency from which the appeal is taken shall forthwith transmit to the board of adjustment all the papers constituting the record upon which the action appealed from was taken.

(c) An appeal shall stay all proceedings in furtherance of the action appealed from, unless the agency from which the appeal is taken certifies to the board of adjustment, after the notice of appeal has been filed with it, that by reason of the facts stated in the certificate a stay would, in its opinion, cause imminent peril to life or property. In such cases, proceedings shall not be stayed except by order of the board of adjustment on notice to the agency from which appeal is taken and on due cause shown.

(d) The board of adjustment shall fix a reasonable time for the hearing of appeals, give public notice and due notice to the parties in interest, and decide the same within a reasonable time. Upon the hearing, any party may appear in person or by agent or by attorney.

(e) The board of adjustment may, in conformity with the provisions of the laws adopted by [section 14.03.001](#) and this article, reverse or affirm, wholly or partly, or modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision or determination as may be appropriate under the circumstances, and to that end shall have all the powers of the administrative agency from which the appeal is taken.

(2003 Code, sec. 16.43)

Sec. 14.03.009 Administrative agency

The airport zoning regulations adopted pursuant to this article shall provide for the administration and enforcement of such regulations by an administrative agency, which may be an agency created by such regulations or any official, board, or other existing agency of the city, if satisfactory to the city council, but in no case shall such administrative agency be or include any member of the board of adjustment. The duties of such administrative agency designated as provided herein shall include that of hearing and deciding all permits under [section 14.03.007\(a\)](#), but such agency shall not have or exercise any of the powers now or hereafter delegated to the board of adjustment. (2003 Code, sec. 16.44)

Sec. 14.03.010 Board of adjustment

(a) Powers. All airport zoning regulations adopted under this article shall provide for a board of adjustment to have and exercise the following powers:

(1) To hear and decide appeals from any order, requirement, decision or determination made by the administrative agency in the enforcement of the airport zoning regulations as provided in [section 14.03.008](#).

- (2) To hear and decide any special exceptions to the terms of the airport zoning regulations upon which such board of adjustment may be required to pass under such regulations.
- (3) To hear and decide specific variances under [section 14.03.007\(b\)](#).
- (b) Composition. Where a zoning board of appeals or adjustment already exists, it may be appointed as the board of adjustment. Otherwise, the board of adjustment shall consist of five (5) members, each to be appointed for a term of two (2) years and removable for cause by the municipal airport joint zoning board upon written charges and after public hearing. Vacancies shall be filled for the unexpired term of any member whose position becomes vacant.
- (c) Actions by board. The concurring vote of four (4) members of the board of adjustment shall be necessary to reverse any order, requirement, decision, or determination of the administrative agency, or to decide in favor of the applicant on any matter upon which it is required to pass under the airport zoning regulations, or to effect any variation in such regulations.
- (d) Meetings and rules of procedure; records. The board of adjustment shall adopt rules for its governance and procedure in accordance with the laws adopted by [section 14.03.001](#) and this article. Meetings of the board of adjustment shall be held at the call of the chairman and at such other times as the board of adjustment may determine. The chairman or, in his absence, the acting chairman may administer oaths and compel the attendance of witnesses. All hearings of the board of adjustment shall be public. The board of adjustment shall keep minutes of its proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall immediately be filed in the office of the secretary of the city, or, if the board of adjustment has its own separate office, in such separate office, and in either case all such records shall be public records.
- (e) Written findings of fact required. The board of adjustment shall make written findings of fact and conclusions of law stating the facts upon which it acted and its legal conclusions from such facts in reversing, affirming or modifying any order, requirement, decision or determination which comes before it pursuant to the laws adopted by [section 14.03.001](#), this article or other applicable laws, rules or regulations.

(2003 Code, sec. 16.45)

State law reference—Airport zoning board of adjustment, V.T.C.A., Local Government Code, sec. 241.032.

Sec. 14.03.011 Review of decisions by court

- (a) Any person aggrieved, or taxpayer affected, by any decision of the board of adjustment, or the city or county, or the municipal airport joint zoning board, when of the opinion that a decision of the board of adjustment is illegal, may present to a court of record having jurisdiction a verified petition setting forth that the decision is illegal, in whole or in part, and specifying the grounds of illegality. Such petition shall be presented to the court within ten (10) days after the decision is filed in the in the office of the board of adjustment, which shall be deemed the office of the secretary of the city if such board has no separate office of its own at the time in question.

- (b) Upon presentation of such petition, the court may allow a writ of certiorari directed to the board of adjustment to review such decision of the board. The allowance of the writ shall not stay proceedings upon the decision appealed from, but the court may, on application, on notice to the board of adjustment and on due cause shown, grant a restraining order.
- (c) The board of adjustment shall not be required to return the original papers acted upon by it, but it shall be sufficient to return certified or sworn copies thereof or of such portions thereof as may be called for by the writ. The return shall concisely set forth such other facts as may be pertinent and material to show the grounds of the decision appealed from and shall be verified.
- (d) The court shall have exclusive jurisdiction to affirm, modify or set aside the decision brought up for review, in whole or in part, and, if necessary, to order further proceedings by the board of adjustment. In all appeals taken pursuant to the laws adopted by [section 14.03.001](#) and this article, such case shall be tried and determined de novo on the basis of the facts adduced in the trial of the case in the court, and the court independently shall pass upon both the law and the facts as in an ordinary civil suit.
- (e) Costs shall not be allowed against the board of adjustment unless it appears to the court that it acted with gross negligence, in bad faith, or with malice in making the decision from which appeal is taken.
- (f) In any case in which the airport zoning regulations adopted under the laws adopted by [section 14.03.001](#) and this article, although generally reasonable, are held by a court to interfere with the use or enjoyment of a particular structure or parcel of land to such an extent, or be so onerous in their application to such a structure or parcel of land, as to constitute a taking or deprivation of that property in violation of the constitution of the state or the Constitution of the United States, such holding shall not affect the application of such regulations to other structures or parcels of land.

(2003 Code, sec. 16.46)

Sec. 14.03.012 Legal action to prevent or abate violation

In addition to all other rights provided for herein, the municipal airport joint zoning board may institute, in any court of competent jurisdiction, an action to prevent, restrain, correct or abate any violation of the laws adopted by [section 14.03.001](#) or this article or of any airport zoning regulations adopted pursuant thereto, or of any order or ruling made in connection with the enforcement or administration of such regulations, and the court shall adjudge to the plaintiff such relief, by way of injunction (which may be mandatory) or otherwise as may be proper under all facts and circumstances of the case in order to fully effectuate the purposes of such laws, this article, and the regulations adopted and orders and rulings made pursuant thereto. (2003 Code, sec. 16.47)

Sec. 14.03.013 Conflicting regulations

In the event of conflict between any airport zoning regulations adopted under the laws adopted by [section 14.03.001](#) and this article and any other regulations applicable to the same area, whether the conflict be with respect to the height of structures or trees, the use of land, or any other matter, and irrespective of which political subdivision or subdivisions adopted such other regulations, the more stringent limitations or requirement shall govern and prevail. (2003 Code, sec. 16.48)

Sec. 14.03.014 Penalty

Each violation of this article or of any regulation, order or ruling promulgated hereunder shall constitute a misdemeanor and be punishable as provided in [section 1.01.009](#) of this code. (2003 Code, sec. 16.49)

Secs. 14.03.015–14.03.040 Reserved

Division 2. Airport Hazard Zoning Ordinance

Sec. 14.03.041 Adopted

The airport hazard zoning ordinance, Ordinance 2005-0927-4, adopted by the city on August 8, 2005, as amended, is included at the end of this chapter as exhibit B. Such ordinance is printed herein as enacted, with only nonsubstantive formatting and style changes. Capitalization, punctuation and numbering of articles, sections and subsections have been retained as enacted. Subsequent amendments will be inserted in their proper place and denoted by a history note following the amended provisions. The absence of a history note indicates the material is unchanged from the original. Obviously misspelled words have been corrected without notation. Any other material added for purposes of clarification is enclosed in brackets. (Ordinance adopting Code)

EXHIBIT A

ZONING ORDINANCE

ARTICLE 1. GENERAL PROVISIONS

Section 1.01 Title

This shall be known and may be cited as the “Zoning Ordinance of the City of Littlefield,” or simply as the “Zoning Ordinance.”

Section 1.02 Authority

This Zoning Ordinance is adopted pursuant to the powers granted and limitations imposed by the Constitution and laws of the State of Texas, the home rule authority of the City of Littlefield in accordance with its Charter, and common law that are relevant and appropriate.

Section 1.03 Applicability and Jurisdiction

The provisions of this Zoning Ordinance shall apply to the use and development of all land within the City of Littlefield, unless specifically provided otherwise in this Zoning Ordinance.

Section 1.04 Purpose

This ordinance is adopted for the purpose of promoting the public health, safety and general welfare of the citizens of the City of Littlefield. It is adopted in accordance with and is intended to complement the city’s comprehensive plan. More specifically, this ordinance is intended to fulfill one or more of the following purposes:

1. Preserve and enhance the integrity, stability and livability of residential neighborhoods;
2. Maintain property values by stabilizing expectations and ensuring predictability in development;
3. Prevent or minimize land use incompatibilities and conflicts;
4. Prevent overcrowding of buildings and overdevelopment of sites and excessive concentrations of population or commercial activities;
5. Encourage commercial revitalization;
6. Preserve and enhance the city’s natural environment and avoid natural hazards in the development of the city;
7. Balance the protection of community and neighborhood resources with the need to promote economic development and protect individual property rights;
8. Maintain opportunities for development and redevelopment to respond to changes in the marketplace, while respecting the character of surrounding areas;
9. Establish a process that effectively and fairly applies the regulations and standards of this chapter

and respects the rights of property owners and the interests of citizens.

10. Except as provided in [Articles 16](#) and [19](#) of this ordinance, no land shall hereafter be used and no building or structure shall hereafter be occupied, used, erected, altered, removed, placed, demolished or converted which is arranged or designed to be used for other than those uses specified for the district in which it is located and as set forth by the proper District and contained within the Schedule of Uses or Chart of Uses incorporated in this Ordinance.

Section 1.05 Conflict with Other Laws

Wherever the requirements of this Zoning Ordinance are at variance with the requirements of any other lawfully adopted rules, regulations or laws, those imposing the higher standards or those deemed more restrictive shall govern. However, this Zoning Ordinance is not intended to supplant or replace private deed restrictions and covenants, except where coincident with the provisions of this Zoning Ordinance and any other lawfully adopted rules, regulations or laws.

Section 1.06 Compliance with Zoning District Standards

All development and use of land in the City shall comply with the following standards:

1. No building, structure or land shall hereafter be used or occupied, and no building, structure or part thereof shall hereafter be erected, constructed, reconstructed, installed or structurally altered, except in conformance with all the regulations specified in this Zoning Ordinance.
2. The lot area, required yards and other open spaces provided in connection with any structure or use, in order to comply with the regulations specified in this Zoning Ordinance, shall be situated on the same lot as the structure or use.
3. No part of a yard, open space or off-street parking and loading area required in connection with this Zoning Ordinance shall be included as part of a yard, open space, off-street parking or loading area similarly required for another building, except as allowed under specific provisions for shared parking facilities.
4. No yard or lot existing on the effective date of this Zoning Ordinance shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Zoning Ordinance shall meet the minimum requirements established herein.

Section 1.07 Permits Issued in Conflict with Ordinance

Any permit issued in conflict with the provisions of this Zoning Ordinance shall be null and void and may not be construed as waiving any provisions of this Zoning Ordinance.

Section 1.08 Official Zoning Map

The boundaries of the zoning districts established by this Zoning Ordinance shall be shown on a map or series of maps entitled "Official Zoning Map," an up-to-date copy of which shall be maintained in the office of the City Secretary.

Section 1.09 Transitional Provisions

1. This Zoning Ordinance is not intended to abrogate or annul (1) any permits properly issued or land use created before the effective date of this Zoning Ordinance, with the exception to any use deemed hazardous to the health, safety or welfare of Littlefield residents by the proper authority(ies), or (2) any easement, covenant or any other private agreement.

2. Except as specifically provided, the provisions of this Zoning Ordinance shall not affect any building permit issued or any valid building permit application filed prior to the effective date of this Zoning Ordinance, provided that construction pursuant to such permit, if and when issued, is commenced within six (6) months of the date of issuance of the permit and diligently pursued to completion.
3. No presently illegal use shall be deemed to have been legalized unless such use specifically falls within a zoning district where the actual use is a conforming use. Otherwise, such uses shall remain legally nonconforming uses where recognized, or an illegal use, as the case may be.
4. No offense committed, and no liability, penalty or forfeiture, either civil or criminal, shall be discharged or affected by the adoption of this Zoning Ordinance; but prosecutions and suits for such offenses, liabilities, penalties or forfeitures may be instituted or causes presently pending continued.
5. If a use lawfully occupying land or buildings is classified by the Zoning District where located or by the Use Table, such use shall not be considered a nonconforming use. Any existing use shall become nonconforming unless or until zoned within the correct Zoning District. The existing use shall be considered a lawful nonconforming use, the same as if the Planning and Zoning Commission and City Council had expressly approved the location of that use on the lot where existing at the effective date of this Zoning Ordinance.

Section 1.10 Severability

If any Section, subsection, sentence, clause, phrase or portion of this Zoning Ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portions shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions of this Zoning Ordinance.

Section 1.11 Delegation by City Manager

Any duty or function assigned by this ordinance to the City Manager may be delegated by the City Manager to another City employee for administrative efficiency, in the event of a conflict of interest, or in order to meet a deadline in the absence of the City Manager. Every reference to "City Manager" in this ordinance also includes and means the designee of the City Manager.

ARTICLE 2. ZONING DISTRICT MAP

Section 2.01 Zoning District Boundaries Delineated on Zoning District Map

The boundaries of the zoning districts set out herein are delineated upon the Zoning District Map of the City of Littlefield, Texas, said map being hereby adopted as part of this ordinance as fully as if the same were set forth herein in detail.

Section 2.02 Regulations for Maintaining Zoning District Map

Two (2) original, official, and identical copies of the Zoning District Map are hereby adopted bearing the signature of the Mayor and attestation of the City Secretary and shall be filed and maintained as follows:

1. One copy shall be filed with the City Secretary, to be retained as the original record and shall not be changed in any manner.
2. One copy shall be filed with the City manager or his designee and shall be maintained up-to-date by posting thereon all changes and subsequent amendments for observation in issuing building permits

and for enforcing the Zoning Ordinance. A written record (logbook) shall be kept by the Building Official of all changes made to the Zoning District Map.

3. Reproductions of the official Zoning District Map may be made for information purposes.

ARTICLE 3. ZONING DISTRICT BOUNDARIES

Section 3.01 Rules for Determining District Boundaries

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

1. Boundaries indicated as approximately following streets, highways, or alleys shall be construed to follow and extend to the centerline of such street, highway, or alley. Whenever a street, highway, or alley is vacated, the zoning boundary established in the preceding sentence remains intact notwithstanding the vacation of street, alley or highway.
2. Boundaries indicated as approximately following platted lot lines shall be construed as following such lines.
3. Boundaries indicated as approximately following city limits shall be construed as following city limits.
4. Boundaries indicated as following railroad or utility lines shall be construed to be the centerline of the right-of-way; if no centerline is established, the boundary shall be interpreted to be midway between the right-of-way lines.
5. Boundaries indicated as parallel to or extensions of features indicated in 1 through 4 above shall be construed as being parallel. Distances not specifically indicated on the original Zoning Map shall be determined for the graphic scale on the map.
6. Whenever a street, alley, or other public way is vacated by official action of the City Council, or whenever a street or alley area is franchised for building purposes, the zoning district line adjoining each side of such street, alley, or other public way shall be automatically extended to the centerline of such vacated street, alley, or way, and all areas so involved shall then and henceforth be subject to all regulations of the extended districts.
7. Where physical features on the ground are at variance with information shown on the official zoning district map, or if there arises a question as to how a parcel of property is zoned and such question cannot be resolved by the application of subsections 1 through 6, or the zoning of property is invalidated by a final judgment of a court of competent jurisdiction, the property shall be considered as classified "A" - Agricultural District, temporarily. In an area determined to be temporarily classified as "A" - Agricultural District, no person shall construct, add or to [add to or] alter any building or structure or cause the same to be done, nor shall any use be located therein or on the land which is not permitted in an "A" - Agricultural District, unless and until such territory has been zoned to permit such use by the

City Council. It shall be the duty of the City Council to determine a permanent zoning for such area as soon as practicable.

ARTICLE 4. ZONING OF ANNEXED TERRITORY

Section 4.01 Permanent/Temporary Zoning Concurrent with Annexation

An area or areas being annexed to the City of Littlefield may be given permanent zoning concurrently with the annexation, or in the absence of other zoning upon annexation, annexed land shall be assigned a zoning of "A" Agricultural as a temporary designation until a use is proposed that is consistent with the Comprehensive Plan or deemed in the public interest by the City Council. The use of the term "permanent zoning" in this section and elsewhere in this ordinance shall not be construed as negating or limiting the power of the City to zone, rezone, or grant variances and special uses, or to be an assurance that a current zoning classification on any land may not change in the future or the regulations applicable to any particular zoning classification.

Section 4.02 Reserved

Section 4.03 Regulations in Areas Classified as "A"

In an area classified as "A" - Agricultural District, the following rules apply:

1. No person shall erect, construct, or proceed or continue with the erection or construction of any building or structure or cause the same to be done in any newly annexed territory to the City of Littlefield without first applying for and obtaining a building permit or certificate of occupancy from the building official or the City Council, as may be required.
2. No permit for the construction of a building or use of land shall be issued by the Building Official other than a permit which will allow the construction of a building permitted in a zoning district other than the Agricultural District by the City Council in the manner prescribed by law.

ARTICLE 5. PLANNING AND ZONING COMMISSION CREATED

Section 5.01 Planning and Zoning Commission

The Planning and Zoning Commission shall be composed of five (5) residents of the City plus two (2) alternate members. The alternates shall serve in the absence of one or more of the regular members when requested to do so by the Chair of the Planning and Zoning Commission. The membership shall be appointed by the City Council. The City Council will consider for appointment to the commission only those persons who have demonstrated their civic interest, general knowledge of the community, independent judgment, interest in planning and zoning, being a resident of the City of Littlefield and availability to prepare for and attend meetings. Excessive unexcused absence (absence should be provided to the Chair of the Commission or the City Manager prior to the missed meeting) shall be grounds for Council consideration of removal. It is the intent of the City Council that members shall, by reason of diversity of their individual occupations, constitute a commission which is broadly representative of the community.

Section 5.02 Membership

The members of the Commission shall be appointed for terms of five (5) years or as otherwise stated in the Charter; provided, however, that the vacancies shall be filled for unexpired terms. The members of the Commission shall be identified by place numbers one (1) through five (5) or Alternate. Commission members may be reappointed to successive terms. Newly appointed members shall be installed at the first regular Commission meeting after their appointment. Any vacancies occurring on the Commission shall be filled by appointment by the City Council with such appointment being for the unexpired term of such vacancy. Terms of appointed members shall be deemed extended until a successor is appointed. Members may be removed at the discretion of the City Council. A quorum for the conduct of business shall consist of three (3) members of the Commission. The members of the Commission shall regularly attend meetings and public hearings of the Commission and shall serve without compensation, except for reimbursement of authorized expenses attendant to the performance of

their duties. All meetings held by the Planning and Zoning Commission shall be open to the public.

Charter reference—Planning commission, [sec. 10.02](#).

State law reference—Zoning commission, V.T.C.A., Local Government Code, sec. 211.007.

ARTICLE 6. ZONING BOARD OF ADJUSTMENT CREATED

Section 6.01 Board of Adjustment

There is hereby created a Board of Adjustment consisting of five (5) members, each to be appointed by the City Council for a term of two (2) years and removable for cause by the city council upon written charges and after a public hearing. Vacancies shall be filled for the unexpired term of any member whose place becomes vacant for any cause, in the same manner as the original appointment was made. Each member reappointed or each new appointee shall serve for a full term of two (2) years unless removed as herein provided. Provided, however, that the City Council may appoint two (2) alternate members of the Board of Adjustment who shall serve in the absence of one or more of the regular members, shall attend each meeting, and may participate in the discussion. In accordance with State law approval of a variance or exception requires five voting members for each case, although a quorum can be four (4) members. Appointment of alternates allows meetings with five voting members. When the Board sits with only four members as a quorum the vote shall be 100%. In the instance a Regular member is not in attendance an Alternate, when requested to do so by the Chair of the Board of Adjustment during the stated meeting, shall become a voting member for that case, such that all cases to be heard by the Board of Adjustment will always be heard by a minimum number of four (4) members. The alternate members, when appointed, shall serve for the same period as the regular members, a term of two years, and any vacancy shall be filled by appoint [appointment] by the City Council for the remainder of the term of the vacant member, and they shall be subject to removal the same as the regular members.

The Board shall adopt rules to govern its proceedings provided, however, those rules may not be inconsistent with this Ordinance or Statutes of the State of Texas. Meetings of the Board shall be held at the call of the Chairman and at such other times as the Board may determine. All meetings of the Board shall be open to the public. The Board shall keep minutes of its proceedings appointing the City Manager and/or the City Secretary as the Secretary of the Zoning Board of Adjustment, showing the vote of each member upon each question, or if absent or failing to vote, indicate such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the City Secretary and shall be a public record.

State law reference—Establishment and authority of zoning board of adjustment, V.T.C.A., Local Government Code, sec. 211.008 et seq.

ARTICLE 7. PUBLIC NOTICE AND APPLICATION REQUIREMENTS

Section 7.01 Application Conference

An applicant for development approval may request pre-application conference with the City Manager. Prior to the conference, the applicant shall provide a description of the character, location and magnitude of the proposed development. The purpose of this meeting is to acquaint the participants with the requirements of this Zoning Ordinance and the views and concerns of the City.

Section 7.02 Procedures Requiring Public Notice

1. Application Forms. Every application for development approval shall be in a form specified by the City Manager.
2. Standard Application Submission Cycle. Applications that will be reviewed by the Planning and Zoning Commission or the Zoning Board of Adjustment must be filed at least 21 days in advance of the scheduled public hearing, in order to allow adequate time for staff review and preparation of a staff report and publication of notice.
3. Application Fees:
 - a) No application shall be processed until the established fee has been paid. This nonrefundable fee

shall be established from time to time by the City Council to defray the actual cost of processing the application and providing public notice. The fee at the time of creation of this ordinance is \$100.00.

b) No application fee shall be required when a text or map amendment is proposed by the City Manager, City Council or Planning and Zoning Commission.

4. Completeness of Application. No application shall be processed until it has been deemed complete by the City Manager. The City Manager shall have 5 working days following the submission of the application to determine its completeness. If the application is deemed incomplete, the City Manager shall forward a letter to the applicant specifying the application's deficiencies, and no further review of the application shall proceed until the deficiencies are corrected. If the deficiencies are not corrected by the application deadline date, the application shall not be scheduled for public hearing.

Section 7.03 Notice of Public Hearings; Planning and Zoning Commission

Whenever the provisions of this Zoning Ordinance require a public hearing before the Planning and Zoning Commission, Zoning Board of Adjustment or the Littlefield City Council, notice shall be published in a newspaper of general circulation in the City of Littlefield at least 15 days prior to the date of the hearing, excluding the day of the hearing and the day of the publication.

Section 7.04 Mailed Notice of Public Hearing

1. General. Prior to the meeting of the Planning and Zoning Commission or the Zoning Board of Adjustment a notice of public hearings shall also be sent by mail to owners of real property within at least 200 feet of the lot or parcel lines of the land that is the subject of the application. Owners of real property shall be identified by reference to the most recent tax records. Notice shall be deemed mailed by virtue of its deposit with the United States Postal Service, properly addressed with postage prepaid.
2. Mailed notice shall be deposited in the U.S. Mail before the 10th day before the date of the public hearing.
3. In addition to the mailed notice in 1 and 2 above, a notice shall be posted to the City of Littlefield website and a location at City Hall available to the general public before the 10th day of a hearing.

Section 7.05 Content of Published and Mailed Notice

Published and mailed notices shall provide at least the following information:

- a. The general location of the land that is the subject of the application;
- b. A summary of the subject property's legal description by plat or metes and bounds and/or a street address, if available, or other locative information;
- c. The substance of the application;
- d. The time, date and location of the public hearing;
- e. A contact person at the City and their telephone number; and
- f. A statement that interested parties may appear at the public hearing and be heard with respect to the application.

Section 7.06 Continuation of Public Hearings

A public hearing for which proper notice was given may be continued within the stated meeting [of the] Planning

and Zoning Commission that contains the public hearing agenda item to a later date without complying again with the notice provisions above, provided that the continuance is set for a date and time certain announced at the public hearing, to the extent allowed by and consistent with the Texas Open Meetings Act, as amended.

Section 7.07 Postponement of Public Hearing/Withdrawal of Application

a. An applicant may withdraw an application or request at any time prior to a vote by the body before whom a matter is pending. Such withdrawal shall be in writing to the City Manager and effective upon delivery. If the City Manager does not timely receive such notification, the case will proceed as scheduled. The appropriate municipal board, commission or council is then authorized to take action on the case, after the scheduled hearing. An applicant may not again file any request or application seeking the same or substantially the same relief as was sought in the withdrawn matter, until after 180 days have lapsed from date of withdrawal.

b. After public hearing on any matter within the scope of this Zoning Ordinance, the appropriate municipal board, commission or council hearing such matter may defer action on it by delay to date certain or tabling the item during the posted meeting, for a period of time necessary to gather additional information.

Section 7.08 Rehearing

The Planning and Zoning Commission will not hear a request for amendment to the Official Zoning Map, for any parcel within a zone case that is denied by the Planning and Zoning Commission and/or the City Council for the same purpose on the same tract of land within one year following the final decision on any previous such request unless:

a. The Planning and Zoning Commission is specifically directed by majority vote of the City Council to re-hear the subsequent request after due consideration within a posted City Council action item on a regular or special agenda; or

b. The subsequent request is for more restrictive zoning; or

c. The zoning classification of other nearby properties in the immediate vicinity has changed, thus creating "changed circumstances" in the opinion of the Planning and Zoning Commission.

ARTICLE 8. ADMINISTRATIVE PROCEDURES BY THE CITY MANAGER

Section 8.01 Administrative Classification Allowed for Uses Not Listed

A. Determination of Comparable Use. The City Manager may, when a proposed use is requested but not listed within a District, determine the comparability of the use to a listed permitted use and permit that use to occupy a parcel within the zoning district most closely conforming to the proposed use. Any appeal of the administrative decision shall be to the Zoning Board of Adjustment and must be filed with the City Secretary within 15 days of the date of the mailing of the decision.

B. Administrative Adjustments. Administrative adjustments are specified deviations from otherwise applicable development standards where development is proposed that would be (1) compatible with surrounding land uses; (2) in keeping with the public interest and (3) consistent with the purposes of this Zoning Ordinance.

C. Administrative Adjustments Allowed. The City Manager shall have the authority to grant only the following administrative adjustments:

1. Areas with relatively narrow roadways not bordered by curbs and generally uncharacteristic of urban streets allow an increase in the floor area of a residential accessory building above 50 percent of the total square footage of the principal structure, as long as the maximum floor area ratio for the District is not exceeded.
2. Authorize the construction of a carport in the minimum front or side yard required for one-family or two-family homes, subject to the findings, criteria and general considerations set forth in Section 15 [[Section 15.10](#)].
3. Authorize a variance of up to 10 percent from the numerical standard set forth in [Article 8](#) or Section 15 [[Article 15](#).]
4. EXAMPLE: Minimum front yard requirement of 20 feet may be varied by up to 10% to a minimum of 18 feet.
5. Allow an all-weather surface to be substituted for the requirement to pave the minimum off-street parking spaces required for single-family residences and commercial properties, where the City Manager makes a finding that the character of the surrounding area is principally recreational or rustic in nature, with relatively narrow roadways not bordered by curbs and generally uncharacteristic of urban streets.

Submission of Application. A complete application for an Administrative Adjustment shall be submitted to the City Manager, along with the appropriate application fee.

Action by City Manager. After determining that the application is complete, the City Manager shall review the application and approve, approve with conditions or deny the application based upon the criteria below. A written decision including affirmative findings on the criteria set forth below shall be mailed to the applicant.

Administrative Adjustment Criteria. To approve an application for an Administrative Adjustment, the City Manager shall make an affirmative finding that the following criteria are met:

That granting the Administrative Adjustment will ensure the same general level of land use compatibility as the otherwise applicable standards.

That granting the Administrative Adjustment will not materially and adversely affect adjacent land uses and the physical character of uses in the immediate vicinity of the proposed development because of inadequate buffering, screening, setbacks and other environmental considerations.

That granting the Administrative Adjustment will not adversely affect value of nearby property in any material way.

That granting the Administrative Adjustment will be generally consistent with the purposes and intent of this Zoning Ordinance.

Appeals. Appeal of an administrative adjustment to the Zoning Board of Adjustment shall be made within fifteen (15) days of the mailing of the City Manager's decision.

Written Interpretations of Text or Official Zoning Map

- A. Authority. The City Manager shall have authority to make all written interpretations concerning the provisions of this Zoning Ordinance and the Official Zoning Map.
- B. Request for Interpretation. A request for interpretation shall be submitted to the City Manager in a form established by the City Manager and made available to the public[.]
- C. Interpretation by City Manager. Within 10 working days after a request for interpretation has been submitted, the City Manager shall: (1) review and evaluate the request based on the text of this Zoning Ordinance, the Official Zoning Map, the Comprehensive Plan and any other relevant information; (2) consult with other staff, as necessary; and (3) render an opinion. The interpretation shall be provided to the applicant in writing by mail.

Official Record. The City Manager shall maintain an official record of interpretations. The record of interpretations shall be available for public inspection during normal business hours.

Appeal of Administrative decision. Any applicant in disagreement with an administrative decision may seek an interpretation for correctness by the Zoning Board of Adjustment.

ARTICLE 9. PLANNING AND ZONING COMMISSION, DUTIES, PROCEDURES AND APPLICATION PROCESS

Section 9.01 Amendments to Zoning Ordinance or Official Zoning Map

- a) Who May File. An application for a zone change shall be submitted by the owner or agent authorized by affidavit to act on the owner's behalf, unless initiated by City officials ordinarily authorized to initiate amendments to the zoning map.
 - 1. A person, firm or corporation that, together or separately, is an owner of the subject property.
 - 2. An authorized representative of such a person, firm or corporation. A notarized affidavit shall be required from the property owner designating such a representative.
 - 3. The City Council or Planning and Zoning Commission acting of its own volition or at petition of the public. A resolution to initiate the amendment process shall appear in the minutes of the official body initiating the request.
 - 4. The City Manager, acting in his/her capacity as technical advisor to the Planning and Zoning Commission.
- b) Text Amendment. An application for amendment of the text of this Zoning Ordinance may be filed by the City Manager, Planning and Zoning Commission or City Council. Any citizen may petition the Planning and Zoning Commission, as a whole, to initiate an application for amendment to the text of this Zoning Ordinance.
- c) Map Amendment. An application for an amendment of the Official Zoning Map (including any amendment required by other procedures in this Article) shall only be filed by the persons listed above in subsection a).

Section 9.02 Submission of Application

A complete application for amendment to the text of this Zoning Ordinance or the Official Zoning Map shall be

submitted to the City Manager, along with the appropriate fee.

Section 9.03 Review by City Manager

After determining that the application is complete, the City Manager shall place the request on a meeting agenda of the Planning and Zoning Commission.

Section 9.04 Hearing and Recommendation by Planning and Zoning Commission

- a) The Planning and Zoning Commission shall, after required notice, conduct a public hearing on each request for an amendment of the Official Zoning Map. Any citizen may request the Planning and Zoning Commission, to rezone a tract of land, to amend the zoning map, or to amend the text of this Zoning Ordinance. The Planning and Zoning Commission shall then have the prerogative of deciding whether to conduct a hearing on any such proposed amendment. If a hearing on a proposed text amendment is not scheduled in advance by the City Manager, the Planning and Zoning Commission may resolve to schedule such a hearing. Regardless of whether a hearing is scheduled by the City Manager or by resolution of the Commission, no hearing on a proposed text amendment shall be conducted until after required notice.
- b) At the public hearing, the Planning and Zoning Commission shall consider the application, comments and recommendations of City staff, other relevant support materials and public testimony given at the public hearing.
- c) After the close of the public hearing, the Planning and Zoning Commission shall recommend that the City Council approve, approve with modifications, or deny the proposed amendment based on the specified criteria in [section 10.02](#).
- d) A recommendation by the Planning and Zoning Commission to deny a request for amendment of the Official Zoning Map shall be the final decision on the matter, if not appealed in writing to the City Council within ten (10) days.
- e) A tie vote by the Planning and Zoning Commission on any proposed amendment to the Official Zoning Map or the text of this Zoning Ordinance shall be forwarded without recommendation to the City Council (refer to [Section 10.03](#) regarding an appeal).

Section 9.045 [9.05] Special Use

- a. Who May File. An application for Special Use approval shall be submitted by the owner or agent authorized by affidavit to act on the owner's behalf, unless initiated by City officials ordinarily authorized to initiate amendments to the zoning map.
- b. Submission of Application. A complete application shall be submitted to the City Manager, along with the appropriate fee. The City Manager may require an application for a Special Use approval to be accompanied by a site plan of existing and proposed development of the affected site.
- c. Applicable Development Standards. Unless otherwise specified in this Zoning Ordinance, no exception approval shall be granted for any use that does not conform to standards of the district in which it is located. Each exception shall also be subject to any development requirements set forth in this ordinance.

d. Review by City Manager. After determining that the application is complete, the City Manager shall place the request on a meeting agenda for consideration by the Planning and Zoning Commission.

Section 12.03 [9.06] Hearing and Action by Planning and Zoning Commission

a) The Planning and Zoning Commission shall, after appropriate notice in accordance with other provisions of this ordinance, conduct a public hearing on each request for a Special Use.

b) At the public hearing, the Planning and Zoning Commission shall consider the application, any pertinent comments by the City staff, and relevant support materials and public testimony given at the public hearing.

c) After the close of the public hearing, the Planning and Zoning Commission shall recommend approval the request, recommend approval with additional conditions, or recommend denial of the request. The Planning and Zoning Commission may attach such conditions to a Special Use approval as are necessary to prevent or minimize adverse effects on other property in the neighborhood, including, but not limited to: limitations on size, bulk and location, provision of adequate ingress and egress, duration of the exception approval, and hours of operation for the specific allowed activity.

d) Approval criteria for an Special Use:

1. Impacts Minimized. Whether and the extent to which the proposed exception creates adverse effects, including adverse visual impacts, on adjacent properties.

2. Consistent with Zoning Ordinance. Whether and the extent to which the proposed exception would conflict with any portion of this Zoning Ordinance, including the applicable zoning district intent statement.

3. Compatible with Surrounding Area. Whether and the extent to which the proposed exception is compatible with existing and anticipated uses surrounding the subject land.

4. Effect on Natural Environment. Whether and the extent to which the proposed exception would result in significant adverse impacts on the natural environment, including but not limited to, adverse impacts on water and air quality, noise, stormwater management, wildlife, vegetation, wetlands and the practical functioning of the natural environment.

5. Community Need. Whether and the extent to which the proposed exception addresses a demonstrated community need.

6. Development Patterns. Whether and the extent to which the proposed exception use would result in a logical and orderly pattern of urban development in the community.

7. Upon rendering a decision as to the recommendation to the City Council, and ordinance shall be developed creating an individually numbered zone (SP-1 etc.). The ordinance shall have a sunset provision and any other stipulations assuring compliance with the standards set out by the City Council. The City Council may add to or remove any provision recommended by the Planning and Zoning Commission.

8. In the event Special Use stipulations are not met, the Special Use Ordinance becomes void and the zoning reverts back to its original zoning classification that existed at the time of the request. The Special Use designation will become void with the sale of the property.

e) Conditions. The Planning and Zoning Commission may impose such conditions on a request as are necessary to accomplish the purposes of this Zoning Ordinance, to prevent or minimize adverse impacts upon the public and neighborhoods, and to ensure compatibility of the site with its surroundings. These conditions may include but are not limited to limitations on size, bulk and location; standards for landscaping, buffering and screening, lighting and adequate ingress and egress; cash deposits, bonds and other guarantees of performance; other on-site improvements; and limitations on the duration or hours of operation of an allowed use.

f) Expiration of an Approval. All Special Uses approved shall be required to have received any necessary building permit for the approved use within 12 months from the granting of approval, provided that the City Manager, with significant evidence that the designated use cannot be realistically implemented with due diligence within that time period, may grant a longer period of time, but in no event shall such extension period exceed an additional 12 months.

If the designated use is not made of the property within the time limitation granted, the approval shall be canceled and revoked and be of no effect.

Section 9.05 [9.07] Other Duties

In addition to planning and zoning responsibilities described in this ordinance, the Planning and Zoning Commission shall also discharge any other task or responsibility delegated to it by the City Council, state law, or city charter.

ARTICLE 10. HEARING AND ACTION BY THE CITY COUNCIL

Section 10.01 Hearing Process

a) After receipt of the recommendation from the Planning and Zoning Commission, and after appropriate notice, the City Council shall conduct a public hearing on each proposed change, except for requests to amend the Official Zoning Map which are recommended by the Planning and Zoning Commission to be denied and are not formally appealed to City Council.

b) At the public hearing, the City Council shall consider the application, comments and recommendations by City staff, the Planning and Zoning Commission recommendation, other relevant support materials and public testimony given at the public hearing.

c) The City Council may approve, approve with modifications, or deny the proposed amendment.

d) Where written protest against such amendment is made and signed by (a) the owners of 20 percent or more of the area subject to the zone change or (b) the owners of 20 percent or more of the area within 200 feet of the affected area exclusive of dedicated right-of-way, or the request is recommended for denial by the Planning and Zoning Commission, then the proposed amendment shall require a favorable vote of at least three-fourths of all the members of the City Council to become

effective. The full membership of the City Council is used to determine the 75%, regardless of those in actual attendance. The area of rights-of-way and streets shall be included in any computation of land area under this subsection.

Section 10.02 Amendment Criteria

The wisdom of amending the text of this Zoning Ordinance or the Official Zoning Map is a matter committed to the sound legislative discretion of the City Council and is not controlled by any one factor. In determining whether to adopt, adopt with modifications or deny the proposed amendment, the City Council shall at a minimum consider the following factors.

- a) Compatible with Plans and Policies. Whether the proposed amendment is compatible with the Comprehensive Plan and any other land use policies adopted by the Planning and Zoning Commission or City Council.
- b) Consistent with Zoning Ordinance. Whether and the extent to which the proposed amendment would conflict with any portion of this Zoning Ordinance.
- c) Compatible with Surrounding Area. Whether and the extent to which the proposed amendment is compatible with existing and proposed uses surrounding the subject land and is the appropriate zoning district for the land.
- d) Changed Conditions. Whether and the extent to which there are changed conditions that require an amendment.
- e) Effect on Natural Environment. Whether and the extent to which the proposed amendment would result in significant adverse impacts on the natural environment, including but not limited to water and air quality, noise, stormwater management, wildlife, vegetation, wetlands and the practical functioning of the natural environment.
- f) Community Need. Whether and the extent to which the proposed amendment addresses a demonstrated community need.
- g) Development Patterns. Whether and the extent to which the proposed amendment would result in a logical and orderly pattern of urban development in the community.

Section 10.03 Appeal of the Denial of a Request to the City Council

- a) Submission of Application. A complete notice of appeal shall be submitted to the City Manager within thirty (30) days of the Planning and Zoning Commission denial.
- b) In order to overturn a denial by the Planning and Zoning Commission, a 75% vote in favor of the request is required by the City Council.

ARTICLE 11. DEVELOPMENT ALLOWED BY RIGHT

Section 11.01 Development Allowed By Right

Uses allowed by right are those uses that are deemed compatible with other allowed uses of land in a zoning district, provided they are developed in conformity with other applicable regulations of this Zoning Ordinance. Normally the use allowed by right will be an accessory use to the primary permitted use. A complete application for development allowed by right shall be submitted to the City Manager, along with the appropriate review and

inspection fee. If the City Manager determines that the proposed development is in compliance with all requirements of the City's Ordinances, including but not limited to this Zoning Ordinance and the adopted building code, the Building Official shall issue a building permit.

Section 11.02 Appeals

- a) Zoning Board of Adjustment. Unless otherwise specified in the subsections above, an appeal that alleges error in a decision or determination made by any administrative official in the routine enforcement of this Zoning Ordinance shall be reviewed by the Zoning Board of Adjustment.
- b) Submission of Application. A complete notice of appeal shall be submitted to the City Manager, along with the appropriate application fee.
- c) Action. The Zoning Board of Adjustment may reverse, affirm or modify the previous decision or interpretation appealed from, and in so doing, the review body shall be deemed to have all the powers of the officer or decision-making body from which the appeal was taken, including the power to impose reasonable conditions.

ARTICLE 12. ZONING BOARD OF ADJUSTMENT, DUTIES, PROCEDURES AND APPLICATION PROCESS

Section 12.01 Variances

1. Purpose. Variances are deviations from the applicable standards for the zoning district where existing or proposed development is located, that would not be contrary to the public interest and, due to special conditions of the site or its surroundings, a literal enforcement of the provisions of this Zoning Ordinance would result in unnecessary hardship. Variances ensure that the spirit of this Zoning Ordinance is observed and substantial justice done. A variance shall not be granted to allow a use that is not allowed in the specific district in question by the use regulations.
2. Submission of Application. A complete application for a variance shall be submitted to the City Manager on a form prescribed by the City Manager, along with the appropriate application fee.
3. Hearing and Action by Zoning Board of Adjustment. After due notice, the Zoning Board of Adjustment shall hold a public hearing on an application for a Variance. At the public hearing, the Board shall consider the application, the relevant support materials and the public testimony given at the public hearing in light of the criteria below. After the close of the public hearing, the Zoning Board of Adjustment shall vote to approve, approve with conditions or deny the application for a Variance, pursuant to the criteria below.
4. Variance Criteria. To approve an application for a Variance, the Zoning Board of Adjustment shall make an affirmative finding that each and every one of the following criteria is met.
 - a. Special circumstances exist that are peculiar to the land or structure that are not applicable to other land or structures in the same zoning district and are [area.]
 - b. Literal interpretation and enforcement of the terms and provisions of this Zoning Ordinance would deprive the applicant of rights commonly enjoyed by other land in the same zoning district, and would

cause an unnecessary and undue hardship.

c. Granting the variance is the minimum action that will make possible the use of the land or structure which is not contrary to the public interest, and would carry out the spirit of this Zoning Ordinance and substantial justice.

d. Granting the variance will not adversely affect adjacent land in a material way.

e. Granting the variance will not adversely affect adjacent land in a material way. In the case of Community Homes with a number of residents greater than six (6), granting a variance as to the number of persons who may live in a community home constitutes a reasonable accommodation as required by the Americans with Disabilities Act. Denial shall be based on only legitimate zoning considerations, traffic, parking, allotted square footage for each resident, not opposition to a business in a home as that aspect has been established as allowable by Court interpretations of the ADA.

5. Variations Not Allowed. In exercising its authority, the Zoning Board of Adjustment shall not grant a variance that would create any of the following effects:

a. The effect of the variance on the specific property would adversely affect the land use pattern as outlined by any City land use plan or policy.

b. The variance would be a material detriment to the public welfare or create injury to the use, enjoyment or value of property in the vicinity.

c. The variance is not the minimum variance that will relieve the proven hardship.

d. The variance would allow a use not allowed in the district in which the parcel is located.

e. The variance will relieve the applicant of conditions or circumstances that are caused by the illegal subdivision of land, which subdivision of land caused the property to be unusable for any reasonable development under the existing regulations.

f. The variance is grounded solely upon the opportunity to make the property more profitable or to reduce expense to the owner.

g. The variance will modify any condition imposed by the City Council. If conditions exist in an ordinance for zoning approved by the City Council, the applicant shall file a new zone case to amend the original condition.

h. The variance would not only affect a specific parcel, but would be of such general nature as to constitute, in effect, a change in zoning of the parcel or a larger area, or would merit an amendment to this Zoning Ordinance.

6. Conditions. The Zoning Board of Adjustment may impose such conditions on a variance as are necessary to accomplish the purposes of this Zoning Ordinance, to prevent or minimize adverse impacts upon the public and neighborhoods, and to ensure compatibility of the site with its surroundings. These conditions may include but are not limited to limitations on size, bulk and location;

standards for landscaping, buffering and screening, lighting and adequate ingress and egress; cash deposits, bonds and other guarantees of performance; other on-site improvements; and limitations on the duration or hours of operation of an allowed use. In terms of land uses sometimes justifiable within certain districts, those uses are listed as “exceptions” in the various districts, and a public hearing is processed by the Zoning Board of Adjustment to ascertain the above-mentioned adverse impacts on both the general public and the immediate property owners.

7. Effect of Variance.

a. Issuance of a variance shall authorize only the particular variation which is approved in the variance. A variance shall run with the land.

b. Unless otherwise specified in the variance, an application to commence construction of the improvements that were the subject of the variance request must be applied for and approved within 12 months of the date of the approval of the variance; otherwise, the variance shall automatically become null and void. Permitted time frames do not change with successive owners. Upon written request, only one extension of the 12-month period may be granted by the City Manager if it is determined that conditions of the site and immediately surrounding area are substantially unchanged.

[Section 12.02 Reserved]

[Section 12.03 Reserved]

Section 12.04 Authorizing Expansion of a Nonconforming Use

1. Purpose and Applicability. Some uses of land will not conform to regulations of the zoning district in which they are located, even though such uses lawfully occupy that land before the effective date of this Zoning Ordinance. Such nonconforming uses require approval by the Zoning Board of Adjustment in order to be enlarged, expanded or extended to occupy more land or floor areas than prior to the effective date of this Zoning Ordinance.

2. Submission of Application. A complete application for expansion of a nonconforming use shall be submitted to the City Manager on a form prescribed by the Manager along with the appropriate application fee. Any such application shall include plans or drawings sufficient in clarity and detail to describe existing use of the subject property as well as any proposed expansion.

3. Hearing and Action by Zoning Board of Adjustment. The Zoning Board of Adjustment shall hold a public hearing on an application for enlargement of a nonconforming use. At the public hearing, the Zoning Board of Adjustment shall consider the application, any pertinent comments by the City staff, any relevant support materials and the public testimony given at the public hearing in light of the criteria below. After the close of the public hearing, the Zoning Board of Adjustment shall vote to approve, approve with conditions, or deny the application for enlargement of a nonconforming use, pursuant to the criteria below.

Approval Criteria. Approval by the Zoning Board of Adjustment of any proposed enlargement of a nonconforming use shall be based upon the following criteria.

a. Impacts Minimized. Whether and the extent to which the proposed expansion of a nonconforming

use creates adverse effects, including adverse visual impacts, on adjacent properties. To this end, an expansion of a nonconforming use must be contained wholly within the boundaries of the tract, and any applicable setback lines, upon which the nonconforming use occupied at the time it became a nonconforming use.

b. Compatible with Surrounding Area. Whether and the extent to which the proposed expansion of a nonconforming use is compatible with existing and anticipated uses surrounding the subject property.

c. Effect on Natural Environment. Whether and the extent to which the proposed expansion of a nonconforming use would result in significant adverse impacts on the natural environment, including but not limited to adverse impacts on water and air quality, noise, stormwater management, wildlife, vegetation, wetlands and the practical functioning of the natural environment.

d. Community Need. Whether and the extent to which the proposed expansion of a nonconforming use addresses a demonstrated community need.

e. Development Patterns. Whether and the extent to which the proposed expansion of a nonconforming use would result in a logical and orderly pattern of urban development in the community.

5. Conditions. The Zoning Board of Adjustment may impose such conditions on an expansion of a nonconforming use as are necessary to accomplish the purposes of this Zoning Ordinance, to prevent or minimize adverse impacts on the public and on neighborhoods, and to ensure compatibility of the site with its surroundings. These conditions may include, but are not limited to, limitations on size, bulk and location; requirements for landscaping, buffering and screening, lighting, and adequate ingress and egress; cash deposits, bonds or other guarantees of performance; other on-site improvements; and limitations on the duration or hours of operation of an expanded use.

6. Expiration of Approval. A building permit for any approved expansion of a nonconforming use must be acquired and construction must be substantially complete within 12 months from the date on which the expansion was approved. The City Manager may grant a longer period of time when provided with significant evidence that the approved expansion cannot realistically be constructed during the first 12 months, but in no event shall such extension period exceed an additional 12 months.

Section 12.05 Appeal of a Zoning Board of Adjustment Decision

Appeal of the Zoning Board of Adjustment on any Zoning board of Adjustment decision shall be made to a District Court within ten (10) days in accordance with state law.

ARTICLE 13. DEFINED TERMS

For the purpose of this ordinance, certain terms and words are hereby defined as follows:

The words “used for” include “designated for” and vice versa; words used in the present tense include the future; words in the singular number include the plural number and vice versa; the word “building” includes the word “structure”; the word “dwelling” includes the word “residence”; the word “lot” includes the word “plot” and the word “shall” is mandatory and not directory.

ABUTTING PROPERTY: Property abutting upon a street shall also be understood as abutting property on the other side of the street.

ACCESSORY APARTMENT: An apartment containing full facilities (sleeping quarters, kitchen and bath) and on the same lot as an existing single-family residential dwelling unit that shares utilities and is clearly subordinate to the primary dwelling unit.

ACCESSORY USE OR STRUCTURE: A subordinate use or building customarily incidental to and located on the same lot with the main use or building, and which is reasonably necessary and incidental to the conduct of the primary use of such building or main use.

ADJACENT (ADJOINING): Unless otherwise defined elsewhere in the text of this Zoning Ordinance, the terms adjacent and adjoining shall mean lying immediately, next to one another, or having a common boundary[.]

ADULT BOOKSTORES, ADULT FILM STORE, ADULT MOVIE ARCADE, ADULT CABARET, ADULT ENCOUNTER PARLOR, ADULT LOUNGE, ADULT DRIVE-IN, ADULT RETAIL STORE (SEE SECTION 15) AND [ARTICLE 15.17](#) AND “DEFINITIONS” FOR DETAILED DEFINITIONS).

AIR CONDITIONING AND REFRIGERATION CONTRACTOR: A place from which a person performs design, installation, construction, maintenance, service, repair, alteration or modification of a product or of equipment in environmental air conditioning, commercial refrigeration, or process cooling or heating systems, under terms and conditions described in the Texas Air Conditioning and Refrigeration Contractor License Law.

AIRPORT, LANDING FIELD: A place where an aircraft can land and take off, usually equipped with hangars, facilities for refueling and repair, and various accommodations for passengers and/or freight.

ALCOHOLIC BEVERAGES, MIXED: Beer, beer by the bottle, wine, wine by the bottle and mixed alcoholic drinks.

ALLEY: A public way which extends only secondary means of access to abutting property.

ALTERATION: For the purpose of regulating historic landmarks or any property within a historic district, shall mean any physical change to the exterior appearance of a building or structure, including but not limited to certain miscellaneous modifications not requiring a permit from the Building Official, such as:

change of exterior color, by painting or other similar finish work;

installation of siding; and

window treatment, including but not limited to window replacements and awnings supported by an exterior wall.

ALTERNATIVE TOWER STRUCTURE: Shall mean clock towers, bell steeples, light poles, and similar alternative antenna mounting structures, except for residential structures. The alternative tower structure may be either a primary or an accessory use on any development parcel.

AMUSEMENT, COMMERCIAL (INDOOR): An establishment providing for activities, services and instruction for the entertainment, exercise and improvement of fitness and health of customers, clients or members but not including hospitals, clinics, massage parlors or arcades. Uses would typically include bowling alleys, ice or roller skating rinks, racquetball and handball courts, indoor tennis courts, weight lifting and nautilus facilities, exercise areas, swimming pools and spas, bingo parlors, martial arts, classrooms and/or practice areas, gymnasiums and indoor running or jogging tracks.

AMUSEMENT, COMMERCIAL (OUTDOOR): An outdoor area or structure, open to the public, which provides entertainment or amusement for a fee or admission charge, including but not limited to batting cages, miniature golf, go-kart tracks and carnivals.

ANIMAL UNIT: A single cow, horse, mule, or donkey shall constitute one animal unit. Sheep and female goats shall constitute one-half (1/2) an animal unit.

ANTENNA: Any exterior apparatus designed for wireless radio, television, microwave or telephonic communication through the sending and/or receiving of electromagnetic waves.

ANTIQUÉ SHOP: A retail establishment engaged in the selling of works of art, furniture or other artifacts of an earlier period, with all sale and storage occurring inside a building.

APARTMENT: A room or group of rooms in a multifamily dwelling unit arranged, designed, used or intended to be used for a person or persons living independently as a single housekeeping unit.

ARCADE: An establishment in which there are located six (6) or more coin-operated skill or pleasure machines or

three (3) or more billiard or pool tables. See Game Room.

ARCHITECTURAL DECORATIVE MATERIAL: Materials such as copper, bronze, anodized aluminum, stainless steel, porcelain enamel, natural materials, or other similar materials that do not require painting.

ASSISTED LIVING FACILITY: An establishment under Texas Health and Safety Code Chapter 247 that furnishes food and shelter to four or more persons who are unrelated to the proprietor of the establishment and provides personal care services. Types of assisted living facilities as established by the State of Texas are as follows:

(A) Type A. In a Type A facility, a resident:

- (i) Must be physically and mentally capable of evacuating the facility unassisted. This may include mobile or ambulatory persons such as those who are in wheelchairs or electric carts and have the capacity to transfer and evacuate themselves in an emergency;
- (ii) Does not require routine attendance during nighttime sleeping hours; and
- (iii) Must be capable of following directions under emergency conditions.

(B) Type B. In a Type B facility, a resident may:

- (i) Require staff assistance to evacuate;
- (ii) Be incapable of following directions under emergency conditions;
- (iii) Require attendance during nighttime sleeping hours; or
- (iv) Not be permanently bed fast, but may require assistance in transferring to and from a wheelchair.

AUTOMOBILE/TRUCK CAR WASH: Facility or structure used to wash motorcycles, automobiles, vehicles and trucks.

AUTOMOBILE LEASING: Storage and leasing of automobiles, motorcycles, and light load vehicles.

AUTO PARTS SALES (INSIDE): The use of any building or other premise for the display and sale of new or used parts for automobiles, panel trucks, vans, tractor-trailers, or recreational vehicles.

AUTO PARTS SALES (OUTSIDE): The use of any land area for the display and sale of new or used parts for automobiles, panel trucks, vans, tractor-trailers, or recreation vehicles.

AUTOMOBILE REPAIR, MAJOR: General repair or reconditioning of engines and air conditioning systems for motor vehicles; wrecker service; collision services including body, frame or fender straightening or repair; customizing; overall painting or paint shop; vehicle steam cleaning; those uses listed under “automobile repair, minor,” and other similar uses.

AUTOMOBILE REPAIR, MINOR: Minor repair or replacement of parts, tires, tubes, and batteries; diagnostic services; minor motor services such as grease, oil, spark plug, and filter changing; tune-ups; emergency road service; replacement of starters, alternators, hoses, brake parts; automobile washing and polishing; performing state inspections and making minor repairs necessary to pass said inspection; normal servicing of air conditioning systems, and other similar minor services for light load vehicles, but not including any operation named under “automobile repair, major” or any other similar use.

AUTOMOBILE AND TRAILER SALES, NEW: Building(s) and associated open area other than a street or required automobile parking space used for the display or sale of primarily new automobiles, light trucks, and trailers, to be displayed and sold on premises, and where no repair work is done except minor reconditioning of the automobiles and trailers to be displayed and sold on the premises, and no dismantling of automobiles or trailers for sale or keeping of used automobile and trailer parts or junk on the premises.

AUTOMOBILE AND TRAILER SALES, USED: Building(s) and associated open area other than a street or required automobile parking space used for the display and sale of used automobiles, light trucks, or trailers in operating condition and where no repair work is done except the minor adjustments of the vehicles to be displayed or sold on the premises. A used car sale area shall not be used for the storage of wrecked automobiles or the dismantling of automobiles or the storage of automobile parts or junk on the premises.

AUTOMOBILE SERVICE STATION: A building or place arranged, designed, used or intended to be used for the primary purpose of dispensing gasoline, oil, diesel fuel, liquefied petroleum gases, greases, batteries, tires and other automobile accessories at retail direct to the on-premises motor vehicle trade; and where other services to motor vehicles can be rendered such as, but not limited to, the following: Sale and servicing of spark plugs and other ignition parts; tire repair and servicing, but no recapping; replacement of mufflers and tailpipes, water hoses, fan belts, brake fluid, light bulbs, floor mats, seat covers, wiper blades and arms for windshields, replacement of grease retainers, wheel bearings; radiator cleaning and flushing, but not repairs; washing and polishing; greasing and lubricating; installing and repairing fuel pumps and installing fuel lines, fuel filters, carburetors, and air cleaners; wiring repair; adjusting brakes, installing exchanged brake shoes, installing wheel and master cylinder kits; tuning engines; air conditioner repair and service; wheel balancing and alignment. Provided, however, that, the above automotive services shall never be construed to include any major overhaul; the removal and/or rebuilding of an engine, cylinder head, oil pan, transmission, differential, radiator, springs or axles; steam cleaning, body or frame work; painting; upholstering; and replacing of glass. If the dispensing or offering for sale of auto fuel at retail is incidental, the premises shall be classified as a public garage. Service stations shall not allow automobiles which are inoperative or are being repaired to remain outside such service station for a period greater than seven (7) days.

AUTOMOBILE STORAGE: The storage on a lot or tract of operable automobiles for the purpose of holding such vehicles for sale, distribution, or storage.

AUTOMOBILE WRECKING YARD OR JUNKYARD: Any building, structure or open area used for the dismantling or wrecking of any type of used vehicles or the storage, sale or dumping of dismantled or wrecked vehicles or their parts and accessories, including any farm vehicles or farm machinery, or parts thereof, stored in the open and not being restored to operating condition and including the commercial salvaging, storage and scrapping of any other goods, articles or merchandise.

AWNING: Any structure attached to the wall of a building which was built and designed for the purpose of cosmetics or for shading a window, door or sidewalk. Awnings are not integral to the building, are typically triangular or curved in cross-section and are generally comprised of a metal frame and canvas or other fabric.

BAKE SHOP: A store engaged primarily in the baking and over-the-counter, on-premises retail sale of baked goods.

BAKERY, COMMERCIAL: A business that produces baked goods primarily for the wholesale market.

BAR OR TAVERN: A place where beer, wine [or] mixed alcoholic beverages are sold for consumption on the premises as the primary business activity. Primary business activity requires that the establishment derives more than 75 percent or more of the establishment's gross revenue from the on-premise sale of alcoholic beverages. Bars may be established in an appropriate zone as an exception may not be closer than 500 feet from a church, public or private school or public hospital, public park or private residence as measured from the closest property lines.

BARBER SCHOOL OR COLLEGE: A place of training for practice of barbering, as defined in Texas Barber Act, Vernon's Ann. Civ. St., art. 8407, meeting standards established in Section 9 of said Texas Barber Act.

BARBERSHOP: A place where barbering, as defined in Texas Barber Act, Vernon's Annotated Civil Statutes (Vernon's Ann. Civ. St.), art. 8407, is practiced, offered, or attempted to be practiced, except when such place is duly licensed as a barber school or college.

BASEMENT: A story partly or wholly underground. For purposes of height measurement, a basement shall be counted as a story where more than one-half (1/2) of its height is above the average level of the adjoining ground.

BEAUTY CULTURE SCHOOL; COSMETOLOGY SPECIALTY SHOP: A specialized place of training, as defined in the Cosmetology Regulatory Act, Vernon's Ann. Civ. St., art. 8451.

BEAUTY SHOP: A place where cosmetology, as defined in the Cosmetology Regulatory Act, Vernon's Ann. Civ. St., art. 8451, is practiced.

BED AND BREAKFAST: Overnight lodging and a morning meal provided in a dwelling unit, to transients and for compensation.

BLOCK: An area within the City enclosed by streets and occupied by or intended for buildings.

BLOCK FACE: The distance along one side of a street between the nearest two streets that intersect said street on the same side.

BOARD shall mean the Zoning Board of Adjustment.

BOARDING HOUSE or ROOMING HOUSE: A dwelling unit or group home, not a Bed and Breakfast, where lodging is provided:

- * For compensation;
- * By pre-arrangement;
- * In rooms without kitchen facilities; and,
- * For 5 or more roomers or boarders

BREEZEWAY: A passage that is one story in height, covered by a roof, and for which the sole purpose is to provide a covered or walkway connection between a main building and an accessory building. In determining the minimum setback required for buildings, connection by a breezeway shall not make any accessory building an integral part of the principal building on the lot.

BUILDING: A structure having a roof supported by columns or walls and designed or intended for the shelter, support, enclosure or protection of persons or chattels, except for tents and canopies.

BUILDING, ACCESSORY: A detached subordinate building arranged and designed for a use which is clearly incidental to that of the main building or to the use of the land and which is not occupied for dwelling purposes and provided further that a trailer or mobile home shall never be construed to be within this definition.

BUILDING, COMMUNITY: A building for social, educational and recreational activities of a neighborhood or community not operated primarily for commercial gain.

BUILDING, FRONT OF: The side of a building most nearly parallel with and adjacent to the front of the lot on which it is situated.

BUILDING LINE, FRONT: A line located a minimum horizontal distance from a front lot line and parallel thereto, over which no part of a building shall extend, unless otherwise permitted in this code.

BUILDING LINE, REAR: A line located a minimum horizontal distance from a rear lot line, if any, and parallel thereto, over which no part of a building shall extend, unless otherwise permitted in this code.

BUILDING LINE, SIDE: A line located a minimum horizontal distance from a side lot line, if any, and parallel thereto, over which no part of a building shall extend, unless otherwise permitted in this code.

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

BUILDING MATERIALS, HARDWARE SALES (INSIDE STORAGE): The sale of new building materials and supplied [supplies] indoors with related sales for hardware, carpet, plants, electrical and plumbing supplies all of which are oriented to the retail customer, rather than contractor or wholesale customer.

BUILDING MATERIALS, HARDWARE SALES (OUTSIDE STORAGE): The sale of new building materials and supplied [supplies] indoors with related sales for hardware, carpet, plants, electrical and plumbing supplies all of which are oriented to the retail customer, rather than contractor or wholesale customer.

BUILDING UNIT GROUP: Two (2) or more buildings, except dwellings, grouped upon a lot and held under single ownership or lease, such as but not limited to: Universities, hospitals and institutions.

BUS TERMINAL: Any premises for the transient housing or parking of motor-driven buses and the loading and unloading of passengers.

BUSINESS SERVICE: Establishments primarily engaged in providing services not elsewhere classified to business enterprises on a fee contract basis including but not limited to advertising agencies, computer programming and software services, and office equipment rental or leasing.

CABINET AND UPHOLSTERING SHOP: An establishment used for the production, display and sale of furniture and soft coverings for furniture.

CAMPGROUND: A lot or tract of land upon which two or more campsites are located, established or maintained for occupancy by camping units or recreational vehicles (of the general public) as temporary living quarters for recreational, education or vacation purposes.

CAMPING UNIT: Any tent, trailer, cabin, lean-to or similar structure established or maintained and operated in a campground as temporary living quarters for recreational, education or vacation purposes[.]

CANOPY: Any structure of a permanent nature attached to or independent of the main structure, built and

designed for the purpose of shielding from the elements, or a roof-like structure of a permanent nature which is supported by or projects from the wall of a structure. The typical form of a canopy is flat, and in historic architecture, the outer edges are often suspended by chain, metal cable, or columns.

CARNIVAL: Any touring, commercial exhibition that includes amusement activities, including but not limited to rides, merry-go-rounds, booths for the conduct of games of skill, food dispensing facilities, sideshows, medicine shows and wild west shows.

CARPORT: An open-sided, roofed motor vehicle shelter. No siding shall be allowed unless the carport is adjacent to a structure.

CIRCUS: Any touring, commercial exhibition that includes but not limited to menageries, sideshows, performances of skill, animal shows and similar amusement activities which are open to the public for admission to which a fee is charged.

CITY MANAGER: The Chief administrative officer of the City of Littlefield appointed by the City Council. The term City Manager shall include those persons designated by the City Manager to exercise authority under this ordinance.

CHILD CARE CENTER: An establishment where four (4) or more children are provided care, training, education, custody, treatment, or supervision for less than 24 hours a day. The term "Child Care Center" shall not include overnight lodging, medical treatment, counseling, or rehabilitative services and does not apply to any school (Also see Registered Family Home).

CHURCH, RECTORY, OR PLACE OF WORSHIP: A building for regular assembly for religious worship which is used primarily for such purpose and customary accessory activities including a place of residence for ministers, priests, rabbis, teachers, or directors on the premises.

CIVIC CENTER: A building or complex of buildings that houses municipal offices and services and which may include cultural, convention and/or entertainment facilities owned and/or operated by a governmental agency.

CLEANING AND DYEING; DRY CLEANING PLANT: An industrial facility where fabrics are cleaned and [in] substantially non-aqueous organic solvents. (Also see Cleaning and Dyeing, Small Plant or Shop)[.]

CLEANING AND DYEING, SMALL PLANT OR SHOP: A custom cleaning shop not exceeding five thousand (5,000) square feet of floor area or a pickup station. (Also see Cleaning and Dyeing; Dry Cleaning Plant).

CLINIC, MEDICAL: A facility or station designed and used for the examination and treatment of persons ill and affected, as outpatients.

COLLEGE OR UNIVERSITY. An institution established for educational purposes offering courses of study beyond the secondary education level, but excluding trade and commercial schools.

COMMISSION, PLANNING: Shall mean the city Planning and Zoning Commission of Littlefield, Texas.

COMMUNITY-BASED SHELTERS. Shelters which provide confidential shelter and services in emergency circumstances over a period of generally more than single days.

COMMUNITY CENTER, PRIVATE: A building or buildings dedicated to social and/or recreational activities serving residents of a subdivision or development which is operated by an association or incorporated group for their use and benefit.

COMMUNITY CENTER, PUBLIC: A building or buildings dedicated to social and/or recreational activities, serving the city or a neighborhood and owned and operated by the city or by a nonprofit organization dedicated to promoting the health, safety, morals, or general welfare of the city.

COMMUNITY HOME: Community Home is a community-based residential home operated by: the Texas Department of Mental Health and Mental Retardation, a community center organized under Subchapter A, Chapter 534, Health and Safety Code, that provides services to persons with disabilities, an entity subject to the Texas Non-Profit Corporation Act (Article 1396-1.01 et seq., Vernon's Texas Civil Statutes), or an entity certified by the Texas Department of Human Services as a provider under the medical assistance program serving persons in intermediate care facilities for persons with mental retardation; or a personal care facility licensed under Chapter 247, Health and Safety Code, provided that the exterior structure retains compatibility with surrounding residential buildings. See Section 123.004 in the Texas Human Relations Code [Human Resources Code]. A community-based home shall be limited to six (6) or fewer clients as well as any caretakers, home owner and children.

Care includes:

- i. food and shelter;
- ii. personal guidance;
- iii. care;
- iv. habitation services.

COMPARABLE USE: Should any land use be proposed that is not addressed within the definitions or permitted uses of this ordinance, the City Manager shall determine a use that is listed as “comparable” and permit the owner of the property to proceed with development, subject to all other development requirements of land. Any appeal or grievance of such determinations shall be appealed to the Zoning Board of Adjustment as an “administrative appeal.”

COMPREHENSIVE PLAN: City of Littlefield: A periodically updated series of documents that unify all elements and aspects of city planning. Based on careful analysis and projection these volumes reflect the best judgment of the City Council, planning and zoning commission and staff to ensure the growth and prosperity of the City of Littlefield. The plan shall serve as a policy guide to zoning and subdivision development decisions.

CONSIGNMENT CLOTHING STORE: A clothing store offering for sale to the general public, used clothing, said merchandise being consigned to the owner or operator of said store for sale to the general public, including accessory items customarily offered for sale in such premises.

CONTIGUOUS: Shall mean “touching” or “in contact.”

CONVENIENCE STORE: A retail establishment providing for the sale of food, alcoholic and non-alcoholic beverages, items, non-prescription drugs, small household items, and gifts. Gasoline and diesel fuel may be offered for sale provided they are not the primary source of income for the store and that no more than six (6) pumps are offered. Maximum size of the establishment will be no more than 2,500 square feet not including storage areas and administrative offices.

COUNTRY CLUB (PRIVATE): Land and buildings customarily containing a golf course and a clubhouse and available only to specific private membership; such a club may contain adjunct facilities such as private club, dining room, swimming pool, tennis courts, and similar recreational or service facilities.

CURB GRADE: The elevation of the established curb in front of the building measured at the center of such front. Where no curb grade has been established, the city engineer shall establish such curb grade or its equivalent for the purpose of this ordinance.

CUSTOM PERSONAL SERVICE SHOP: Includes such uses as tailor, shoe repair, barber/beauty shop, health studio, or travel consultant.

CUSTOMARY HOME OCCUPATION: in order to provide peace, quiet and domestic tranquility within all residential neighborhoods within the City and in order to help all residents gain freedom from excessive noise, excessive traffic, nuisance, fire hazards and other possible side effects of commercial uses being conducted in residential areas, the following standards shall apply to all home occupations.

Criteria:

- a. No person, other than members of the family who reside in the dwelling where a home occupation occurs, may engage in such occupation, profession, domestic craft, instructional or economic enterprise.
- b. The area utilized for the home occupation shall not exceed 25% of the gross floor area of the principal building where the home occupation occurs.
- c. In no way shall the appearance of the structure be altered or the occupation be conducted in a manner which would cause the premises to differ from its residential character either by the use of colors, materials, construction, lighting or the emissions of sounds, noise or vibrations. A home occupation shall produce no offensive noise, dust, odors or heat. A home occupation shall be

completely contained within the principal building. Any noise, vibration, smoke, electrical interference, dust, odors, heat or visual or audio interference detectable beyond the property lines or beyond the walls of the dwelling unit, if the unit is part of a multifamily structure, shall constitute a violation of the terms of this Section.

- d. No detached accessory building may be used in conjunction with a home occupation.
- e. All material, equipment, and/or supplies used in conjunction with a home occupation shall be completely enclosed with no exterior storage, temporary or permanent, allowed.
- f. No stock, goods, wares or merchandise shall be sold on the premises other than that which is prepared or produced upon the premises. Direct sales on the premises of other merchandise are allowed by prior individualized invitation.
- g. Signage for home occupations shall be limited to one non-illuminated sign with a maximum area of two square feet.
- h. Delivery and pickup of materials to and from the home occupation shall not exceed two trips per week by a commercial vehicle.
- i. A reasonable inspection of the home occupation structure shall be allowed for the City Manager or his appointee.

Allowed Uses. Allowed home occupations include, but are not limited to, the following:

- * Teaching, tutoring, counseling or treatment of persons at a residence, so long as such services are provided to no more than 10 persons per day (at that residence) and for no more than 6 days per week.
- * The care of not more than 6 children under the age of 14 years during any one calendar day (excluding the caregiver's own children), and the care of an additional 6 elementary school age children during non-school hours only, so long as the total number of children (including a caregiver's own minor children) does not exceed a maximum of 12 at any given time. In appropriate circumstances following a hearing the Zoning Board of Adjustment may allow for the keeping of more than 12 children, so long as such variance does not adversely affect the residential character of the neighborhood. Such a review shall follow the procedures for the granting of variances generally.
- * Community homes as described above.

DANCE HALL: A place open to the public where dancing is permitted, with alcoholic beverage sales prohibited.

DANCING: To move the body, especially the feet, in rhythm, ordinarily to music.

DAY CARE CENTER: A place maintained or conducted under public or private auspices which care for more than six (6) children during a part of the twenty-four (24) hours of the day.

DEVELOPMENT LOT: A parcel or abutting parcels of land that has definite boundaries, which is improved as a single unit of use.

DEVELOPMENT STANDARDS. A section of the City of Littlefield, for which the regulations governing the areas, heights or uses of buildings or lots are uniform.

DISABILITY OR DISABLED PERSON: For the purpose of determining who is eligible for residency in a "community home" allowed as household living, a person with a disability means a person whose ability to care

for himself, perform manual tasks, learn, work, walk, see, hear, speak, or breathe is substantially limited because the person has:

- * an orthopedic, visual, speech or hearing impairment;
- * Alzheimer's disease;
- * pre-senile dementia;
- * cerebral palsy;
- * epilepsy;
- * muscular dystrophy;
- * multiple sclerosis;
- * cancer;
- * heart disease;
- * diabetes;
- * mental retardation;
- * emotional illness.

DISCOUNT, VARIETY, OR DEPARTMENT STORE: A retail store offering a wide variety of merchandise in departments and exceeding 7,000 square feet of floor area.

DORMITORY: A building in which housing is provided for individual students under the general supervision or regulation of an accredited college or university and as distinguished from an apartment, hotel, motel, or rooming house. A dormitory may provide apartment units for guests, faculty, or supervisory personnel on a ratio not to exceed one (1) such apartment unit for each fifty (50) students for which the building is designed. Individual rooms or suites of rooms may have cooking facilities. The dormitory may include facilities such as a commissary and/or snack bar, lounge, and study area, dining halls, and accessory kitchen, recreation facilities, and laundry, provided that these facilities are for the benefit and use of the occupants and their guests and not open to the general public.

DORMITORY: A building in which housing is provided for individual students under the general supervision or regulation of an accredited college or university and as distinguished from an apartment, hotel, motel, or rooming house. A dormitory may provide apartment units for guests, faculty, or supervisory personnel on a ratio not to exceed one (1) such apartment unit for each fifty (50) students for which the building is designed. Individual rooms or suites of rooms may have cooking facilities. The dormitory may include facilities such as a commissary and/or snack bar, lounge, and study area, dining halls, and accessory kitchen, recreation facilities, and laundry, provided that these facilities are for the benefit and use of the occupants and their guests and not open to the general public.

Editor's note—Ordinance 2019-0129-4 contained two definitions for "Dormitory."

DRIVEWAY: Any area on a development lot intended for the parking of motor vehicles, which said area is one of the following:

- * Any permanently paved area, surfaced in accordance with the specifications set out in sections [\[Section 15.33\]](#), any decision as to the acceptability of comparable materials for both existing or proposed paving shall be made by the building official and is appealable to the building board of appeals. Any paved or gravel driveway existing on the effective date of this Ordinance and deemed not to be of comparable materials shall have legal nonconforming use status; or
- * If there is no permanently paved area as set out in subsection a. [sic] above, a single area which is

unpaved and immediately perpendicular to a curb cut.

* No driveway may be located in the intersection visibility triangle as defined in [Section 15.20](#) of this ordinance.

DUPPLICATING/COPY SERVICE: A business engaging in the reproduction of printed or photographic impressions through:

* Mimeographic copy process; or

* Electrostatic or thermal copy process, whether wet or dry, with machines having a maximum finished product capacity of fourteen by eighteen (14 x 18) inches.

DWELLING: A building or portion thereof designed exclusively for residential occupancy, including one-family, two-family and multiple-family dwellings, except for buildings designed and used as hotels, boardings, rooming houses and motels.

DWELLING, MULTIFAMILY: A building or portion thereof arranged, designed or occupied as a residence by three (3) or more individuals and/or families having separate quarters and living independently of each other in separate units.

DWELLING, ONE-FAMILY: A detached building designed exclusively for occupancy by one family, excludes manufactured structures unless located in the appropriate zoning district.

DWELLING, ROW: One of a series of three (3) and not more than ten (10) attached one-family dwellings under common roof with common exterior wall, and separated from one another by single partition fire-rated walls without openings from basement to roof. Each unit is designed for occupancy by one family.

DWELLING, TWO-FAMILY - DUPLEX: A building designed for occupancy by two (2) individuals or families living independently of each other within separate units which have a common wall and are under one roof.

DWELLING UNIT: One or more rooms in a dwelling designed for occupancy by one individual or family living independently as a single housekeeping unit, with no more than one kitchen unit.

DWELLING, ZERO LOT LINE HOUSE: A residence allowed to have little or no side yard on one side, where the wall on that side has no doors, windows, or other openings and which otherwise qualifies for a one-hour fire rating as defined in the building code, each interior unit shall have a minimum of twenty (20) feet of attachment. Each unit is normally constructed on one platted lot. Between each set of homes, a ten-foot fire break shall be constructed. Also referred as a Garden Home.

EDUCATIONAL INSTITUTION: A college or university giving general academic instruction equivalent to the standards prescribed by the state board of education.

EFFICIENCY UNIT: A one-room dwelling, designed for occupancy by one person, containing two hundred and fifty (250) through three hundred and fifty (350) square feet of net floor area, which may include kitchen facilities within the room and shall have a bathroom within such area.

ELECTRICAL SUBSTATION: A subsidiary station in which electric current is transformed.

EXHIBITION AREA: An area or space either outside or within a building for the display of topic-specific goods or information.

FAA: The Federal Aviation Administration.

FAMILY: One or more persons related by blood, adoption or marriage, or not more than four (4) unrelated persons living together as a single housekeeping unit.

FAIRGROUNDS: An area where outdoor fairs, circuses or exhibitions are held.

FARM, RANCH, OR ORCHARD: An area of five (5) acres or more which is used for growing of usual farms products and/or raising of usual farm products and animals and including the necessary accessory uses for raising, treating, and storing products raised on the premises, but not including the commercial feeding of offal or garbage to swine or other animals and not including any type of agriculture or husbandry specifically prohibited by ordinance or law. Farm, ranch, or orchard use shall not cause a hazard to health by reason of unsanitary conditions and shall not be offensive by reason of odors, dust, fumes, noise, or vibrations or be otherwise detrimental to the public welfare.

FARMING OR TRUCK GARDENING: A tract of land cultivated by an owner or tenant for the purpose of supplying provisions and/or food, primarily for his own use.

FCC: The Federal Communications Commission.

FEED AND FARM SUPPLY STORE (INSIDE SALES): An establishment for the selling of foodstuffs for animals and including implements and goods related to agricultural processes but not including farm machinery.

FEED AND FARM SUPPLY STORE (OUTSIDE SALES): An establishment for the selling of foodstuffs for animals and including implements and goods related to agricultural processes but not including farm machinery.

FEEDLOT: Area used for the confined feeding of domesticated animals.

FENCE, PRIVACY: A fence of wood, masonry or metal, permanently constructed of products commercially sold as fence materials and which provides a solid, opaque barrier.

FLEA MARKET: A site where space inside or outside a building is rented to vendors on a short-term basis for the sale of merchandise. The principal sales shall include new and used household goods, personal effects, tools, artwork, small household appliances, and similar merchandise, objects or equipment in small quantities. The term flea market shall not be deemed to include wholesale sales establishments or rental services establishments, but shall be deemed to include personal services.

FLORIST: An establishment displaying plants, flowers, floral supplies, and similar items.

FOOD STORE, GROCERY STORE: An establishment that displays and sells consumable goods that are not to be eaten on the premises.

FRATERNAL ORGANIZATION, LODGE, OR CIVIC CLUB: An organized group having a restricted membership and specific purpose related to the welfare of the members.

FRONT LOT LINE, COMMERCIAL AND INDUSTRIAL: All lot lines contiguous with a street shall be front lot lines. Every lot must have at least one front lot line.

FRONT LOT LINE, RESIDENTIAL: The front of a lot shall be considered to be that side of the lot which fronts on a street. In the case of a corner lot, the narrowest side fronting on the street shall be considered to be the front of the lot. In case the corner lot has equal frontage on two (2) or more streets, the lot shall be considered to front on that street which the greatest number of lots abut.

FURNITURE, APPLIANCE STORE: Retail stores selling goods used for furnishing the home, including but not limited to furniture, floor coverings, draperies, glass and chinaware, domestic stoves, refrigerators and other household electrical and gas appliances.

GAME ROOM, POOL HALL OR BILLIARD PARLOR: Any business which operates six (6) or more skill or pleasure coin-operated machines or any business whose principal business is the operation of skill or pleasure coin-operated machines, without regard to number.

GARAGE, PRIVATE: A detached accessory building or portion of the main building for the parking or temporary storage of automobiles of the occupants of the premises.

GARAGE, PUBLIC: A building other than a private garage used for the care, repair or equipment of automobiles, or where such vehicles are parked or stored for remuneration, hire or sale.

GARAGE SALE: The sale of items normally accumulated by a household subject to compliance with each of the following conditions:

- * No more than three (3) garage sales shall be allowed for the same location in any twelve-month period. The duration of the garage sale shall not exceed three (3) consecutive days.
- * No items shall be purchased for a garage sale for the purpose of resale.
- * No items for sale shall be displayed outside of the residence, garage or carport.

GARDEN CENTER: A building used for the display and retail sale of plants, landscaping materials and horticultural supplies.

GARDEN HOME: A freestanding, detached structure used for residential purposes which is built in accordance, [sic] also termed a "zero lot line" home.

GAS METERING STATION: Facility at which natural gas flows are regulated and recorded.

GENERAL COMMERCIAL PLANT: An establishment other than listed for the treatment and/or processing of products as a service on a for-profit basis.

GENERAL MANUFACTURING: (Other than Specifically Listed.) Manufacturing of finished products and component products or parts from the transformation, treatment, or processing of materials or substances, including basic industrial processing. Such operations must meet the performance standards, bulk controls, and other requirements in this ordinance.

GENERAL MERCHANDISE STORE: Retail stores which sell a number of lines of merchandise including but not limited to dry goods apparel and accessories, furniture and home furnishings, small wares, hardware, and food. The stores included in this group are known as department stores, variety stores, general stores, and other similar stores.

GOLF COURSE: An area of twenty (20) acres or more improved with trees, greens, fairways, hazards and which may include clubhouses.

GOLF DRIVING RANGE: An area for practicing golf [which] may or may not be associated with a golf course.

GRAND OPENING: A promotional activity for a new business permitted by the codes administrator for a period not to exceed sixteen (16) days. A business shall not have more than one grand opening. The permittee shall be responsible for properly anchoring objects.

GREENHOUSE OR PLANT NURSERY, COMMERCIAL: A place, often including artificially heated and/or cooled buildings, where trees or plants are raised and/or sold including related storage of equipment for landscape contracting.

GREENHOUSE, NONCOMMERCIAL: A building consisting of glazed frames or sashes, often artificially heated, used for the purpose of cultivating plants too tender to endure open air.

GROSS FLOOR AREA: The gross floor area of a building shall be measured by taking outside dimensions of the building at each floor level.

GUEST HOUSES: Living quarters within a detached accessory building located on the same premises with the main building, for use by temporary guests of the occupants of the premises; such quarters having no kitchen facilities and not rented or otherwise used as a separate dwelling.

HEIGHT: The height of a building or portion of a building shall be measured from the average established grade at the street lot line or from the average natural ground level, if higher; or if no street grade has been established, to the highest point of the roof's surface if a flat surface, to the deck line of mansard roofs, and to the mean height level between eaves and ridges for hip or gable roofs. If measuring the height of a building the following structures shall be excluded: Chimneys, cooling towers, radio towers, ornamental cupolas, or spires, elevator bulkheads, tanks, water towers, and parapet walls not exceeding four (4) feet in height.

When referring to an antenna or other structure, the distance measured from ground level to the highest point on the structure, even if the highest point is an antenna.

HELIPORT OR HELISTOP: A landing facility for rotary wing aircraft which may [sic]

HOSPITAL: HOSPITAL (CHRONIC AND ACUTE CARE); LONG-TERM HEALTH CARE FACILITY: An institution providing both inpatient health, personal care, or rehabilitative services over a long period of time to persons chronically ill, aged, or disabled due to injury and disease or to injured patients who need medical or surgical treatment intended to restore them to health and an active life and which is licensed by the State of Texas.

HOTEL: A building occupied as the more or less temporary abiding place of individuals who are lodged with or without meals, in which, as a rule, the rooms are occupied singly for hire, in which provision is not made for cooking in any individual apartment, and in which there are more than twelve (12) sleeping rooms, a public dining room for the accommodation of more than twelve (12) guests, and a general kitchen.

HOUSE, ZERO LOT LINE: A residence allowed to have little or no side yard on one side, where the wall on that side has no doors, windows or other openings and which otherwise qualifies for a one-hour fire rating as defined in the building code. Also termed a "garden home."

HOUSEHOLD or HOUSEKEEPING UNIT: Any one of the following.

- * One or more persons related by blood, marriage or adoption, living together in a dwelling unit;
- * A group of not more than four persons not related by blood, marriage, adoption, or legal

guardianship living together in a dwelling unit; or

* Two unrelated persons and their children living together in a dwelling unit.

HOUSEHOLD APPLIANCE SERVICE AND REPAIR: The maintenance and rehabilitation of appliances customarily used in the home including but not limited to washing and drying machines, refrigerators, dishwashers, trash compactors, ovens and ranges, kitchen appliances, vacuum cleaners, and hair dryers.

HOUSEHOLD CARE FACILITY: A dwelling unit which provides residence and care to not more than six (6) persons regardless of legal relationship, who are elderly; disabled; orphaned, abandoned, abused, or neglected children; victims of domestic violence; or rendered temporarily homeless due to fire, natural disaster, or financial adversity; living together with no more than two supervisory personnel as a single housekeeping unit, and which is not a Boarding House or a Bed and Breakfast.

HUD-CODE MANUFACTURED HOME: A structure constructed on or after June 15, 1976, according to the rules of the United States Department of Housing and Urban Development, transportable in one or more sections, which in the traveling mode is 8 body feet or more in width or 40 body feet or more in length, (and when erected on a site, is 320 square feet or more) 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.

INCIDENTAL USE: a secondary or minor use associated with a primary use. Incidental use shall not exceed 25% of the floor area of the primary use.

INDUSTRIAL PARK: A large tract of land that has been planned, developed, and operated as an integrated facility for a number of individual industrial uses, with special attention to circulation, parking, utility needs, aesthetics, and compatibility.

INSTITUTIONAL HOME: A place for the care of babies, children, pensioners or old people, except those for correctional or mental cases.

INTERMODAL SHIPPING CONTAINER: A metal standardized re-sealable transportation box for unitized freight handling with standardized equipment, commonly referred to as a “sea container.”

JUNK OR SALVAGE YARD: A lot upon which waste or scrap materials are bought, sold, exchanged, stored, packed, disassembled, or handled, including but not limited to scrap iron and other metals, paper, rags, rubber tires and bottles. A “junkyard” includes an automobile wrecking yard and automobile parts yard. A “junkyard” does not include such uses conducted entirely within an enclosed building. (Also see Metal Dealer, Secondhand)

KENNEL: Any lot or premises on which four (4) or more dogs, cats or other domestic animals more than four (4) months of age are housed or accepted for boarding, breeding, training, selling, grooming and/or bathing for which remuneration is received. Existing animal control limits animals in residential districts.

LANDSCAPE SCREEN: Plant material of the evergreen variety, a minimum of six (6) feet in height at the time of installation and planted on four-foot centers. All such landscape screens shall be permanently maintained. Adequate facilities shall be provided for watering at the time of installation.

LANDSCAPING: Creating an aesthetic effect by the use of a combination of plant material, including but not limited to grass, trees and shrubs, planters, brick, stone, natural forms, water forms, aggregate and other landscape features. Landscaping shall not include the use of smooth concrete or asphalt.

LIBRARY: Any institution for the loan or display of books, tapes, objects of art or science which is sponsored by a public or responsible quasi-public agency and which institution is open and available to the general public.

(Ordinance 2019-0129-4 adopted 1/29/19)

LIGHT FOOD MANUFACTURING: A business that processes ingredients from one state to another by mixing, heating, or fermenting and providing goods mainly for the wholesale market without the emission of noxious odors, smoke, noise, or significant truck traffic. (Ordinance 2020-0526-1 adopted 5/26/20)

LIGHT MANUFACTURING (OTHER THAN LISTED): Manufacturing of finished products or parts, predominantly from previously prepared materials, including fabrication, assembly, and packaging of such products, and incidental storage, sales, and distribution of such products, but excluding basic industrial processing.

LINE: A symbol used in drafting, which has only one dimension, length.

LOADING SPACE: An off-street space or berth on the same lot with a building, or contiguous to a group of buildings, for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials,

and which abuts upon a street or other appropriate means of access[.]

LOT: An undivided tract or parcel of land under one ownership having access to a street, either occupied or to be occupied, by a building or building group together with accessory buildings and used together with such yards and other open spaces as are required by this ordinance, which parcel of land is designated as a separate and distinct tract and is identified by a tract or lot number or symbol in a duly approved subdivision plat of record.

LOT AREA: The total horizontal area within the lot lines of a lot.

LOT, INTERIOR: A lot other than a corner lot.

LOT LINES: The lines designated on a plat as being the boundaries of a lot.

LOT WIDTH: For commercially and industrially zoned property, it shall be equal to the length of the greatest front lot line. For residential zoned property, it shall be equal to the length of the shortest front lot line.

MAJOR REPAIR or SUBSTANTIAL ALTERATION: For off-street parking and loading purposes, these terms shall refer to either one or both of the following construction activities. Construction of additional floor area to an existing building equal to or in excess of 25 percent of the present floor area of the building in question. Repairs or alterations to an existing building, that are expected to increase the monetary value of that building by a factor of 50 percent or more, as determined by the Building Official.

MANUFACTURED HOUSING, HUD-CODE: 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 or more in length, or, when erected on-site, is three hundred twenty (320) 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. All references in this ordinance to manufactured housing or manufactured home(s) shall be references to HUD-Code Manufactured Housing, unless otherwise specified.

MANUFACTURED HOUSING PARK: A contiguous parcel of land with required improvements and utilities for the accommodation of occupied manufactured housing; may include services and facilities for the residents.

MANUFACTURED HOUSING SPACE or LOT: A designated parcel of land for the placement of a single manufactured housing unit and the exclusive use of its occupants, that is not located on a manufactured housing sales lot.

MANUFACTURED HOUSING SUBDIVISION: A tract or land that is to be, or has been, divided or partitioned into two or more lots of adequate size for residential use by a subdivider or his agent for the purpose of sale and occupancy with manufactured housing units. The term subdivision includes resubdivision.

MASSAGE ESTABLISHMENT: Any place of business in which massage therapy is practiced as its principal business by a massage therapist as defined in Article 4512k, Section 1, Vernon's Annotated Texas Civil Statutes [V.T.C.A., Occupations Code, Section 455.001.]

METAL DEALER, CRAFTED PRECIOUS: A place of business in which a person engages in the business of purchasing and selling crafted precious metals, including jewelry, silverware, art objects, or any other thing or object made in whole or in part from gold, silver, platinum, palladium, iridium, rhodium, osmium, ruthenium, or their alloys, including coins and commemorative medallions, under terms and conditions found in Vernon's Ann. Civ. St., art. 990a.

METAL DEALER, SECONDHAND: A place of business in which a person purchases, gathers, collects, solicits or procures scrap metal or where scrap metal is gathered together or kept for shipment, sale, or transfer, under terms and conditions found in Vernon's Ann. Civ. St., art. 9009. (Also see Junk or Salvage Yard.)

MOBILE HOME: A structure that was constructed before June 15, 1976, transportable in one or more sections, which in the traveling mode is 8 body feet or more in width or 40 body feet or more in length, or, when erected on-site is 320 square feet or more, and that 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.

MOTEL, MOTOR HOTEL, OR MOTOR LODGE: A building or group of buildings designed primarily to serve individuals traveling by automobile in which lodging is provided for more than twenty (20) persons for compensation and where an office and register is maintained separately and apart from any of the rooms or units provided for the customers and where the operation is supervised by a person or persons in charge at all hours. A motel, motor hotel or motor lodge may include as accessory uses: restaurants, club rooms, banquet halls, ballrooms and meeting rooms.

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

NATURAL OR ARTIFICIAL BARRIER: Any river, pond, canal, railroad, levee, embankment or fence or hedge which prohibits a view of the use from the outside.

NIGHTCLUB: A place where alcoholic beverages are sold for consumption on the premises, with or without food, as the primary business. Live entertainment may be provided and dancing permitted subject to other applicable city ordinances.

NONCONFORMING BUILDING: A building or structure or portion thereof lawfully existing at the time this ordinance became effective, which was designed, erected, or structurally altered for a use that does not conform to the use regulations of the district in which it is located.

NONCONFORMING USE: A use which lawfully occupied a building or land at the time this ordinance became effective and which does not conform to the use regulations of the district in which it is located.

NUDE, NUDITY, STATE OF NUDITY, SEMI-NUDE AND SIMULATED NUDITY.

(A) Nude, nudity or state of nudity means appearing while any of the following portions of the human body are less than completely and opaquely covered:

(i) Genitals, whether or not in a state of sexual arousal; or

(ii) Pubic region or pubic hair; or

(iii) Buttock(s); or

(iv) The portions of the female breast(s) beginning from a point immediately above the top of the areola and continuing downward to the lowest portion of the breast(s); or

(v) Any combination of the above.

(B) Semi-nude or semi-nudity means a state of dress in which clothing covers only the genitals, anus, and pubic region.

(C) Simulated nudity means a state of dress in which any artificial device or covering is worn on a person and exposed to view so as to simulate an actual "state of nudity."

NUISANCE. A person, thing, or situation that is annoying or that causes trouble or problems. Persons in possession of real property (land owners, lease holders etc.) are entitled to the quiet enjoyment of their lands. When an actor interferes with that quiet enjoyment, so as to offend a person of ordinary nervous sensibilities living in an urban setting, by creating or allowing the existence of: unreasonable animal sounds, loud music, or other sounds; smells; pollution; vermin, rodents, or insects; obnoxious weeds, grass or other vegetation; accumulation of junk; or any other hazard, that extends past (or the effect thereof extends past) the boundaries of the actor's property and into the person's property, this is a nuisance. Moreover a Nuisance is also defined as another [any] use of or condition existing on land proscribed by state law or common law as a nuisance.

NURSERIES, PLANT. A place where trees, shrubs, or flowering plants are raised from seed or otherwise in order to be transplanted or propagated.

NURSERY, DAY: Same as "Day Care Center."

NURSERY SCHOOL; KINDERGARTEN: A child care facility offering a program four (4) hours or less per day for children who have passed their second birthday but who are under seven years old.

OFFICE CENTER: A building or complex of buildings used primarily for conducting the affairs of a business, profession, service, industry, or government, or like activity that may include ancillary services for office workers such as a restaurant, coffee shop, newspaper, or candy stand.

OFFICE, PROFESSIONAL OR GENERAL ADMINISTRATIVE: A room or group of rooms used for the provision of executive management, or administrative services. Typical uses include administrative offices and services including real estate, insurance, property management, investment, personnel, travel, secretarial services,

telephone answering, and business offices of public utilities, organizations, and associations but excluding medical offices.

OFFICE - SHOWROOM/WAREHOUSE: An establishment with a minimum of seventy-five percent (75%) of its total floor area devoted to storage and warehousing not accessible to the public. The remaining area may include retail and wholesale sales areas, sales offices, and display areas for products sold and distributed from the storage and warehousing areas.

OFF-STREET PARKING SPACE: An area for the temporary storage of an automobile which shall be permanently reserved for such purpose and which shall not be within or on any public street, alley or other right-of-way. Such area shall:

- a. Have a permanent all-weather surface paved in accordance with city standards for residential streets (subject to standards allowed for the City Manager).
- b. Have dimensions for each space of not less than nine (9) feet by eighteen (18) feet.
- c. When off of any alley has dimensions for each space of not less than nine (9) feet by twenty-four (24) feet.
- d. Be accessible by an all-weather-surfaced drive of sufficient width to provide for access and maneuvering, which drive shall connect with a dedicated street or alley, provided, however, such drive shall not be required for spaces that abut an alley.
- e. Be appropriately defined or marked to delineate one space from another.
- f. Be so designed and regulated that no parking, or maneuvering incidental to parking, shall be on any public street or walk. Provided, however, this provision shall not apply to access from an alley or to single- or two-family units.
- g. Provide adequate barriers to keep any parked vehicle from extending into or overhanging any public right-of-way.
- h. Be so designed that any vehicle may be parked and unparked without requiring the moving of any other vehicle.
- i. Be located on the development lot.

OIL AND GAS WELLS: Any hole or holes, bore or bores, to any sand formation, strata or depth for the purpose of producing and recovering any oil, gas, liquid hydrocarbon, or any of them.

OPEN SPACE: Area included in any side, rear or front yard or any unoccupied space on a lot that is open and unobstructed to the sky.

PACKAGE STORE: A place where alcoholic beverages are sold for consumption off the premises as the primary business activity.

PARK, PLAYGROUND, OR RECREATION CENTER (PRIVATE): A privately owned park, playground, open space or building dedicated to recreational activities, maintained by a community club, property owners' association, or similar organization.

PARK, PLAYGROUND, OR RECREATION CENTER (PUBLIC): An open recreation facility or park owned and operated by a public agency and available to the general public.

PARKING, ALL-WEATHER SURFACE: A surface consisting of compacted caliche, gravel, or a surface consisting of any similar material approved by the Building Official.

PARKING AREA, PUBLIC OR CUSTOMER: An open area, other than a private parking area, street or alley, used for the parking of automobiles and available for public or quasi-public use.

PARKING LOT OR PARKING GARAGE, AUTOMOBILE: Area for parking light load vehicles.

PARKING LOT OR PARKING GARAGE, TRUCK: Area for parking heavy load vehicles.

PARKWAY: Any part of the public right-of-way lying between the curb or grade line of any public street and the abutting private property line.

PAVED SURFACE or PAVING: Any of the following methods of covering a surface upon which motor vehicles may be driven. Standards for paving are noted in Section 15 [[Section 15.33](#)].

PAWNSHOP: An establishment where money is loaned on the security of personal property pledged in the keeping of the owner (pawnbroker).

PERMANENTLY MAINTAINED. Shall be defined as a constant and continuing state of maintenance, thereby preserving the installation as similar to the original as possible.

PERSON: When used in this ordinance shall mean every natural person, firm, co-partnership, association, partnership, corporation or society; and the term “person” shall include both singular and plural, and the masculine shall embrace the feminine gender.

PERSONAL CARE FACILITIES: All regulations of this Code of Ordinances apply to personal care facilities. A personal care facility is defined as an establishment including a board and care home that:

- a. Furnishes in one or more facilities food and shelter to four (4) or more persons who are unrelated to the proprietor of the establishment; and
- b. Provides personal care services.

PERSONAL CARE SERVICES: Personal care services means:

- a. Assistance with meals, dressing, movement, bathing, or other personal needs or maintenance;
- b. The administration of medication by a person licensed to administer medication or the assistance with or supervision of medication; or
- c. General supervision or oversight of the physical and mental well-being of a person who needs assistance to maintain a private and independent residence in a personal care facility or who needs assistance to manage the person’s personal life, regardless of whether a guardian has been appointed for that person.

PERSONAL SERVICE SHOP: An establishment primarily engaged in providing services generally involving the area of the person or his apparel including but not limited to barber and beauty shops, dry cleaning and laundry pickup stations and reducing salons/health clubs.

PET SHOP OR ANIMAL SALON: A retail establishment offering small animals, fish, or birds for sale as pets and where all such creatures are housed within the building.

PET STORE: The purchase and resale of pets and related items and supplies.

PLUMBING, HEATING, REFRIGERATION OR AIR CONDITION BUSINESSES: Business whose primary purpose is the sales, service or installation of equipment pertaining to plumbing, heating, refrigeration or air condition.

PLUMBING SERVICE: The operation of a business which involves only retail sales and off-premises service, installation and repair of units and fixtures. The premises shall not include a workshop for repair or fabrication of parts, fixtures or units. Sheetmetal work of any type shall not be permitted. Storage shall be permitted for units and supplies incidental to retail sales, off-premises service and repair only. No outside storage shall be permitted. This section shall not be interpreted to allow a plumbing, heating, refrigeration or air-conditioning contractor or similar type wholesale, service or repair operation.

PORTABLE BUILDING SALES: An establishment which displays and sells structures which are capable of being carried and transported to another location, not including mobile homes or manufactured housing.

POST OFFICE, GOVERNMENT OR PRIVATE: Local branch of the United States Postal Service or private commercial venture engaged in the distribution of mail and incidental services.

PRINT SHOP: A business engaging in the reproduction of printed or photographic impressions, including but not limited to the processes of composition, binding, plate making, micro-form, type casting, press work, and printmaking.

PRISON, JAIL, PLACE OF INCARCERATION. Building for confinement of persons convicted of crime, jail.

PROMOTIONAL SALES ACTIVITIES: Outside sales activities in compliance with the city's itinerant vendor ordinance or regulations.

QUICK OIL CHANGE FACILITY: A business engaging in the changing of oil, oil filters and the chassis lubrication of motor vehicles. All new oil shall be dispensed from drums and all old oil shall be kept in sumps until removed by pumper truck; provided. [sic]

QUICK TUNE FACILITY: A business engaging in engine adjustment and minor part replacement for motor vehicles, limited to spark plugs, condensers, spark plug wires, distributor caps, distributor points, PVC valves, air cleaners, fan belts and radiator hoses. Such a facility shall not repair or replace carburetors, starters, alternators, generators, radiators, water pumps or other major engine parts, brake shoes or mufflers.

RACETRACK: A facility used for the racing of motor-driven vehicles and/or animals.

RACQUETBALL FACILITIES: Courts housed in an acoustically treated building and designed for one (1) to four (4) persons to play racquetball, plus subsidiary uses to include office, pro shops, locker rooms, sauna, exercise rooms, waiting area, child nursery, and related uses up to a maximum of forty percent (40%) of the total floor area.

RADIO, TELEVISION, OR MICROWAVE COMMUNICATIONS OPERATORS, AMATEUR: The transmission, re-transmission, or reception of radio, electromagnetic, or microwave signals for private or personal use and not for the purpose of operating a business and/or financial gain.

RAILROAD STATION: Any premises for the transient parking of trains and the loading and unloading of passengers.

RAILROAD TRACK AND RIGHT-OF-WAY: Includes track and undeveloped right-of-way, but does not include railroad stations, sidings, team tracks, loading facilities, dockyards, or maintenance areas.

REAR LOT LINE: Any lot line contiguous to an alley.

RECEIVE-ONLY ANTENNA/AMATEUR RADIO ANTENNA: Any tower or antenna that is under seventy (70) feet in height and is owned or operated by a federally licensed amateur radio station operator or is used exclusively for reception only, including local television broadcast reception antennas, direct broadcast satellite antennas or multichannel multipoint distribution services. Receive-only/amateur radio antennas are not subject to regulation under this chapter.

RECREATIONAL DUAL PURPOSE VEHICLE: A pickup with a slide-in camper or a van type vehicle converted for camping use, one ton or less in rated capacity and not longer than twenty-two (22) feet in length, either of which is used both for constant transportation and incidental camping purposes.

RECREATIONAL EQUIPMENT OR TRAILER: Such equipment or trailers shall include any boat, on or off a trailer; any boat trailer; any race car or parts, on or off a trailer; any snowmobile, on or off a trailer; any dune buggy, on or off a trailer; any motorcycle trailer, and any utility, cargo or stock trailer.

RECREATIONAL EQUIPMENT OR TRAILER, OVERSIZED: Any recreational equipment or trailer whose total size or total combined (equipment and trailer measured together) size, excluding any trailer tongue, is over seven (7) feet in width or seven (7) feet in height or twenty-two (22) feet in length.

RECREATIONAL VEHICLE: Recreational vehicle, travel trailer and vacation travel trailer are used synonymously throughout the comprehensive zoning ordinance and mean a vehicle designed for a temporary or short-term occupancy for travel, recreational and vacation uses. Such vehicles shall include any travel trailer, camp trailer, pop-up or tent campers, house trailer, mobile home, motor home or house car, and any pickup camper, on or off the pickup (excluding recreational dual purpose vehicles), except a simple shell, on the pickup, having no cooking or bath facilities.

RECYCLABLE MATERIALS COLLECTION CENTER: A use characterized by the collection (from household and business consumers) of small items such as cans, glass, plastic and paper, for temporary storage and subsequent transport to another facility for processing. No mechanical means of processing or collecting shall be allowed, including, but not limited to the crushing of cans.

RECYCLING CENTER: A parcel of land, with or without buildings, upon which small items such as cans, glass, plastic and paper (collected from household and business consumers) are separated and processed for shipment for

eventual reuse in new products.

REFRIGERATION SERVICE: The operation of a service business which involves servicing, making repairs, replacements and installations of refrigeration units.

REGISTERED FAMILY HOME: A child care facility that regularly provides care in the caretaker's own residence for not more than six (6) children under 14 years of age, excluding the caretaker's own children, and that provides care after school hours for not more than six (6) additional elementary school siblings of the other children given care, but the total number of children, including the caretaker's own, does not exceed twelve (12) at any given time. (Also see Child Care Center.)

REHABILITATION: The upgrading of a building previously in a dilapidated or substandard condition, for human habitation or use.

REHABILITATION CARE FACILITY: A dwelling unit which provides residence and care to not more than six (6) persons, regardless of legal relationship, who have demonstrated a tendency towards alcoholism, drug abuse, mental illness or antisocial or criminal conduct living together with not more than two supervisory personnel as a single housekeeping unit.

REHABILITATION CARE INSTITUTION: A facility which provides residence and care to five (5) or more persons, regardless of legal relationship, who have demonstrated a tendency towards alcoholism, drug abuse, mental illness or antisocial or criminal conduct together with supervisory personnel.

REMNANT: A parcel of land left over after subdivision or resubdivision which is located and is confined on both sides of the subdivision or resubdivision by buildings or other improvements that would prevent extension.

RENDERING, MEAT AND POULTRY BYPRODUCTS: Converting waste from animal slaughterhouses, kitchen grease and/or livestock carcasses into industrial fats and oils (such as tallow for soap) and various other products (such as fertilizer).

REST HOME OR NURSING HOME: A place of residence or care for persons suffering from infirmities of age or illness where care is provided on a prolonged or permanent basis. This term shall include a convalescent home.

RESTAURANT: A place where the primary business is the preparation and sale, on the premises, of food to members of the general public, and providing kitchen facilities separate and apart from the area of the premises devoted to public dining and which may or may not provide live entertainment to patrons of the premises. Public dancing shall be allowed on premises only upon the granting of a special exception by the ZBA as provided in this Code.

RESTAURANT KITCHEN FACILITIES: A separate area located in or on the premises of a restaurant, which area meets the following conditions or standards:

- a. Meets all requirements of other applicable city codes.
- b. Contains a stove and oven in working order.
- c. Provides refrigerated storage for food to be prepared and sold on the premises.
- d. Is staffed by a full-time cook or chef who must be on duty for the preparation of food during the hours that the restaurant is open to members of the general public until the hour of 11:00 p.m. each day said restaurant is open for business.
- e. Provides a full-service menu with a variety of entrees to be available until 11:00 p.m. (or until closing) each day to members of the general public seeking food on the premises which lists all food items for sale together with the price of such items.
- f. Maintains a food inventory and condiments for use by the cook or chef in the preparation of food for sale to members of the general public.
- g. Provides pots, pans and utensils necessary for use by the cook or chef in the preparation of menu items for sale to members of the general public.

RESTAURANT WITH ACCESSORY PASS OUT WINDOWS: A restaurant may have, as an incidental use, accessory pass out windows for delivery of food to be consumed off-premises (not on property occupied by the restaurant).

RESTAURANT WITH ALCOHOLIC BEVERAGE SALES AS INCIDENTAL USE: A place meeting the definition of “restaurant” as set forth in this Code and containing “Restaurant Kitchen Facilities” as defined in this Code that serves alcoholic beverages to members of the general public as an incidental use to their primary business operation and which meets the following conditions:

- a. No outside or exterior entrance shall be provided for any area of the premises exclusively devoted to the preparation, sale and primary consumption of alcoholic beverages.
- b. No outside sign, separate identification, or advertising of any type shall be allowed for the area within the restaurant devoted to the preparation, sale and primary consumption of alcoholic beverages.
- c. No independent advertising of alcoholic beverages for sale shall be allowed, however, it shall be permissible to advertise the sale of alcoholic beverages with food offered for sale to the general public in any public advertisement.

RESTAURANTS WITH OUTSIDE DINING AREAS/PATIOS: A restaurant may have, as an incidental use, outside dining areas/patios subject to the following guidelines:

- a. The outside dining areas/patios shall be completely surrounded by an architecturally compatible fence (three-foot minimum height) designed suitably to prevent trash from being blown onto adjacent areas. Noise of any sort shall be subject to the definition of Nuisance.
- b. The outside dining areas/patios shall be accessed by a door or doors from the restaurant only. No open access shall be permitted from outside through the fence (emergency exits with approved panic hardware shall not be considered open access).
- c. Any amplified sound shall comply with Section 15 [\[Section 15.13\]](#) (Nuisance) and shall be limited to background music. No public address system that announces orders or calls to patrons shall be allowed.
- d. The outside dining areas/patios will be allowed within the commercial required setback but shall be a minimum of twenty-five (25) feet from any front property line.
- e. Alcoholic beverage sales as an incidental use may be permitted as defined. Any containment of outside dining areas required by state law or regulation shall be applicable.

RESTAURANT (WITHOUT DRIVE-THROUGH): A place where the primary business is the preparation and sale, on the premises, of food to members of the general public, and providing kitchen facilities separate and apart from the area of the premises devoted to public dining and which may or may not provide live entertainment to patrons of the premises.

RESTORATION: The replication or reconstruction of a building’s original architectural features, usually, with regard to historic landmarks.

RETAIL: The sale of goods, merchandise, services and/or commodities to the general public.

RETAIL STORES AND SHOPS (OTHER THAN LISTED): Establishments offering all types of consumer goods for sale except food and beverages, not elsewhere classified, but excluding the display and sale in the open outside a building of new or used automobiles, heavy machinery, building materials, used appliances, furniture, or salvage materials.

RETIREMENT HOUSING: A development providing dwelling units specifically designed for the needs of

ambulatory or retired persons. The following subsidiary uses shall be permitted to provide on-site goods and services for residents and their guests, but are not intended for use by the general public:

- a) cafeteria and/or dining room
- b) library
- c) game room
- d) swimming pool and/or Jacuzzi
- e) exercise room
- f) arts and crafts facilities
- g) greenhouse
- h) housekeeping service
- i) transportation service
- j) snack bar with a maximum of 350 square feet per 100 dwelling units
- k) beauty/barber shop with a maximum of 250 square feet per 100 dwelling units or a maximum of 450 square feet per 100 dwelling units (so which is it?) [sic]
- l) convenience retail shop with maximum of 350 square feet per 100 dwelling units to provide for sale of food items, non-prescription drugs, small household items, and gifts
- m) a pharmacy

ROOMING HOUSE: Any building or portion thereof which contains guest rooms which are designed or intended to be used, let or hired out for occupancy by, or which are occupied by three (3) or more, but not exceeding eleven (11) individuals for compensation, paid directly or indirectly, and no meals are served or provided the occupants. Also noted above as a boarding house.

SCHOOL, ELEMENTARY AND HIGH: An institution which offers instructions in the several branches of learning and study required to be taught in the public schools by the Education Code of the State of Texas. High schools include junior and senior.

SCHOOL, PRIVATE: An institution of learning having a curriculum equivalent to public schools (does not include specialty schools, such as dancing, music, beauty, mechanical, trade, swimming or commercial schools).

SCHOOL, SPECIALTY: Schools not dedicated to public or private school curriculum. Specialty schools include schools teaching: Dance, Music, Art and similar activities as their primary function.

SCREENING FENCE: A solid six-foot fence or wall of wood or masonry construction which shall be installed prior to or concurrently with the first building permit issued in a development and which shall be permanently maintained.

SECONDHAND STORE, FURNITURE OR CLOTHING: An establishment offering for sale used merchandise, with the storage and display of such items wholly contained inside a building or structure.

SELF-STORAGE, MINI-WAREHOUSE: A facility used for storage of goods and/or materials with separate access to individual storage units by persons renting the individual units for storage.

SEMI-NUDE: Semi-nude means a state of dress in which clothing covers only the genitals, anus, and pubic region.

SERVANT'S, CARETAKER'S, OR GUARDS' RESIDENCE: An accessory building or portion of an accessory building located on the same lot or grounds with the main building, containing not more than one kitchen and at least one bathroom facility and used as living quarters for a person or persons employed on the premises for not less than fifty percent (50%) of his/her actual working time, and not otherwise used or designed as a separate place

of abode, provided the living area of such quarters shall not exceed six hundred (600) square feet.

SERVICE, RETAIL: An establishment engaged in the selling and/or servicing of goods where a minimum of eighty percent (80%) of the floor area is devoted to service, repair or fabrication of such goods. The service area must not be accessible to the general public. Automotive uses and rental stores are specifically excluded.

SERVICE YARD OF GOVERNMENTAL AGENCY: An area for the servicing and storage of vehicles or other property of a governmental agency.

SEXUALLY ORIENTED BUSINESS SHALL MEAN AND INCLUDE ANY COMMERCIAL VENTURE WHOSE OPERATIONS ON ANY CALENDAR DAY INCLUDE: The providing, featuring or offering of one or more employees or entertainment personnel who appear while in a state of nudity, semi-nude or simulated nudity and provide live performances or entertainment intended to provide sexual stimulation or sexual gratification to customers and which is offered as a feature of a primary business activity of the venture; or, the providing, featuring or offering, as a “primary business activity,” as defined herein of non-live, sexually explicit entertainment materials, or items for sale or rental to customers, or the providing or offering of a service or exhibition of materials or items which are intended to provide sexual stimulation or sexual gratification to its customers, said materials, items or services being distinguished by or characterized by an emphasis on subject matter depicting, describing or relating to “specified sexual activities” and/or “specified anatomical areas.”

The term “sexually oriented business” shall include, but not be limited to the following:

- a. Sexually oriented cabaret. A sexually oriented cabaret is an establishment whose business is the offering to customers of live entertainment which is intended to provide sexual stimulation or sexual gratification to such customers, and which is distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities, specified anatomical areas, nudity, simulated nudity, or any combination thereof.
- b. Sexually oriented modeling studio. A sexually oriented modeling studio is an establishment whose business is the providing to customers, figure models who are so provided with the intent of providing sexual stimulation or sexual gratification to such customers and to display specified anatomical areas while being observed, painted, sketched, drawn, sculptured, photographed, or otherwise depicted by such customers.
- c. Sexually oriented bookstore, film or video store. A sexually oriented bookstore, film or video store is an establishment having a primary business activity of marketing, selling, displaying or dispensing stock in trade, books, films, videos, magazines, periodicals, computer imaging products or other reproductions which are intended to provide sexual stimulation or sexual gratification to customers, and which are distinguished or characterized by an emphasis on depicting or describing “specified sexual activity” or “specified anatomical areas.”
- d. Sexually oriented viewing booth or arcade. A sexually oriented viewing booth or arcade is an establishment or commercial venture which has within its structure any coin-operated or slug-operated or electrical or mechanical device, which projects or displays any image into a viewing area or other enclosure which is designed for presenting material intended to provide sexual stimulation or sexual gratification to customers, and which are distinguished or characterized by a predominant emphasis on matter depicting, describing, or relating to “specified sexual activities” or “specified anatomical areas.”
- e. Sexually oriented theater or sexually oriented motion picture theater. A sexually oriented theater or sexually oriented motion picture theater is an establishment or commercial venture which is conducted

within an enclosed building and which projects or displays for viewing by an audience material intended to provide sexual stimulation or sexual gratification to customers, and which are distinguished or characterized by a predominant emphasis on matter depicting, describing or relating to “specified anatomical areas” or “specified sexual activities” for observation by patrons.

f. Sexually oriented lounge. A sexually oriented lounge is a “sexually oriented cabaret” as defined above which allows the consumption of alcoholic beverages on the premises.

g. Sexually oriented retail store. A sexually oriented retail store is a retail establishment which has a primary business activity of marketing, selling, displaying or dispensing stock in trade, books, films, magazines, periodicals, instruments, devices, paraphernalia, or any other products intended to provide sexual stimulation or sexual gratification to customers, and which are distinguished or characterized by an emphasis on depicting, describing or related to “specified sexual activities” or “specified anatomical areas.”

h. Sexually oriented motel or adult motel. Sexually oriented motel or adult motel means a hotel, motel or similar commercial establishment which:

i. Offers accommodations to the public for any form of consideration; provides patrons with closed-circuit television transmissions, films, motion pictures, videocassettes, slides, or other photographic or computer-generated reproductions which are intended to provide sexual stimulation or sexual gratification to customers, and which are characterized by the depiction or description of “specified sexual activities” or “specified anatomical areas”; and has a sign visible from the public right-of-way which advertises the availability of such adult types of photographic or computer-generated reproductions; or

ii. Offers a sleeping room for rent on an hourly basis; or allows a tenant or occupant of a sleeping room to sub-rent the room on an hourly basis.

i. Sexually oriented escort agency. A sexually oriented escort agency is a person or business association that furnishes, offers to furnish, or advertises to furnish escorts as one of its primary business purposes, for a fee, tip, or other consideration. For purposes of this definition an escort means a person who, for consideration, agrees or offers to act as a companion, guide, or date for another person, or who agrees or offers to privately model lingerie or to privately perform a striptease for another person.

j. Sexually oriented encounter center. A sexually oriented encounter center is a business or commercial venture that offers for any form of consideration physical activities between persons when one or more of the persons are in a state of nudity or semi-nudity.

SHOPPING CENTER: A group of architecturally unified commercial establishments built on a site which is planned, developed, owned, or managed as an operating unit which is related to its location, size, and type of shops to the trade area that the unit serves. The unit provides on-site parking in definite relationship to the types and total size of the stores.

SHOPS, OFFICE, AND/OR STORAGE AREA OF PUBLIC OR PRIVATE UTILITY: The pole yard, maintenance yard, and/or administrative offices of a municipality or franchised utility.

SIGN: Any words, numbers, figures, devices, designs, trademarks or other symbols, which attract attention to or

make known such things as an individual, firm, profession, business, commodity or service, and which is visible from any public street. This definition of “sign” shall include any structure designed to be used for said display. For the purpose of removal, “sign” shall also include sign supports.

SITE PLAN: A detailed line drawing clearly describing the project and showing the following information:

- a. Drawn to scale showing scale used, north arrow, date and title of project.
- b. Property lines, location and widths of all streets, alleys and easements.
- c. Proper dimensions on all fundamental features such as lot, buildings, parking spaces, landscaped areas.
- d. The location of setback lines, driveway openings and sidewalks.
- e. All proposed buildings, freestanding sign locations, parking areas and open space.
- f. All required landscaping, together with a description of type of material to be used.
- g. A cross-section of any required or proposed screening.
- h. Total square footage of the development lot; total square footage of proposed structures; total footage of landscaped areas; total percentage of coverage; density or floor area ratio where applicable; height of all structures; number of parking spaces; square footage and design features of all signs; garbage collection facilities.
- i. Name, address and telephone number of the proponent.

SOLID WASTE TRANSFER STATION: A facility and/or premises at which solid waste is temporarily deposited prior to ultimate removal to a permanent solid waste storage site.

SPECIFIED ANATOMICAL AREAS MEANS THE FOLLOWING PORTIONS OF THE HUMAN BODY:

- a. Genitals, whether or not in a state of sexual arousal;
- b. Pubic region or pubic hair;
- c. Buttock or buttocks;
- d. The portions of the female breast below a point immediately above the top of the areola; and
- e. Any combination of the above.

SPECIFIED SEXUAL ACTIVITIES MEAN ONE OR MORE OF THE FOLLOWING:

- a. The fondling, massaging or other erotic touching or stimulation of “specified anatomical areas;”
- b. Ultimate sex acts, normal or perverted, actual or simulated, including, but not limited to, intercourse, oral copulation, sodomy;
- c. Masturbation, actual or simulated; or
- d. Excretory functions as part of or in connection with any of the activities set forth in (1) through (3) [a. through c.] above.

STABLE, COMMERCIAL: A structure housing horses which are boarded or rented to the public or any stable other than a private stable, but not including a sale barn, auction or similar trading activity.

STABLE, PRIVATE: An accessory building set back from adjacent property lines a minimum distance of one hundred (100) feet and used for quartering horses, not to exceed one (1) horse per one acre area of a farm or lot.

STACK LOT: A lot used for the outside storage of used materials, machinery, or equipment, and to which the general public is not normally invited.

STADIUM OR PLAYFIELD, 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 nighttime play.

[STORAGE OR] WHOLESALE WAREHOUSE, LIGHT: A building used primarily for the storage of goods and materials, containing less than 5,000 square feet of floor space.

STORAGE OR WHOLESALE WAREHOUSE, HEAVY: A building used primarily for the storage of goods and materials, containing more than 5,000 square feet of floor space.

STORY: That portion of a building included between the surface of any floor and the surface of the next floor above it, or if there be no floor above it, then the space between such floor and ceiling next above it.

STORY, HALF: A story under a gable, hip or gambrel roof, the wall plates of which [on] at least two (2) opposite exterior walls are not more than two (2) feet above the floor of such story, and which has an average height of not more than eight (8) feet and covering a floor area of not more than seventy-five (75) percent of the area of the floor on the story next below.

STREET: A public way which extends primary means of access to abutting properties.

STREET WIDTH: The horizontal distance between the side lines of a street, curbed or uncurbed, measured at right angles to the side lines.

STRUCTURE: Anything constructed or erected which requires location on the ground or attached to something having a location on the ground.

SWIMMING POOL, COMMERCIAL: A swimming pool with accessory facilities, any part of the facilities is available to the public for a fee or as a private club.

SWIMMING POOL, PRIVATE: A swimming pool as an accessory facility to a private residence or for private use at a public facility.

TELEPHONE EXCHANGE: A switching or transmitting station owned by a public utility but not including business offices, storage, or repair shops or yards.

TELEVISION, OR MICROWAVE COMMUNICATIONS OPERATIONS, COMMERCIAL: The transmission, re-transmission, or reception of radio, electromagnetic, or microwave signals primarily for the purpose of operating a business and/or financial gain.

TENT: A portable or temporary cover or shelter, with or without side panels, which is supported by poles and is made of canvas, plastic or similar materials.

THEATER (OUTDOOR): An open lot with its appurtenant facilities devoted primarily to the showing of motion picture or theatrical productions on a paid admission basis to patrons seated in automobiles.

TOWER: Any structure that is designed and constructed primarily for the purpose of supporting one or more antennas, including self-supporting lattice towers, guy towers, or monopole towers.

TOWNHOUSE: Often termed "row housing." A house of a row, joined to its neighbors by party walls and covered by the same roof, while occupying separate lots. No townhouse structure shall have less than two (2) dwelling units or an overall length exceeding two hundred fifty (250) feet.

TRAILER: Any portable or mobile vehicle on wheels, skids or rollers not structurally anchored to a foundation, either self-propelled, or propelled by an attached vehicle, animal, person or other propelling apparatus, which is used or may be used for commercial hauling, or storage purposes.

TRAILER, MANUFACTURED HOUSING, OR MOBILE HOME DISPLAY AND SALES: The offering for sale, storage, or display of trailers, manufactured housing, or mobile homes on a parcel of land but excluding the use of such facilities as dwellings either on a temporary or permanent basis.

TRAVEL TRAILER: Travel trailer, vacation travel trailer and recreational vehicle are used synonymously throughout the comprehensive zoning ordinance and mean a vehicle designed for a temporary or short-term occupancy for travel, recreational and vacation uses. Such vehicles shall include any travel trailer, camp trailer, pop-up or tent campers, house trailer, mobile home, motor home or house car, and any pickup camper, on or off the pickup (excluding recreational dual purpose vehicles), except a simple shell, on the pickup, having no cooking or bath facilities.

TRAVEL TRAILER PARK: Travel trailer park means any tract of land under single ownership, where accommodation is provided for transient trailer use.

UNCOVERED PUBLIC PARKING LOTS: Any premises used for the purpose of parking motor vehicles for remuneration. No repairs or sales will be permitted on the premises.

USE: The purpose for which land or a building is arranged, designed or intended, or for which either land or a building is or may be occupied or maintained.

USED CAR SALES AREA: An area used for the display and sale of used automobiles in operating condition and where no repair work is done except the minor adjustments of the cars to be displayed or sold on the premises.

VEHICLE: Every device in, upon or by which any person or property is or may be transported or drawn upon a street or highway, except devices moved by human power or used exclusively upon stationary rails or tracks.

WASHATERIA: A building or place where clothes and linens are washed and thoroughly dried by the use of not exceeding three (3) employees and four (4) automatic single-family machines and where the operation of washing and/or drying and/or mangle machines is done exclusively by the customer on the self-service basis, and where the fuel and power for the heating of water and drying shall be smokeless and odorless, and such as will not cast off soot.

WHOLESALE: The sale of goods, merchandise, services and/or commodities for resale by the purchaser and does not offer retail sales to the general public.

WINERY: The manufacturing, bottling, labeling and packaging of wine containing not more than twenty-four (24) percent alcohol by volume from grapes, fruits and berries grown on-premises or imported, and to include the manufacturing and importation of grape brandy for fortifying purposes only pursuant to a State Winery Permit. Wine sales may be to holders of wholesaler's permits, winery permits, or wine bottlers permits. Retail sales to ultimate consumers in unbroken packages for off-premises consumption may not exceed an amount of 35,000 gallons annually. A winery may include the following accessory uses; tasting rooms, meeting/banquet facilities or restaurants to dispense wine for on-premises consumption; and retail sales area of wine for off-premises consumption.

WINERY TASTING FACILITY: An establishment holding a State Winery Permit and allowing the retail sales of wine to ultimate consumers for consumption on the premises of the winery tasting facility or unbroken packages for off-premises consumption. As the holder of a State Winery Permit, the operator of a winery tasting facility may blend wine and/or ferment wine from prepared juice but may not manufacture on the premises wine from grapes, fruits or berries grown on-premises or imported. A winery tasting facility may include meeting/banquet facilities or restaurants to dispense wine for on-premises consumption.

WING OR EXTENSION: That part of a building projecting towards the rear lot line, if any, but only if the width of that projection is less than one-half of the total building width. For the purposes of this definition, building width shall be the greatest dimension of the building, as measured at right angles to the front property line.

YARD: Any open space between a building or group of buildings and the nearest lot line and is unoccupied and unobstructed from the ground upward.

YARD, FRONT: That yard between the front building line and the front lot line.

YARD, REAR: That yard between the rear building line, and the rear lot line, if any.

YARD, SIDE: That yard between the side building line, and the side lot line, if any.

ARTICLE 14. DEVELOPMENT REVIEW

Section 14.01 Development Review, General

(also outlined in Article 8 [[Article 7](#)])

1. Pre-application Conference. An applicant for development approval may request a pre-application conference with the City Manager. Prior to the conference, the applicant shall provide a description of the character, location and magnitude of the proposed development. The purpose of this meeting is to acquaint the participants with the requirements of this Zoning Ordinance and the views and concerns of

the City.

2. Application Forms. Every application for development approval shall be in a form specified by the City Manager.
3. Standard Application Submission Cycle. Applications that will be reviewed by the Planning and Zoning Commission or the Zoning Board of Adjustment must be filed at least 21 days in advance of the scheduled public hearing, in order to allow adequate time for staff review and preparation of a staff report and publication of notice.
4. Application Fees.
 - a. No application shall be processed until the established fee has been paid. This nonrefundable fee shall be established from time to time by the City Council to defray the actual cost of processing the application and providing public notice.
 - b. No application fee shall be required when a text or map amendment is being proposed by the City Manager, City Council or Planning and Zoning Commission.
5. Completeness of Application. No application shall be processed until it has been deemed complete by the City Manager. The City Manager shall have 5 working days following the submission of the application to determine its completeness. If the application is deemed incomplete, the City Manager shall forward a letter to the applicant specifying the application's deficiencies, and no further review of the application shall proceed until the deficiencies are corrected. If the deficiencies are not corrected by the application deadline date, the application shall not be scheduled for public hearing.

ARTICLE 15. RULES OF CONSTRUCTION AND DEVELOPMENT, OPERATIONAL REQUIREMENTS RELATED TO CONSTRUCTION/PERMITTED USES

Section 15.01 Rules of Construction Related to all Sections of the Zoning Ordinance

1. Meanings and Intent. All provisions, terms, phrases and expressions contained in this Zoning Ordinance shall be construed in accordance with the Ordinance's stated purposes.
2. Text. In case of any difference of meaning or implication between the text of this Zoning Ordinance and any drawing, figure or illustration, the text shall control.
3. Computation of Time. The time period within which an act is to be carried out shall be computed by excluding the first day and including the last day. If the last day is a Saturday, Sunday or a legal holiday, that day shall be excluded. Time-related words shall have the meanings ascribed below:
 - a. "Day" means a calendar day unless working day is specified;
 - b. "Week" means 7 calendar days;
 - c. "Month" means a calendar month; and
 - d. "Year" means a calendar year, unless a fiscal year is indicated.

4. Delegation of Authority. Whenever a provision appears requiring a department head or some other officer or employee to perform an act or duty, it shall be construed as authorizing that department head or other officer to delegate responsibility for performing the required act to other city employees, unless the provision specifies otherwise.
5. Technical and Nontechnical Words. Words and phrases shall be construed according to the common and approved usage of the language, but technical words and phrases that may have acquired a specific meaning in law shall be construed and understood according to such meaning.
6. Public Officials, Bodies and Agencies. All public officials, bodies and agencies to which reference is made are those of the City of Littlefield, Texas, unless otherwise indicated.
7. Mandatory and Discretionary Terms. The word “shall” is always mandatory. The word “may” is permissive.
8. Conjunctions. Unless the context clearly indicates the contrary, conjunctions shall be interpreted as follows:
 - a. “And” indicates that all items, conditions, provisions or events are connected; and
 - b. “Or” indicates that one or more of the connected items, conditions, provisions or events shall apply.
9. Tense, Numbers and Gender. [sic]

Section 15.02 Measurements

1. Depth.
 - a. Lot Depth - The average horizontal distance between the front and rear lot lines.
 - b. Rear Yard Depth - The average horizontal distance between the rear line of a principal building and the rear lot line.
2. Fence Height. At every point along the run of a fence, the average distance between the top of the fence and the immediately adjacent ground surface on the two sides of the fence.
3. Floor Area.
 - a. The floor area (or gross floor area) of a building is the sum of the gross horizontal areas of the several floors of the building, measured from the exterior faces of the exterior walls or from the centerline of walls separating two adjacent buildings on separate lots. In particular, the floor area of a building shall include basement space, elevator shafts and stairwells at each floor; floor space used for mechanical equipment; penthouses, attic space (whether or not a floor has actually been laid) providing structural headroom of 7 feet, 6 inches or more; interior balconies and mezzanines; enclosed porches; and accessory uses.
 - b. Floor area for the purpose of computing off-street parking requirements for various retail trade activities shall mean the gross floor area used or intended to be used for service to the public as customers, patrons, clients or patients, including areas occupied by fixtures and equipment used for

display or sale of merchandise. It shall not mean floors or parts of floors used principally for non-public purposes, such as the storage, incidental repair, processing or packaging of merchandise, for show windows, or for offices incidental to management or maintenance. Fitting rooms, dressing rooms and alteration rooms shall also be excluded from the definition of floor area for the purpose of computing off-street parking requirements for various retail trade activities.

c. The floor area ratio of a building is the gross floor area of the building divided by the total area of the lot on which it is constructed or proposed.

4. Height. The height of a building or portion of a building shall be measured from the average established grade at the street lot line or from the average natural ground level, if higher or where no street grade has been established, to the following point:

- a. Flat Roof - the highest point of the surface of the roof;
- b. Mansard Roof - to the roof deck line;
- c. Hip or Gable Roof - to the mean height between eaves and ridge.

[d. Reserved]

e. The following structures shall be excluded when measuring the height of a building: chimneys, cooling towers, elevator bulkheads, penthouses, tanks, water towers, radio or television towers, satellite dish antennas, ornamental cupolas, domes or spires, and parapet walls not exceeding four feet in height.

5. Lot Area. The total horizontal area within the lines of a lot.

Section 15.03 Lot Lines

a. Front Lot Line. For an interior lot or through lot, a front lot line is the street line. On a corner lot, the front lot line shall be any street line on which an immediate adjoining lot has a front boundary. A single lot may be required to have multiple front lot lines, for the purpose of this Zoning Ordinance. For one lot occupying an entire city block, the front lot line shall at a minimum include any boundary of that block which aligns with and/or lies across a street from any boundary of an adjoining block on which there are front lot lines.

b. Rear Lot Line. Any lot line that is parallel to the front lot line or within 45 degrees of being parallel to the front lot line. A rear lot line shall also include any lot lines on an offset to a through lot that constitute the rear lot line of an adjacent lot.

c. Side Lot Line. A side lot line is any lot line which is not a front lot line or a rear lot line.

Section 15.04 Seats, Story Definition and Yard Exceptions

1. Seats. The seating capacity of a particular building. In the event individual seats are not provided, each 20 inches of benches or similar seating accommodations shall be considered as one seat for the purpose of this Zoning Ordinance.

2. Story.

- a. That portion of a building included between the upper surface of any floor and the upper surface of the floor immediately above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above.
 - b. If the finished floor level directly above a basement is more than 6 feet above the level of the immediately adjacent ground surface, such basement shall be considered a story.
 - c. A floor level having a height of not more than 7 feet 6 inches covering a floor area of not more than 75 percent of the area of the floor of the story below is considered a half-story.
3. Yard Exceptions. Every part of any required yard shall be open and unobstructed, except for the following:
- a. Ordinary projection of windowsills, belt courses and other ornamental features projecting a distance not to exceed 12 inches.
 - b. Projection of chimneys and flues for a distance not to exceed 3-1/2 feet into required front and rear yards.
 - c. Eaves and awnings on main residential buildings which project a distance of no more than two feet into required yards.
 - d. Open or lattice-enclosed fire escapes and fireproof outside stairs, as well as balconies opening onto them, which may project into required rear yards a distance not to exceed 3-1/2 feet.
 - e. Open carports allowed to extend into required front and side yards as set forth in [Section 15.10](#)[.]
 - f. Open and unenclosed porches covered by a roof (but being unencumbered by walls, glazing or rigid screening of any kind) may project into required front or rear yards for a distance not to exceed 6 feet, provided that no supporting structure for such extensions shall be located within the required front or rear yard.
 - g. Uncovered porches, decks and platforms that do not extend more than three feet above ground level may project into required rear yards and into required side yards, so long as such projections do not extend within less than two feet of any side lot line.

Detached accessory buildings may be built in required side and rear yards.

An attached garage shall be considered an integral part of the principal building, and all required minimum yards shall be maintained from the outside corners of said garage. A detached garage or other accessory structure shall meet the requirements for accessory buildings.

Section 15.05 Residential District Standards

Except as specifically provided elsewhere in this Zoning Ordinance, dwelling height and building density shall be not more than, and yards and lot size shall not be less than are specified in the Table below for the type of use in the district in which such use is located.

1. Residential District Regulations. Development in residential districts shall conform to the following regulations[:]

	Development Standard
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	SF-1	SF-2	MF	MH-1	MH-2
Minimum Lot Area (sq. ft.)					
Single-Family Unit	7,500	6,600	9,000		
Two-Family Unit (duplex)		7,500			
Garden Home Unit		5,500			
Multifamily Project			7,000		
Manufactured Home				5,000	8 per acre
Minimum Lot Dimensions (feet in width x feet in depth)					
Single-Family Unit	75 x 100	60 x 110			
Two-Family Unit (duplex)			75 x 100		
Garden Home Unit		55 x 100	90 x 100		
Multifamily Project					
Manufactured Home		55 x 100 ¹		50 x 100	Section 15.25
Minimum Front Yard (feet)	20	20	20	15	Section 15.25
Garden Homes Note (2)			See Note 2		
Minimum Side Yard (feet)					
One Side Yard (minimum)	5	5	10	5	Section 15.25
The Other Side Yard (minimum)	5	5	10	5	
Corner Lot - Side Yard to Street (see note 5)	15	10	10	10	
Minimum Rear Yard (feet)	20	20	10	10	
Garden Homes Note 4			See Note 4		
Maximum Floor Area Ratio	.20	.40	.60	.60	Section 15.25
Maximum Height (feet)	35	35	35	35	
Maximum Stories	2-1/2	2-1/2	2-1/2	2-1/2	

¹ Allowed only south of Loop 430.

NOTES:

- (1) Additional lot area may be required in circumstances where disposal of septic wastewater will be discharged through on-site waste treatment facilities (including septic systems) in order to meet the requirements of the City's Code of Ordinances or state regulations.
- (2) Single-family and two-family units require a minimum 20-foot front yard; multifamily residential structures require a minimum 20-foot front yard; zero lot line and garden home units require a minimum 15-foot front yard, except on arterial streets, where the minimum front yard shall be 20 feet.
- (3) Single-family and two-family units generally require a minimum 5-foot side yard on both sides; multifamily dwelling units or group homes require a minimum 10-foot side yard on both sides;
- (4) Single-family units and two-family units require a minimum 20-foot rear yard; zero lot line garden home units require a minimum 15-foot rear yard. Multifamily residential structures require a minimum 20-foot rear yard.
- (5) In all residential zones, on corner lots the minimum side yard adjacent to the street shall be ten (10) feet. Provided further, that in no case, shall a garage fronting onto a street be within twenty (20) feet of the front of the curb.
- (6) Yard Requirements along District Boundaries. Whenever a block face is intersected by a district boundary, all lots fronting on that block face shall conform to the minimum front yard requirements of the most restrictive district found on that block face.
- (7) Yard Requirements for Accessory Structures. See Section 15.07 [\[Section 15.12\]](#) Accessory Uses and Structures
- (8) Yard Determination by City Manager. Where a lot does not conform to typical lot and block configuration, the City Manager shall determine which lot lines shall be considered front, side and rear lot lines. In making this determination, the City Manager shall take into consideration the pattern of adjacent lots, as well as the frontage of lots across an intervening street. Building orientation or address shall not determine yard requirements.

Section 15.06 Additional Standards for Zero Lot Line Dwellings

Development of a zero lot line dwelling shall occur only in the SF-2 District on a lot that has been specifically platted in accordance with the provisions of the Littlefield Subdivision Ordinance to accommodate such a use.

Zero Lot Line or Garden Homes are intended to provide opportunities for medium density residential development using the garden home, and zero lot line concepts to incorporate (1) more efficient use of land than typical single-family development, making needed housing more affordable; (2) design of dwellings that integrate and relate internal/external living areas resulting in more pleasant and enjoyable housing; and (3) placement of dwellings against the property line, permitting outdoor space to be grouped and utilized to its maximum benefit. Regardless of any provisions in this ordinance to the contrary, garden homes shall comply with the following:

Zero lot lines are those lines situated so that one side wall or roof line of a structure can be located on the side lot boundary without any setback required[.]

Only one Zero Lot Line home will be allowed per lot.

Minimum lot size for Garden Homes in the SF-2 District shall be 5,500 square feet.

The minimum front yard shall be fifteen feet with the front of the garage being set back twenty (20) feet.

The minimum rear yard shall be five (5) feet for a single-story structure and fifteen (15) for any two-story structure.

There shall be at least ten (10) feet of separation between structures. Five (5) feet of the lot adjacent to the zero setback will be deducted as an access easement for construction and repair of the adjacent zero setback structure. The roof line of any structure will be allowed to overhang the access easement of the adjacent property.

The combined lot coverage of all structures shall not exceed sixty-five percent of the lot area. Trellises and open porches shall not be included in the combined area.

No structure shall exceed two stories or thirty-five (35) feet in height.

No doors or windows shall be located on any wall located on a Zero Lot Line, except that windows shall be allowed on a Zero Lot Line adjacent to a street.

Section 15.07 Additional Standards for Front and Side Yards

Where on the effective date of this ordinance 35% or more of a block face between intersecting streets is developed with buildings which have observed, with a variation of five feet or less, a front yard greater or lesser than required by this Section, new buildings shall not be erected closer to the street right-of-way than the building line so established by those existing buildings. This regulation shall not be interpreted as requiring a minimum front yard of more than 50 feet.

For all uses in residential districts and for residential uses in any district, on a corner lot where another lot abutting the rear of that corner fronts onto a side street, there shall be a front yard required on all street side boundaries of that corner lot. The minimum front yard required along street side boundaries (of such corner lots) shall be equal to that minimally required on the interior lot which immediately adjoins each respective required front yard on the corner lot. For the purpose of this subsection, any separation by an alley, utility-owned right-of-way, watercourse or other drainage feature with a minimum width of 10 feet shall cause nearby lots to not be abutting.

Section 15.08 Bed and Breakfast in a Residential District

A Bed and Breakfast may be allowed as a Specific Use in residential zoning districts where transient lodging is not ordinarily allowed, subject to the following standards:

- a. The operator of the Bed and Breakfast is a full-time resident of the dwelling in which the Bed and Breakfast establishment is housed.
- b. No more than one person who is not a full-time resident of the dwelling shall be employed by the Bed and Breakfast establishment.
- c. A minimum of two off-street parking spaces, plus one additional space per guest room, shall be provided on the same lot or tract of land as the Bed and Breakfast establishment.
- d. A maximum of four guest rooms shall be provided in any one Bed and Breakfast establishment.
- e. No exterior evidence of the Bed and Breakfast shall be allowed, except for one attached sign no larger than twelve square feet.
- f. No food preparation, except beverages, is allowed within individual guest rooms. Meal service shall be provided to overnight guests only.
- g. Preparation and service of food for guests shall conform to all applicable regulations of the State of Texas and the City of Littlefield.
- h. The resident operator shall keep a current guest register including names, permanent addresses, dates of occupancy and motor vehicle license numbers for all guests.
- i. In approving a special use allowing any Bed and Breakfast in SF-1 zoning district, City Council shall make a finding that the subject site shall be located in a transitional area. For the purpose of this paragraph, a transitional area shall be:
 - i. An area situated between land uses of different intensity and compatibility, and which is impacted by its proximity to one or more such uses; or
 - ii. An area situated on the boundary of a residential district adjacent to a more intensive zoning classification; or
 - iii. An area situated adjacent to an arterial street.

Section 15.09 Child Care in Residential Districts

The care of not more than 6 children under the age of 14 years during any one calendar day (excluding the

caregiver's own children), and the care of an additional 6 elementary school age children during non-school hours only, so long as the total number of children (including a caregiver's own minor children) does not exceed a maximum of 12 at any given time. In appropriate circumstances following a hearing the Zoning Board of Adjustment may allow for the keeping of more than 12 children, so long as such variance does not adversely affect the residential character of the neighborhood. Such a review shall follow the procedures for the granting of variances generally.

Section 15.10 Carports in Required Yards

The supporting structure of an open carport shall not be located within required front or side yards, except as set forth in this Section. Carports in required yards may be approved as an administrative adjustment in accordance with the provisions of [Section 8.01](#) provided the standards of the following subsections 1, 2 and 3 are met.

1. Location.

- a. There is no other practical location on the subject property for a carport that would meet the minimum yard requirements established for the particular zoning district in which the subject lot is located.
- b. In order to allow a carport to encroach within the required front yard, a previously constructed carport located within a required front yard must exist on a lot on the same or opposing block face.
- c. The proposed carport must be compatible with the neighborhood and will not negatively affect other nearby properties.

2. Construction. Construction of a carport in a required yard shall conform to all of the following criteria:

- a. The front face of the roof shall be set back at least 10 feet from the front property line, and shall be separated by at least 15 feet from the back of the street curb (or edge of the street pavement if a curb does not exist).
- b. The roof edge and vertical structural supports for any carport shall not be located closer than two feet to the side property line.
- c. A minimum of 7-1/2 feet from the finished floor level of any carport situated within the minimum front or side yard required on the lot shall be open and unencumbered by any walls, screening or glazing on the sides or front of the structure, except as may be necessary for vertical structural supports which shall be no greater than 12 inches in width or diameter, or unless the carport borders the side wall of the house, in which case that one side of the carport may be enclosed by the wall of the house.
- d. No more than 20 percent of the minimum front yard area required on a lot shall be covered by the roof on a carport allowed by this Section.

3. Continuing Compliance. Any carport authorized in accordance with this Section to extend into minimum required front or side yards shall be subject to continuing compliance with the following requirements.

- a. The minimum clearance required on the sides of any such carport (along that portion which extends into required yards) shall continually remain open and unencumbered by any walls, screening or glazing.

b. The area underneath any such carport shall continually remain clear of any junk, household trash, yard trash, debris or any and all other objectionable unsightly matter, as generally required by the ordinances of the City of Littlefield.

4. Existing Carports. Existing carports which encroach into minimum front or side yards required by this Zoning Ordinance shall be exempted from the requirements of this Zoning Ordinance intended to prevent the installation of carports within minimum front or side yards, subject to each such carport's compliance with all the following conditions.

a. The carport was legally constructed at that location prior to July 1, 2005.

b. The carport does not encroach into the public right-of-way, into an easement specifically designated to be open or unencumbered by buildings, or onto an adjacent lot.

c. The carport is set back a minimum of 5 feet from the back of a curb bordering pavement in an adjoining street right-of-way or, if a curb does not exist, from the edge of pavement in that adjoining street right-of-way.

d. The carport is structurally sound, in the opinion of the Building Official.

e. The carport is substantially open and unencumbered by side walls, screening or glazing in any of the minimum front or side yards required by this Zoning Ordinance.

f. The area underneath any such carport is and remains continually clear of any junk, household trash, yard trash, debris or any and all other objectionable matter.

g. The carport is accessory to a principal building located on the same lot as that carport, regardless of whether that carport is attached to or detached from the principal building.

Section 15.11 Carports Considered Legally Nonconforming

a. Existing carports which encroach into minimum required front or side yards and which were installed before enactment of minimum yard requirements shall be considered legally nonconforming.

b. Any existing carports which encroach into minimum front or side yards required by this Zoning Ordinance and which were authorized in accordance with a variance or special exception duly approved by the Zoning Board of Adjustment shall also be considered legally nonconforming.

c. In no case shall this Section be construed to legitimize any carport encroaching into a public right-of-way, into an easement specifically designated to be open or unencumbered by buildings, or onto an adjacent lot.

Section 15.12 Accessory Uses and Structures

Principal uses classified as allowed uses by the district regulations of this Zoning Ordinance shall be deemed to include accessory uses and activities that are customarily associated with, as well as appropriate, incidental and subordinate to allowed principal uses. Accessory uses and activities shall be subject to the same regulations as principal uses unless otherwise expressly stated.

1. Accessory Buildings or Structures.

a. Setbacks. An accessory building may be detached from the principal building, or constructed such

that it is physically attached to the principal building.

- b. An accessory building attached to a principal building, or located within 10 feet of a principal building, shall be considered integral to the principal building, and shall meet the same minimum side and rear setback requirements as the principal building.
- c. Except for those carports allowed in Section [\[Section 15.10\]](#), no accessory building, either attached or detached, shall be allowed within the minimum front yard required on the lot.
- d. An accessory building that is detached from the principal building, or attached with only a breezeway, shall be allowed to extend into the required side or rear yard as follows:
 - i. Where the wall or edge of the roof will adjoin a street or alley right-of-way, five (5) foot setback shall be required; and
 - ii. Where the wall or edge of the roof will adjoin any other side or rear lot line, a minimum setback of five (5) feet from that side or rear lot line shall be maintained.

Size. A maximum accessory building floor area of 600 square feet or 50 percent of the floor area of the principal building, whichever is greater, shall be permitted on any residential lot so long as the area restrictions in the district are not violated. Bona fide farm and agricultural buildings shall be exempt from this requirement.

Prohibited Structures. Shipping crates, railroad cars, truck or bus bodies and other similar containers shall not be used as accessory buildings in any residential district.

2. Satellite Dish Antennas in Nonresidential Districts. Satellite dish antennas in nonresidential districts shall meet the following conditions for installation.

- a. All permanent installations shall be installed according to the manufacturer's requirements and shall meet appropriate building setbacks.
- b. All antennas, whether for sales and service or for permanent installation, shall be located in a manner that will not interfere with pedestrian or vehicular movement, shall not be a visual obstruction to traffic, and will not eliminate off-street parking spaces required by this Zoning Ordinance.

Section 15.13 Nuisance

Residential, Commercial or Industrial Areas.

- a. Creating, causing, allowing, fostering, promoting, or maintaining a Nuisance, as defined in this ordinance, is prohibited and constitutes an offense. Any peace officer may enforce an observed violation as in the case of any other Class C misdemeanor. The City Manager or designee is authorized to issue notice of violation letter for an observed violation, and [if] the nuisance is not abated within 15 days then request a complaint in the municipal court got [sic] the offense. The remedies stated in this section are cumulative of other Nuisance enforcement, abatement, remedies, and procedures provided by other law.
- b. No sign or lighting permitted under these regulations shall be authorized whereby such sign or

lighting by reason of placement, lack of shielding, noise generation or character of operation would itself be a form of Nuisance. Specifically:

1. The source of lighting shall not be directly visible from the adjacent residential property and light shall be shielded to prevent such exposure;
2. The noise level of signs and lighting fixtures, when measured within the adjacent dwelling unit, shall not be greater than the noise levels of equipment customarily in operation in the home including air conditioning and kitchen refrigerators.

Section 15.14 Nonresidential, District Standards

The following standards are established for new and existing developments regarding maximum height, lot size and minimum yards:

Standard	C-1	C-2	M-1	M-2
Maximum Height (ft.)	35	—	—	—
Minimum Lot Area (sq. ft.)	6,000	6,000	6,000	6,000
Minimum Lot Width (ft.)	50	50	50	50
Minimum Lot Depth (ft.)	80	80	80	80
Minimum Front Yard (ft.)	25	25	25	25
Minimum Side/Rear Yard (ft.)	10	10	10	10

NOTE: For the purpose of this Section, separation by an alley, utility-owned right-of-way, watercourse or other drainage feature with a minimum width of 10 feet shall not be considered abutting.

Determination of Yard Requirements. Where a lot does not conform to the typical lot and block configuration, the City Manager shall determine which lot lines shall be considered front, side and rear lot lines. In making this determination, the City Manager shall take into account consideration of the pattern of adjacent lots, as well as frontage of lots across any intervening street. Addresses assigned to existing buildings shall not determine yard requirements.

Section 15.15 Multiple Principal Buildings or Uses

1. Residential. Only one principal building for single-family or two-family residential use shall be located upon a lot in a residential zoning district.
2. Nonresidential. More than one principal nonresidential building may be located on a lot, subject to the following requirements:
 - a. The principal buildings shall conform to all of the open space, parking and density requirements applicable to the district where they are located.
 - b. The City Manager shall review such projects to ensure an appropriate arrangement of buildings is proposed. Such review shall be subject to appeal to the Zoning Board of Adjustment.

Section 15.16 Outdoor Storage and Displays in Nonresidential Districts

Outdoor storage and display shall be allowed in any nonresidential district in accordance with this Section. Any merchandise, material or equipment situated outdoors shall be in accessory to the main use subject to the

requirements of this Section. For the purpose of this section, outdoor storage and display shall be broken down into three types, as follows.

1. Type A: Outdoor Display. Type A Outdoor Display shall be allowed adjacent to a principal building wall and extending to a distance no greater than 5 feet from the wall. Such storage shall not be permitted to block windows, entrances or exits, and shall not impair the ability of pedestrians to use the building. Storage of used articles may be stored outside only during the hours that the store is open.
2. Type B: Limited Outdoor Storage. Type B Limited Outdoor Storage shall not exceed 1,000 square feet or 10 percent of the total site area (whichever is greater).
3. Type C: General Outdoor Storage. Type C General Outdoor Storage shall be allowed in unlimited quantity, subject only to the following: [sic]
4. Exceptions.
 - a. Vehicles (including boats) shall not be considered merchandise, material or equipment subject to the restrictions of this Section.
 - b. Waste generated on-site and deposited in ordinary refuse containers shall not be subject to the restrictions of this Section.
 - c. Areas enclosed by solid, opaque walls on at least three sides and covered by a solid, opaque roof shall not be considered outdoor.
 - d. All outdoor storage must be stacked in straight, orderly lines, be free of vegetation and must not hold water or harbor pests.
5. Location of Outdoor Storage and Display.
 - a. Unless specifically authorized elsewhere in the City's Code of Ordinances, all outdoor storage and display shall be located outside the public right-of-way and/or at least 15 feet from the back edge of the adjacent curb or street pavement.
 - b. No outdoor storage or display shall be allowed in required side yards.
6. Allowed Storage Table. The three types of storage shall be allowed in the districts designated in the Table below:

Type Storage Allowed	CB	C-1	C-2	M-1	M-2
Type A	X	X			
Type B			X		
Type C				X	X

Section 15.17 Adult Entertainment Enterprise/Sexually Oriented Business

- a. Location. All structures housing adult entertainment enterprises shall be located only in the M-1 and M-2 [Districts] by Special Use in accordance with the following:

1. At least 1,000 feet from the property boundary line of any lot used for church purposes, or any lot occupied by a public or private school having a curriculum equivalent to an elementary or secondary school (including outdoor athletic and recreation facilities directly associated with such a school).
2. At least 1,000 feet from another structure housing an adult entertainment enterprise.
3. At least 500 feet from the boundary line of any residential zoned lot or any lot or tract used for public park purposes.

b. Measurements.

1. Measurements for determining the distances described above are to be measured in a straight line in all directions from the structure housing the adult entertainment enterprise to the nearest property line of any lot in a residential zoned district, or any lot used for church or school, or any public park, or to any structure housing another adult entertainment enterprise.
2. The measurements for a structure shall be taken from the furthest point that a structure extends in any direction, including overhanging roofs and all other projections or portions of said structure.
3. Should the adult entertainment enterprise be located in conjunction with other buildings in a manner where the adult entertainment enterprise is clearly separated from other portions of the structure (for example, an adult bookstore in a shopping center), the adult entertainment enterprise structure's measurements shall be taken from the boundaries of the space in which the adult entertainment enterprise is housed or confined (not the entire shopping center, motel, or other such structure).
4. Should the adult entertainment enterprise be located in conjunction with other buildings in a manner where the adult entertainment enterprise is situated above the ground level of a multi-story structure and is clearly separate from other activities within the structure (for example, an adult bookstore on an upper level of an office tower or hotel), the adult entertainment enterprise measurements shall be taken from the nearest entry to that portion of the structure housing the adult bookstore, thence to the nearest point of egress (elevator or stairs), thence to the nearest ground floor exit, thence in a straight line to the nearest point on any lot in a residential district, or any lot or tract used for church, school or public park purposes, and to any structure housing another adult entertainment enterprise.

c. Compliance Review. Any person wishing to establish an adult entertainment enterprise must submit a site plan to the City Manager setting out the dimensions and specific location of the adult entertainment enterprise in relation to lot boundaries, in addition to a signed and notarized statement certifying the proposed adult entertainment enterprise (represented on the accompanying site plan) complies with the location requirements set forth above. It shall be the responsibility of said applicant to provide the site plan and assure compliance with the location requirements of this Section. The applicant's submission of this site plan and certification shall signify initiation of the review process. The City Manager shall have no more than 30 days to review the site plan and cite, in writing, any potential

violations of provisions of this Zoning Ordinance.

d. Non-Enlargement and Priority by Time. If two or more adult entertainment enterprises are within 1000 feet of one another and otherwise in a permissible location, the adult entertainment enterprise which was first established and continually operating at a particular location is the conforming use, and the later established business is nonconforming. Such nonconforming use shall not be increased, enlarged, extended, or altered except that the use may be changed to a conforming use.

e. Expansion of Neighbors. An adult entertainment enterprise lawfully operating as a conforming use after adoption of this Zoning Ordinance is not rendered a nonconforming or illegal use by the location of a church, school, public park, or residential zoned lot established after approval of the adult entertainment enterprise.

f. Exemption from Locational Requirements. In the event an owner of an existing or proposed adult entertainment enterprise wishes to claim an exemption from the provisions of this Section, the owner shall make application for a locational exemption from the requirements of this Section. The City Council shall grant an exemption from the locational restrictions, only if it makes all of the following findings:

1. that the location of the adult entertainment enterprise will not have a detrimental effect on nearby properties or be contrary to the public safety or welfare;
2. that the granting of the exemption will not violate the spirit and intent of this Zoning Ordinance;
3. that the location of the adult entertainment enterprise will not downgrade the property values or quality of life in the adjacent areas or encourage the development of urban blight;
4. that the location of adult entertainment enterprise will not be contrary to any program of neighborhood conservation, nor will it interfere with any urban renewal or restoration efforts; and
5. that all other applicable provisions of this Zoning Ordinance will be observed.

If an exemption is denied by the City Council, the applicant may seek prompt judicial review of such action in a court of competent jurisdiction.

If the City Council grants an exemption, the exemption is valid for one year from the date of the City Council's action. Upon the expiration of an exemption, an adult entertainment enterprise will be in violation of the locational restrictions of this Section and the nonconforming use shall be illegal and shall terminate, unless the applicant applies for and receives another exemption. Such application shall be made with the Littlefield City Secretary at least 60 days prior to the expiration of the exemption.

The grant of an exemption does not exempt the applicant from any provisions of this Zoning Ordinance, other than the locational restrictions of this Section.

g. Appeal of Administrative Determinations. If existing or potential violations of any provisions of this Section are cited by the City Manager, the person wishing to establish an adult entertainment enterprise shall have the right to appeal such interpretation to the Zoning Board of Adjustment which shall hear the case within 45 days of the appeal. The Board shall render its decision at or before the conclusion of the meeting. If the Zoning Board of Adjustment upholds the City Manager's interpretation of potential violations, the person may seek prompt judicial review of such action in any court of competent jurisdiction. The action shall be promptly reviewed by the court.

Section 15.18 Buffers for Industrial Uses

No uses allowed exclusively in the M-1 or M-2 districts shall be allowed within 100 feet of any adjoining residential district.

Section 15.19 Fences

1. Required Privacy Fences.

- a. A privacy fence shall be required where the side or rear lot line of a nonresidential use is adjacent to either of the following. [sic]
- b. This requirement shall not apply when an equivalent fence already exists.
- c. Properties immediately across a body of water, transportation, drainage or utility right-of-way, street or alley shall be considered adjacent if the intervening body of water, transportation, drainage or utility right-of-way, street or alley, is less than 80 feet wide.

2. Height Standards for Required Privacy Fences.

- a. All privacy fences shall meet the visual clearance requirements. of [Section 15.20](#) below.
- b. Maximum Fence Height in Residential Districts. No portion of any fence or enclosure in any residential district shall exceed a height of 8 feet.

c. Maximum Height in Required Front Yards.

- i. Any fence or enclosure extending into a required front yard shall not exceed a height of four feet.
- ii. Fences on land located in the M-1 and M-2 Districts shall be exempt from this requirement.
- iii. In the A District, a substantially open fence with a ratio of solid portion to open portion equal to or less than 1 (solid) to 4 (open) may be constructed up to a height of 6 feet.

3. Manner of Construction. Nothing in this section shall be construed as controlling the materials or manner of construction of fences. Materials and manner of construction shall be regulated by the Building Code adopted by the City or other ordinances which currently exist or which may be adopted in the future.

4. Privacy Fences are not allowed in the Central Business district except as part of an approved public park area.

Section 15.20 Visual Clearance on Corner Lots in all Zoning Districts

Except for freestanding signs with appropriate visual clearance below the display area, any fence, structure, sign, tree or landscaping on a corner lot and situated within 30 feet of the intersection of the two street property lines shall not exceed a height of three feet, including topography, measured from the top of the street curb or, in the absence of a raised curb, 3-1/2 feet above elevation of the center of the pavement. For this purpose, the restricted area shall be considered as a triangle rather than an area bounded by an arc.

Section 15.21 Sign Regulation

A. Signs. Before placing any sign a permit must first be approved, a fee paid according to Appendix B, and shall be allowed in each district in accordance with the following table:

Type of Sign & Standards	Principal Use of Property
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Type of Sign	Non-Residential	Residential (SF-1, SF-2, MH-2. Multifamily)
Business Identification Sign Permitted locations	Within buildable area or mounted flat on face of building: may project 24 inches from face of building.	According to Section L
Directional Sign Size limits	4 sq. ft./sign	4 sq. ft./sign
Facility Identification Sign Combined allowable sign area in sq. ft. per lineal feet of street frontage (one frontage)	1 sq. ft./3 lin. ft	1 sq. ft./10 lin. ft
Facility ID Sign Minimum sign area	12 square feet	12 square feet
Subdivision Identification Sign Combined allowable sign area in sq. ft. per lineal feet of street frontage	1 sq. ft./3 lin. ft.	1 sq. ft./10 lin. ft.
Off Premises Advertising - Billboards According to Section M	Allowed only Adjacent to US 84 (Not including Business US 84)	Not Permitted

- B. Location. All signs shall be placed within the buildable area of a lot except that directional signs, facility identification signs and subdivision identification signs may be placed in any yard, but not closer than ten (10) feet horizontally to any street line which is the curb line.
- C. Height. The height of signs located in required yards shall not exceed the height limits for walls or fences in these same yards. Signs located in the buildable area of a lot shall not exceed a height of 35 (Thirty – Five) feet above grade level measured at the nearest point on the nearest property line; provided that any sign on top of a building may have a height of ten (10) feet above the top of such building.
- D. Sign Area. All signs areas measured by the overall dimensions. Business identification signs may be permitted up to 1sq ft. per 3 linear property feet of frontage along the street in which the sign is visible from. Only one frontage may be used in this calculation.
- E. Real estate sales signs. Temporary signs announcing the sale or rental of the real estate on which placed shall be permitted in any district and may be placed in any yard. Such sign shall not exceed twelve (12) square feet in area and shall be removed within one week following the close of the sale or lease.
- F. Political and miscellaneous signs. Political and miscellaneous signs of any characteristic whatsoever will not be permitted on utility and other poles existing in the street right-of-way.
- G. Symbols. Symbols which are designed as an integral part of the building structure, and symbols

and signs which are not visible or readable from the public street shall not be limited by the sign regulations of the zoning district.

H. Existing Signs. All existing signs that do not comply with these regulations are hereby declared existing nonconforming. Any additions must comply with these regulations as amended. All on-site signs must indicate a current business operation. All signs that create a visual obstruction for traffic and/or occupy a space within 3' and 7' high and within 8' of a city curb (or extend into a city ROW) are hereby declared a nuisance and must be removed.

I. Appeals. Appeals to the City of Littlefield Sign regulations will be heard by the Zoning Board of Adjustments.

J. Traffic control conflicts. No sign or lighting permitted under these regulations shall be erected, placed or allowed to remain if such sign creates confusion, impairs hearing or vision, or distracts the automotive driver using any public street. Specifically prohibited are:

1. High intensity bare bulb lighting or any lighting which creates a glare or any sign so placed as to make traffic signs or signals unreadable by a driver on the public street at the normal viewing range;
2. Sign duplicating colors of traffic signs or signals which distract or cause confusion in reading such traffic signs or signals at normal viewing range; and
3. Signs or equipment which produce noises simulating sirens, bells, or whistles which may be confuse with the warning devices of emergency vehicles.

K. Residential area nuisance. No sign or lighting permitted under these regulations shall be authorized if such sign or lighting by reason of placement, because of shielding, noise generation or character of operation would be adverse to the normal sensibilities of an adjacent residence or would interfere with the reasonable use, enjoyment, or right of privacy on one's property. Specifically,

1. The source of lighting shall not be directly visible from the adjacent residential property and light shall be shielded to prevent such exposure;
2. The noise level of signs and lighting fixtures, when measured within the adjacent dwelling unit, shall not be greater than the noise levels of equipment customarily in operation in the home including air conditioning and kitchen refrigerators; and
3. Flashing signs and intermittent lighting of signs or areas shall not be permitted where they are located within 200 feet of and/or are directly visible from residential property.

L. No sign shall be erected or maintained at any location within the residential districts of the City, except:

a) In accordance with the following:

1. A cumulative total of 36 square feet of sign surface area per site, whether consisting of a single sign or more than one sign; and,

2. Must not be illuminated; and,
3. Has no moving elements, animation, changeable text or graphics, or video display; and,
4. If it mentions a specific date or event, it shall be removed within 7 days after such event or date; and
5. Is placed wholly on private property and not within the visibility triangle of a corner or driveway so as to obstruct driver vision of traffic on the street; and,
6. Contain no obscene, indecent, or immoral message; and,
7. No message, text, graphic, symbol, text, or other communication shall appear on any support pole, frame, leg, support wire, or other structural element of the sign other than on the sign surface area described in subsection 1, above; or,
 - b) When placed inside a window of a residence; or
 - c) Is required by law; or
 - c) Decorations on residential properties; or
 - d) Historical plaque or marker issued by a governmental entity; or
 - e) Flag, whether one or more, that cumulatively do not exceed 36 square feet in size, with a maximum of four flags per site.

M. Billboards and Off-Premises Signs must comply with the following rules:

1. No sign may be erected or reconstructed without first obtaining a permit. Fees are charged according to Appendix B[.]
2. Signs may be no taller than Thirty-Five (35) feet and may have no attached antennas[.]
3. Signs may be located along US 84 (Not including Business US 84) and only in C-2, A, and M-2 zones.
4. Signs may be permitted no closer than 1,000 feet for any existing billboard or off-premises sign located in the city limits or within the Extraterritorial Jurisdiction (The 1-mile buffer surrounding the City limits) measured along US 84.
5. Signs may be up to 300 square feet in size.
6. Signs must also comply will all state requirements in addition to the above rules. In the event of a conflict, the most stringent shall prevail.

Section 15.22 Arcade (Video Game Hall, Bingo, Billiard/Pool Hall)

No Arcade shall be allowed within 500 feet of a lot or tract of land occupied by any building used for a public or private school offering a curriculum equivalent to an elementary or secondary school.

Section 15.23 Gasoline Pump Island Canopies

1. Parallel to the Public Right-of-Way. Gasoline pump island canopies that are not connected to another structure may extend to the property line, provided the posts, poles, bases and other supporting

structures are set back a minimum of 12 feet from the property line where the pump island is situated parallel to the public right-of-way.

2. Located on Corner Lot. Gasoline pump island canopies that are not connected to another structure and are located on a corner lot may be placed at an angle and may extend to the property line provided that no part of the canopy extends past the property line, and the posts, poles, bases and other supporting structures are set back a minimum of 20 feet from the property line. The measurements are to be made at right angles to the property line.

3. Not Parallel to the Public Right-of-Way. Gasoline pump island canopies that are not connected to another structure may extend to the property line, provided the posts, bases and other supporting structures are set back a minimum of 20 feet from the property line where the pump island is not situated parallel to the public right-of-way. The measurements are to be made at right angles to the property line.

Section 15.24 Golf Driving Range

In approving a special use allowing a golf driving range in or nearby a residential zoning district, City Council shall take appropriate measures to minimize ill effects of harsh or uncomfortably bright light (i.e., glare) emanating from nighttime illumination, on any residential zoned lot located outside the golf driving range.

Section 15.25 Standards for Development of Manufactured Home Parks

1. Land Area. The minimum land area required for a manufactured housing park is three acres.
2. Density Limitations. Any lot or tract of land occupied by a manufactured housing park shall have a maximum density of 8 dwelling units per gross acre.
3. Separation Requirements.
 - a. Manufactured housing units and all roof-covered structures shall meet the following separation requirements.

A maximum 2-foot eave overhang shall be permitted within the separation areas as required below.

Required Separation			
	Any Other Dwelling in Park	Curb or Edge of Pavement on Driveway Providing Common Access	Park Boundary
Manufactured Housing Unit/All Roof-Covered Accessory Structures	10 feet	10 feet	20 feet
Management, Maintenance or Recreational Buildings Serving Entire Park	15 feet	10 feet	20 feet

4. Required Parking. A minimum of two off-street parking spaces shall be provided for each dwelling within a manufactured housing park.
5. Skirting. Each manufactured housing unit shall be skirted with a material or product specifically

designed for the skirting of manufactured homes. Required skirting shall be maintained so as not to provide a harborage for animals or create a fire hazard.

6. Manufactured Homes, Mobile Homes, Travel Trailers and Recreational Vehicles (RVs). Following the effective date of this ordinance, mobile homes (versus HUD determined manufactured housing) may not be placed in any manufactured housing park.

Travel trailers, motorized recreational vehicles and other such relocatable housing that does not meet the definition of either a “mobile home” or a “HUD-Code Manufactured Home” shall be permitted within any manufactured housing park, subject to the requirements of this Section, provided these types of accommodation do not exceed 30 percent of the total units in the park.

7. State Standards. All manufactured housing units shall conform to the State of Texas Standards for manufactured housing anchorage, tie-downs and blocking.

8. Fire Protection. Every dwelling within a manufactured housing park shall be located no further than 500 feet from a fire hydrant.

9. Site Plan. Prior to the development of any new manufactured housing park established after the effective date of this Zoning Ordinance, and prior to the enlargement of any existing manufactured housing park, a site plan conforming to the requirements of this subsection shall be approved by the City Manager. The required site plan shall be drawn to scale and shall explicitly illustrate at least the following features.

- a. Location and dimensions of all park boundaries.
- b. Location of pavement on adjoining street rights-of-way.
- c. Location and dimensions of any permanent improvements existing or planned within the park, including but not limited to the following:
 - i. Improved surfaces for common driveways, off-street parking and recreation areas.
 - ii. Buildings for management, maintenance and recreational purposes.
 - iii. Any other recreational facilities.
 - iv. Any fences or walls.

[v.] The location of pipelines and systems for potable water distribution, sewage collection and fire protection, including location of all fire hydrants.

Section 15.26 M-1 District; Conditions for Uses

Uses permitted in the M-1 District are subject to the following conditions:

All storage within one hundred (100) feet of a residential district, except for motor vehicles in operable condition, 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 screening.

Permitted uses in the M-1 District shall not disseminate dust, fumes, gas, noxious odor, smoke, glare, or other atmospheric influence.

Permitted uses in the M-1 District shall produce no noise exceeding in intensity, at the boundary of the property, the average intensity of noise of street traffic.

Permitted uses in the M-1 District shall not create fire hazards on surrounding property.

Performance Standards. The following general performance standards shall be applicable to activity allowed (by right or by conditional approval) in Light Manufacturing Districts:

- a. No vibration shall be produced which is transmitted through the ground (and is discernible without the aid of instruments) at or at any point beyond the lot line.
- b. All noise shall be muffled so as to not be objectionable due to intermittence, beat frequency or shrillness.
- c. Visible emissions of air pollutants of any kind at ground level, past the lot line of the lot on which the source of emissions is located, are prohibited.
- d. No person shall cause or permit any materials to be handled, transported or stored in such a manner which allows or may allow particulate matter to become airborne.
- e. There shall be no emission or transmission of heat or heated air so as to be discernible from the lot line.
- f. Any condition or operation which results in the creation of odors of such intensity or character as to unreasonably interfere with the comfort of the public shall be removed, stopped or modified so as to remove the odor.

Section 15.27 M-2 District; Conditions for Uses

Uses permitted in the M-2 District shall be subject to the following conditions:

- a. All storage within one hundred (100) feet of a residential district, except for motor vehicles in operable condition, shall be within completely enclosed buildings or effectively, screened with screening not less than six (6) feet in height 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.
- b. All uses permitted in the M-2 district must meet the following performance standards and any appropriate city ordinances:
 - i. Smoke: No operation shall be conducted unless it conforms to the standards established by any applicable state and federal health rules and regulations pertaining to emission of particulate matter;
 - ii. Particulate Matter: No operation shall be conducted unless it conforms to the standards established by applicable state and federal health rules and regulations pertaining to emission of particulate matter;
 - iii. Dust, Odor, Gas, Fumes, Glare, or Vibration: No emission of these matters shall result in a concentration at or beyond the property line which is detrimental to the public health, safety or general welfare or which causes injury or damage to property; said emissions shall in all cases conform to the standards established by applicable state and federal health rules and regulations pertaining to said emissions;
 - iv. Radiation Hazards and Electrical Disturbances: No operation shall be conducted unless it conforms to the standards established by applicable state and federal health rules and regulations pertaining to radiation control;

v. Noise. No operation shall be conducted in a manner that creates a Nuisance as defined within this ordinance.

vi. Water Pollution: No water pollution shall be emitted by manufacturing or other processing. In a case in which potential hazards exist, it shall be necessary to install safeguards acceptable to the appropriate State and national health and environmental protection agencies prior to issuance of a certificate of occupancy. The applicant shall have the burden of establishing that said safeguards are acceptable to said agency or agencies.

Performance Standards: The following general performance standards shall be applicable to activity allowed (by right or by conditional approval) in Heavy Manufacturing Districts:

a. No vibration shall be produced which is transmitted through the ground (and is discernible without the aid of instruments) at or at any point beyond the lot line.

b. All noise shall be muffled so as to not be objectionable due to intermittence, beat frequency or shrillness.

c. Visible emissions of air pollutants of any kind at ground level, past the lot line of the lot on which the source of emissions is located, are prohibited.

d. No person shall cause or permit any materials to be handled, transported or stored in such a manner which allows or may allow particulate matter to become airborne.

e. There shall be no emission or transmission of heat or heated air so as to be discernible from the lot line.

f. Any condition or operation which results in the creation of odors of such intensity or character as to unreasonably interfere with the comfort of the public shall be removed, stopped or modified so as to remove the odor.

Section 15.28 Traffic-Control Conflicts

No sign or lighting permitted under these regulations shall be erected, placed or allowed to remain whereby such sign creates confusion, impairs hearing or vision, or otherwise distracts the automotive driver using any public street. Specifically prohibited are:

a. High intensity bare bulb lighting or any lighting which creates a glare or any sign so placed as to make traffic signs or signals unreadable at the normal viewing range by a driver on the public street;

b. Signs duplicating colors, characteristics or symbols of traffic signs or signals, or signs which cause confusion in reading such traffic signs or signal at normal viewing range;

c. Signs or equipment which produce noises simulating sirens, bells, or whistles which may be confused with the warning devices of emergency vehicles traveling with the public streets; and

d. This section does not apply to public service signs or message center signs, such as time and temperature displays.

Section 15.29 Signs In or Over Right-of-Way Prohibited

No sign, whether requiring a permit or not, shall be located within or project over any public right-of-way. This provision shall not be applicable to official traffic-control signs, or entrance and exit signs less than 30 inches

above grade placed with permission of the City.

Section 15.30 Recovery Facility, Alcohol and Drug

Drug and alcohol recovery facilities shall be subject to the following standards.

- a. The facility shall meet all building, housing, and fire codes of the City.
- b. The facility shall have adequate off-street parking space for every vehicle possessed or utilized by occupants of the building. Such parking spaces must meet all applicable standards of the City.
- c. The facility shall be compatible with the neighborhood and shall not create undue density and congestion.
- d. The boundary line of any lot or tract of land occupied by such facilities shall be located no less than 300 feet (measured in a straight line between nearest boundaries) from each of the following:
 - i. Any lot or tract of land occupied by a public or private school offering a curriculum equivalent to an elementary or secondary school;
 - ii. Any lot or tract of land located within an SF or, MF District.
- e. Appropriate licenses and/or certifications from any federal or state agency shall be acquired and kept current.
- f. Professional staff must be on the premises at all times. Professional staff shall be defined as an individual with experience, training or knowledge in the appropriate rehabilitative field.
- g. No residential treatment shall be provided to any persons on parole from federal, state or county jails or prisons.
- h. If deemed necessary by the Chief of Police, additional security lighting shall be provided.

Section 15.31 Restaurants, Bars and Taverns with Outdoor Seating

Outdoor seating areas shall be allowed in conjunction with existing or proposed restaurants, bars and taverns, subject to the following standards.

- a. All lights must be arranged and controlled so as to deflect glare or any uncomfortably bright, harsh light away from any nearby residential use.
- b. Outdoor seating areas may not generate a noise that is annoying or that causes trouble or problems.
- c. A Nuisance shall not be permitted.

Section 15.32 Self-Service Storage

Self-service storage facilities when allowed shall be subject to the following standards.

- a. The facility shall be situated in a manner that avoids having substantial activity unreasonably close to any SF-1, SF-2, TF, MF, MH-1 or MH-2 zoning districts.
- b. The use of the facility and its individual storage units shall be limited to storage purposes only.
- c. No direct glare from any illumination on the site shall be visible from lots in any adjacent residential zoning district.

d. Electrical service to any individual storage unit shall be limited to a single circuit providing a maximum force of 30 amperes, with no more than one duplex outlet providing single-phase electrical service of no more than 110 volts.

Section 15.33 Paving Standards

These are minimum standards:

- a) Hot Mix Asphaltic Concrete - Texas Highway Dept., Type F, minimum thickness of 1-1/4 inches.
- b) Two Course Penetration - surface composed of two layers of crushed stone and asphalt. First Course - Texas Highway Department, Grade 2, Type D; Second Course
- c) Texas Highway Department, Grade 4, Type D.
- d) Concrete - Reinforced concrete, minimum 28-day compressive strength of 3,000 psi, and minimum thickness of 5 inches.
- e) Brick Pavers or Other Special Finish Surfaces - any proposed paved surface finish other than those specified above shall be subject to review and approval by the Building Official. The applicant shall provide technical and design information as required by the Building Official.

Section 15.34 Telecommunication Facilities

1. Principal Use. Telecommunication transmission towers and other telecommunication facilities shall always be considered a principal use. They may be located on lots or on buildings occupied by another principal use.
2. Applicability. This Section shall only apply to those telecommunications towers and related facilities that exceed 35 feet in height, including the height of other structures or buildings on which the telecommunication facilities are located.
3. Setbacks. The following standards shall apply to all telecommunications facilities:
 - a. The minimum setback between telecommunication facilities and all boundaries of the lot on which those facilities are located shall be equal to 20 percent of the height of the tower.
 - b. Telecommunication facilities shall be set back a minimum of 50 feet from any existing right-of-way for any street.
 - c. Peripheral supports and guy anchors for telecommunication towers may be located within required setbacks for the tower, provided that they shall be located entirely within the boundaries of the lot on which the tower is located and shall be located no closer than 5 feet from the boundary of the lot on which the tower is located, and no closer than 10 feet from the boundary of an adjoining lot in a residential district.
4. Separation from Residential Districts. All telecommunications facilities that exceed a height of 35 feet (including the height of the building on which they may be located) shall be set back at least 50 feet from the boundary of any lot or tract in a residential zoning district.
5. Heights. The principal support structure for telecommunication facilities shall be allowed to exceed

the height limit of the zoning district in which it is located, provided that the setback standards of this Section shall apply.

6. Security Fences and Walls. Unless the telecommunication tower is located on top of a building, a fence or wall not less than 7 feet in height from finished grade shall be constructed around each telecommunication tower. The fence or wall shall comply with the following standards. [sic]

7. Removal of Obsolete Towers. All obsolete or unused telecommunication towers shall be removed within 12 months of cessation of use.

8. Electromagnetic Radiation. Telecommunication towers shall comply with all applicable Federal Communications Commission (FCC) standards for non-ionizing electromagnetic radiation.

Section 15.35 Temporary Uses

1. Construction-Related Offices

- a. Parking of a trailer housing construction-related offices shall be allowed on the same tract of land, or on a tract lying directly adjacent to or across the street from the tract, where related construction is occurring.
- b. Parking of a trailer housing construction-related offices shall not require a building permit or other approval from the City, provided that the following standards are met.
 - i. Extension of temporary electric or plumbing service is made in accordance with all applicable codes, including required permits therefor.
 - ii. Use of any such trailer shall be limited to administrative offices for ongoing construction activity on the same tract of land, or on a tract lying directly adjacent to or across the street from the tract where construction activity is ongoing. The trailer shall not be used for dwelling purposes, even on a temporary basis.
 - iii. Any such trailer shall be removed within 60 days following completion of the project to which the offices are considered accessory.

2. Construction-Related Storage

- a. Parking of trailers, semi-trailers and shipping containers shall be allowed on the same tract of land, or on a tract lying directly adjacent to or across the street from the tract, where related construction is occurring. Such parking shall not require a building permit or other approval by the City, provided that the following standards are met.
 - i. Use of such trailer or container shall be limited to storage of material and equipment used in conjunction with adjacent construction.
 - ii. Any such trailer or container shall be removed within 60 days following completion of the project.
- b. Yards for storage and marshalling of construction material and equipment shall be allowed on the same tract of land, or on a tract lying directly adjacent to or across the street from the tract, where

related construction activity is occurring. All such material or equipment shall be for use in conjunction with the associated construction project. All such material and equipment shall be removed within 60 days following completion of the project.

3. Real Estate Sales Offices in Residential Districts.

- a. A real estate sales office may be operated from a model home or other building located within a recorded subdivision, provided that the use is limited to sale of lots or new homes within that same subdivision. The temporary use approval shall expire at such time as 95 percent of the lots within the subdivision have been sold.
- b. No HUD-Code manufactured home or other portable building not constructed in conformance with the City's building code requirements shall be allowed as a temporary office for the sale of real estate.

Section 15.36 Vehicle Services in Commercial Zones

In Commercial Districts the Vehicle Service use shall be limited to the following.

1. Fluid changes.
2. Lubrication.
3. Sales and replacement of minor parts such as batteries, belts, bulbs, lamps, fuses and wipers.
4. Battery recharging.
5. State-mandated inspections.
6. Tire sales, installation and repair.
7. Brake repair and replacement.
8. Replacement of shocks and struts.
9. Sales and installation of custom auto parts and accessories that are not intended to enhance the performance of the engine, and that do not alter the original or "stock" components of automotive electric, transmission, suspension or exhaust systems.
10. Fuel sales.

Section 15.37 Waste-Related Uses

Where allowed only as a conditional use, waste-related uses shall be subject to approval by the Planning and Zoning Commission and shall furthermore be subject to the following conditions:

1. Use of the facility shall be limited to collection (from household and business consumers) of small items such as cans, glass, plastic and paper, for temporary storage and subsequent transport to another facility for processing.
2. No mechanical means of collection or processing shall be allowed, including but not limited to the crushing of cans.

ARTICLE 16. ZONING DISTRICTS ESTABLISHED

Section 16.01 Zoning Districts Identified

The City of Littlefield, Texas, is hereby divided into zoning districts as listed in the section [[Section 16.02](#)]. Development standards both general and specific are listed in [Article 15](#).

Section 16.02 Description and Purpose of Zoning Districts

[1.] AGRICULTURAL DISTRICT, A

General Purpose and Description. The Agricultural District is intended to apply to land situated on the fringe of an urban area, primarily used for agricultural purposes, and which may become an urban area in the future. Therefore, the agricultural activities conducted in the Agricultural District should not be detrimental to urban land uses and intensity of use permitted in this district is intended to encourage and protect agricultural uses until urbanization is warranted and the appropriate change in district classification is made.

Permitted Uses:

Accessory building to main use

Carport

Child care - limited to six (6) or fewer children excluding children of the home

Church, rectory, place of worship

Community home - fewer than six (6) residents, see definitions for criteria

Construction yard (temporary)

Electrical transmission line

Farm, ranch or orchard

Field or sales office (temporary)

Garage (private)

Garage sale

Gas transmission line

Greenhouse, noncommercial

Guest house

Local utility transmission lines

Motor home storage, not to be used for living quarters

Park, playground (public)

Sewage pumping station

Single-family dwelling

Stable, private

Swimming pool (private)

Telephone line

Trailer, travel trailer, cattle trailer, etc., not to be used for living quarters

Water pumping station or well

Water storage, ground

Special Uses:

Amusement, commercial (outside)

Country club (private)

Driving range

Farm supply sales (inside)

Farm supply sales (outside)

Feed and farm supply (inside sales/storage)

Feed and farm supply (outside sales/storage)

Grain elevator

Hatchery

Electric substation

Gas metering station

Public or private franchised utility service/yard

Water storage, elevated

2. SINGLE-FAMILY RESIDENTIAL DISTRICT - 1, SF-1

General Purpose and Description: The Single-Family Residential - Estate District is designed to accommodate single-family residential development on large lots. The district can be appropriately located in proximity to agricultural and standard single-family residential uses. Densities in this district will not usually exceed one (1) unit per gross acre.

Permitted Uses:

Accessory building to main use

Carport

Church, rectory, place of worship

Child care - six (6) or fewer children

Community home - fewer than six (6) residents, see definitions for criteria

Construction yard (temporary)

Electrical transmission line

Field or sales office (temporary)

Garage (private)

Garage sale

Gas transmission line

Greenhouse, noncommercial

Guest house

Local utility transmission lines

Motor home storage, not to be used for living quarters

Park, playground (public)

School private/public (primary or secondary)

Single-family dwelling

Sewage pumping station

Swimming pool (private)

Telephone line

Trailer, travel trailer, cattle trailer, etc., not to be used for living quarters

Water pumping station or well

Water storage, ground

Home Occupation

Special Use:

Nursery school (kindergarten)

Bed and Breakfast Establishments

Community center, private

Duplex or Two Family

Electric substation

Gas metering station

Library

Park, playground (private)

Public or private franchised utility service yard

Stable, private

Swimming pool, commercial

Townhouse(s)

Water storage, elevated

Zero lot line homes (garden homes)

3. SINGLE-FAMILY RESIDENTIAL DISTRICT - 2, SF-2

General Purpose and Description: The Single-Family Residential District - 2 is intended to provide for medium

density single-family residential development. This district functions as a buffer or transition between major streets, nonresidential areas and lower density residential areas. Mobile Homes (constructed prior to July 15, 1976) shall not be allowed.

Permitted Uses:

Accessory building to main use

Carport

Child care center - limited to six (6) or fewer children excluding children of the home

Church, rectory, place of worship

Community home - fewer than six (6) residents, see definitions for criteria

Construction yard (temporary)

Electrical transmission line

Field or sales office (temporary)

Garden home

Garage (private)

Garage sale

Gas transmission line

Guest house

Home Occupation

Local utility transmission lines

Manufactured home

Motor home storage, not to be used for living quarters

Park, playground (public)

School private/public (primary or secondary)

Sewage pumping station

Single-family dwelling

Swimming pool (private)

Telephone line

Trailer, travel trailer, cattle trailer, etc., not to be used for living quarters

Water pumping station or well

Water storage, ground

Zero lot line house (garden home)

Special Uses:

Nursery school, kindergarten

Professional offices adjacent to State Highways

Bed and breakfast

Community center, private

Duplex or Two Family

Electric substation

Greenhouse, noncommercial

Gas metering station

Library

Park, playground (private)

Public or private franchised utility service/utility yard

Swimming pool, commercial

Townhouse

Water storage, elevated

4. TWO-FAMILY RESIDENTIAL (DUPLEX) DISTRICT, TF

General Purpose and Description: The purpose of the Two-Family Residential (Duplex) District is to promote stable, quality residential development of slightly increased densities. Consistent with the city's Comprehensive Plan, this district may be used as a "buffer" district between low density and high density districts or between residential and nonresidential districts.

Permitted Uses:

Accessory building to main use

Carport

Child care center - limited to six (6) or fewer children excluding children of the home

Church, rectory, place of worship

Community home - fewer than six (6) residents, see definitions for criteria

Construction yard (temporary)

Duplex

Electrical transmission line

Field or sales office (temporary)

Garage (private)

Garage sale

Garden home

Gas transmission line
Guest house
Local utility transmission lines
Motor home storage, not to be used for living quarters
Park, playground (public)
School private/public (primary or secondary)
Sewage pumping station
Single-family dwelling
Swimming pool (private)
Telephone line
Trailer, travel trailer, cattle trailer, etc., not to be used for living quarters
Two-family dwelling
Water pumping station or well
Water storage, ground
Zero lot line homes (garden home)

Special Uses:

Nursery school, kindergarten
Bed and Breakfast
Community center, private
Electric substation
Gas metering station
Greenhouse, noncommercial
Guest house
Park, playground (private)
Public or private franchised utility service/yard
Swimming pool, commercial
Townhouse
Water storage, elevated
Zero lot line house (Garden home)

5. MULTIFAMILY RESIDENTIAL DISTRICT - APARTMENTS, MF

General Purpose and Description: The Multifamily Residential District is intended to provide for medium to

higher density residential development. This district functions as a buffer or transition between major streets, nonresidential areas, or higher density residential areas and lower density residential areas. Density in this district does not ordinarily exceed fifteen (15) units per gross acre.

Permitted Uses:

Accessory building to main use

Carport

Child care center, commercial

Construction yard (temporary)

Church, rectory, place of worship

Dormitory

Electrical transmission line

Field or sales office (temporary)

Fraternal organization, lodge, or civic club

Garage (private)

Gas transmission line

Local utility transmission lines

Motor home storage, not to be used for living quarters

Multiple-family residence

Park, playground (public)

Rest home or nursing home

Retirement housing

School private/public (primary or secondary)

Sewage pumping station

Swimming pool, commercial

Swimming pool (private)

Telephone line

Trailer, travel trailer, cattle trailer, etc., not to be used for living quarters

Water pumping station or well

Water storage, ground

Washateria

Single-family dwelling

Two-family dwelling

Townhouse

Special Uses:

Nursery school, kindergarten

Boarding and rooming house

Community center, private

Convenience store

Electric substation

Gas metering station

Laundry and cleaning, self-service

Library

Park, playground (private)

Public or private franchised utility service/yard

Rehabilitation care facility

Rehabilitation care institution

Water storage, elevated

Zero lot line homes (garden homes)

6. MANUFACTURED HOME - 1, MH-1

General Purpose and Description: The Manufactured Home District is intended to provide for quality manufactured home subdivision development containing many of the characteristics and the atmosphere of a standard single-family subdivision in which most of the lots and housing units are owner-occupied. Mobile Homes (constructed prior to July 15, 1976) shall not be allowed.

Permitted Uses:

Accessory building to main use

Carport

Church, rectory, place of worship

Construction yard (temporary)

Electrical transmission line

Field or sales office (temporary)

Garage (private)

Garage sale

Gas transmission line

Local utility transmission lines

Manufactured home
Manufactured home park
Motor home storage, not to be used for living quarters
Park, playground (public)
Park, playground (private)
School private/public (primary or secondary)
Sewage pumping station
Swimming pool, private
Telephone line
Trailer, manufactured housing or mobile home display and sales
Trailer, travel trailer, cattle trailer, etc., not to be used for living quarters
Water pumping station or well
Water storage, ground
Special uses:
Nursery school, kindergarten
Electrical substation
Greenhouse, noncommercial
Gas metering station
Office, home occupation
Public or private franchised utility service/yard
Water storage, elevated

7. MANUFACTURED HOME - 2, MH-2

General Purpose and Description: The Manufactured Home Park District is intended to provide for quality manufactured home park development and maintenance. Manufactured home parks are defined as tracts or units of land under sole ownership where lots are rented or leased as space to be used for placement of a manufactured home. Mobile Homes (constructed prior to July 15, 1976) shall not be allowed.

Permitted Uses:

Accessory building to main use
Carport
Church, rectory, place of worship
Construction yard (temporary)
Electrical transmission line

Field or sales office (temporary)

Garage (private)

Garage sale

Gas transmission lines

Local utility transmission lines

Manufactured home

Manufactured home park

Motor home storage, not to be used for living quarters

Park, playground (public)

Park, playground (private)

School private/public (primary or secondary)

Sewage pumping station

Swimming pool (private)

Telephone line

Trailer, manufactured housing or mobile home display and sales

Trailer, travel trailer, cattle trailer, etc., not to be used for living quarters

Water pumping station or well

Water storage, ground

Special Uses:

Nursery school, kindergarten

Electric substation

Greenhouse, noncommercial

Gas metering station

Office, home occupation

Public or private franchised utility service/yard

Water storage, elevated

7.5 CENTRAL BUSINESS, CB

[General Purpose and Description.] The purpose of the Central Business District (C-B) is to encourage and protect the development, redevelopment, and clustering of light office and retail business to promote tourism, downtown revitalization, and beautification. The Central Business District is intended to maintain and encourage pedestrian-friendly development and redevelopment within the central business section of the city. This district establishes the character of the city by serving tourists as well as residents of the city.

Permitted uses:

Fraternal Organization, Lodge or Civic Club

Health Club Gymnasium

Museum or Art Gallery

Park, Playground (Public)

Auto Parts Sales (Indoor)

Amusement, Commercial (Indoor)

Antique Shop

Arcade

Arts, Craft Store (Inside Sales)

Bars and Taverns

Bakery and Confectionary Retail Sales

Bakery Commercial

Banks, Savings & Loans, Credit Unions

Barber Shop

Beauty Culture School; Cosmetology Spec. Shop

Beauty Shop

Building Materials, Hardware (Inside Storage)

Clinic, Medical and Dental

Club, Private

Custom Personal Service Shop

Drapery, Needlework, or Weaving Shop

Discount, Variety, or Department Store

Flea Market

Florists

Food Store; Grocery Store

Furniture, Appliance Store

General Merchandise Store

Handcraft Shop

Household Appliance Repair

Laboratory, Medical or Dental

Laboratory, Scientific or Research

Laundry and cleaning, Self Service

Laundry and Cleaning

Museum or Art Gallery

Newspaper Printing

Office Center

Office, Professional or General Administrative

Office- Showroom/Warehouse

Pawnshop

Personal Service Shop

Pet Shop

Pharmacy

Print Shop

Racquetball Facility

Restaurant or Cafeteria, Without Drive-In or Drive Through Service

Rehab Care Facility

Retail Shops and Stores Other Than Listed

Secondhand, Furniture & Clothing

Service, Retail

Single-Family Dwelling Attached

Studio (Photographer, Musician, Artist)

Studio for Radio and Television

Tanning Salon

Tattoo Parlor

Taxidermist

Theater (Indoor)

Tool Rental Shop

Washateria

Cameras or Other Photographic Equipment

Candle Manufacturer

Ceramics, Stone, Glass, Marble, or Porcelain Products Manufacturer

Cleaning & Dying; Dry Cleaning Plant

Special Use:

Nursery School Kindergarten

Registered Family Home

College or University

School, Trade or Commercial

8. OFFICE, LIGHT RETAIL, AND NEIGHBORHOOD SERVICES, C-1

General Purpose and Description: The Commercial District - 1 is intended for office and shopping facilities which retain a neighborhood service character. The C-1 District is established to accommodate the daily and frequent needs of the community. No outside display shall be allowed other than what is outlined in Section 15 [[Section 15.16](#)].

Permitted Uses:

Accessory building to main use

Antique shop

Arts, crafts stores (inside sales)

Auto parts sales (inside)

Bakery and confectionery, retail sales

Bank, savings and loan, credit union

Barber and/or beauty shop

Barber school or college

Beauty culture school, cosmetology specialty

Beauty shop

Building materials, hardware (inside)

Business, service (no outside display)

Cameras or other photographic equipment

Carport

Child care center, commercial, no limit of children

Church, rectory, place of worship

Cleaning and dying, small shop

Clinic, medical or dental

Construction yard (temporary)

Convenience store

Custom personal service shop

College or university

Discount, variety, or department store

Drapery, needlework, or weaving shop

Electric transmission line

Exhibition area

Field or sales office (temporary)

Florist

Food store, grocery store

Fraternal organization, lodge, or civic club

Furniture, appliance store

Garage (private)

Gas transmission line

General merchandise store

Handicraft store

Health club, gymnasium

Hospital

Laboratory, medical or dental

Laundry and cleaning, self-service

Laundry and cleaning, commercial

Library

Local utility transmission lines

Metal dealer, crafted precious

Motor home storage, not to be used for living quarters

Museum or art gallery

Newspaper printing

Nursery school, kindergarten

Office center

Office, professional, or general administrative

Park, playground (public)

Parking lot or garage, automobiles

Pawnshop

Personal service shop

Pet shop

Pharmacy

Post office, public and private

Print shop

Racquetball facilities

Rehabilitation care facility

Rehabilitation care institution

Rest home or nursing home

Restaurant or cafeteria, without drive-in or drive-through service

Retail shops, other than listed

School, private/public

Sewage pumping station

Shopping center

Studio (photographer, musician, artist)

Studio for radio and television

Swimming pool (private)

Tanning salon

Tattoo parlor

Telephone exchange station

Telephone lines

Trailer, travel trailer, cattle trailer, etc., not to be used for living quarters

Theater (indoor)

Washateria

Water pumping station or well

Water storage, ground

Amusement, commercial (indoor)

Arcade

Auto leasing

Automobile and trailer sales area, new

Automobile service station

Bakery, commercial

Cabinet and upholstery shop

Garden center (retail sales)

Gas metering station

Greenhouse, noncommercial

Greenhouse, commercial

Household appliance and repair

Motel, motor hotel, or motor lodge

Office, showroom/warehouse

Restaurant or cafeteria, with drive-in service

Restaurant with drive-through service

Service, retail

Swimming pool, commercial

Special Use:

Boarding and rooming house

Car wash

Community or event center, public

Dormitory

Electric substation

Public or private franchised utility service/yard

Quick oil change facility

Quick tune-up facility

Residence hotel

Retirement housing

School, trade or commercial

Service yards of government agency

Specialty schools

Stadium or playfield, public
Tool rental shop
Veterinarian clinic (no outside pens)
Water storage, elevated
Bars, taverns (allowed by election)
Civic center
Club, private (allowed by election)
Hotel or Motel
Fairgrounds

9. COMMERCIAL/GENERAL DISTRICT, C-2

General Purpose and Description: The General Commercial District is intended to provide a zoning category similar to the C-1 District, except that additional uses are permitted which are not generally carried on completely within a building or structure and an expanded range of service and repair uses is permitted. These uses should be generally located on highways or major streets.

Permitted Uses:

Accessory building to main use
Amusement, commercial (indoor)
Antique shop
Arcade
Arts, crafts stores (inside sales)
Auto leasing
Auto parts sales (inside)
Auto repair: major
Auto repair, minor
Automobile and trailer sales area, new
Automobile and trailer sales area, used
Automobile service station
Bakery and confectionery, retail sales
Bakery, commercial
Bank, savings and loan, credit union
Barber and/or beauty shop
Barber school or college

Beauty culture school, cosmetology specialty

Beauty shop

Boat sales and storage

Book binding, except hand binding

Bus terminal

Building materials, hardware (inside)

Business, service (no outside display)

Cameras or other photographic equipment

Carport

Car wash

Child care center, no limit on number of children

Church, rectory, place of worship

Civic center

Cleaning and dyeing, small shop

Cleaning and dyeing, cleaning plant

Clinic, medical or dental

College or university

Convenience store

Community or event center, public

Construction yard (temporary)

Custom personal service shop

Discount, variety, or department store

Drapery, needlework, or weaving shop

Electric Transmission line

Exhibition area

Farm equipment, sales and service (inside)

Feed and farm supply (inside sales/storage)

Field or sales office (temporary)

Florist

Food store, grocery store

Fraternal organization, lodge, or civic club

Furniture, appliance store

Garage (private)

Garden center (retail sales)

General merchandise store

Gas transmission line

Greenhouse, commercial

Greenhouse, noncommercial

Handicraft store

Health club, gymnasium

Heliport of [or] helistop

Hospital

Household appliance and repair

Library

Laboratory, medical or dental

Laundry and cleaning, self-service

Laundry and cleaning, commercial
(Ordinance 2019-0129-4 adopted 1/29/19)

Light Food Manufacturing. (Ordinance 2020-0526-1 adopted 5/26/20)

Local utility distribution lines

Museum or art gallery

Metal dealer, crafted precious

Metal fabrication

Motel, motor hotel, or motor lodge

Motorcycle sales and service

Motor home storage, not to be used for living quarters

Musical instrument manufacture

Newspaper printing

Nursery school, kindergarten

Office center

Office, professional, or general administrative

Office, showroom/warehouse

Park, playground (public)

Parking lot or parking garage, automobile

Pawnshop

Personal service shop

Pet shop

Pharmacy

Post office, public and private

Portable buildings, sales only

Print shop

Public or private franchised utility service/yard

Quick oil change facility

Quick tune-up facility

Racquetball facilities

Rehabilitation care facility

Rehabilitation care institution

Rest home or nursing home

Residence hotel

Restaurant or cafeteria, with drive-in service

Restaurant or cafeteria, without drive-in or drive-through service

Restaurant with drive-through service

Retail shops, other than listed

Schools, private/public (primary and secondary)

School, trade or commercial

Service, retail

Sewage pumping station

Shopping center

Studio (photographer, musician, artist)

Studio for radio and television

Swimming pool (commercial)

Swimming pools (private)

Tattoo parlor

Tanning salon

Theater (indoor)

Telephone exchange station

Telephone transmission lines

Tire dealer, no outside storage

Tool rental shop

Trailer, travel trailer, cattle trailer, etc., not to be used for living quarters

Travel Trailer Park

Truck and bus leasing

Truck and bus repair

Truck sales

Veterinarian clinic (no outside pens)

Washateria

Water pumping station or well

Water storage, elevated

Water storage, ground

Air conditioning and refrigeration contractor

Amusement, commercial (outdoor)

Auto body and paint

Auto storage

Boarding and rooming house

Cabinet and upholstery shop

Candle manufacture

Engine and motor repair

Farm supply sales (inside)

Feed and farm supply (outside sales/storage)

Heavy machinery sales

Plumbing service

Plumbing, heating, refrigeration or air conditioning business

Retirement housing

Secondhand store, furniture/clothing

Self-storage, mini-warehouse

Shops, office and/or storage area of public or private utility

Storage, repair of furniture and appliances (inside)

Special uses:

Building materials, hardware (outside)

Dormitory

Electric substation

Gas metering station

Hotel or Motel

Meat processing/locker plant/frozen food

Service yards of government agency

Stadium or playfield, public

Bars, taverns (allowed by election)

Cemetery

Club, private (allowed by election)

Fairgrounds

Shooting range, target range, indoor - subject to NRA construction criteria

10. MANUFACTURING/INDUSTRIAL DISTRICT - LIGHT, M-1

General Purpose and Description: The Light Manufacturing/Industrial District is established to accommodate those uses which are a non-Nuisance type located in relative proximity to residential areas, and to preserve and protect land designated on the Comprehensive Plan for industrial development and use from the intrusion of certain incompatible uses which might impede the development and use of lands for industrial purposes. Development in the M-1 District is limited primarily to certain storage, wholesale, and industrial uses, such as the fabrication of materials, and specialized manufacturing and research institutions, all of a non-Nuisance type. No use or types of uses specifically limited to the M-2 District may be permitted in the M-1 District.

Permitted Uses:

Accessory building to main use

Advertising displays manufacture

Air conditioning and refrigeration contractor

Amusement, commercial (indoor)

Amusement commercial (outdoor)

Antique shop

Apparel and other products assembled from finished textiles

Arcade

Arts, crafts stores (inside sales)

Auto body and paint

Auto leasing

Auto parts sales (inside)

Auto repair: major

Auto repair, minor

Automobile and trailer sales area, new

Automobile and trailer sales area, used

Automobile service station

Auto storage, not wrecked

Bakery and confectionery, retail sales

Bakery, commercial

Bank, savings and loan, credit union

Barber and/or beauty shop

Barber school or college

Beauty culture school, cosmetology specialty

Bars, taverns

Boarding and rooming house

Boat sales and storage

Boats, building or repair

Book binding, except hand binding

Bottling works

Brooms or brushes, manufacture

Building materials, hardware (inside)

Building materials, hardware (outside)

Building materials (inside storage)

Building materials (outside storage)

Business, service (no outside display)

Bus terminal

Cabinet and upholstery shop

Cameras or other photographic equipment

Candle manufacture

Carport

Car wash

Carpet manufacture or cleaning

Child care center, commercial

Church, rectory, place of worship

Civic center

Cleaning and dyeing, small shop

Cleaning and dyeing, cleaning plant

Clinic, medical or dental

Club, private

Coal, coke, or wood yard, storage only

College or university

Concrete, asphalt batching plant temporary

Construction yard (temporary)

Convenience store

Community or event center, public

Contractor's shop and storage yard

Cosmetic manufacture

Custom personal service shop

Discount, variety, or department store

Drapery, needlework, or weaving shop

Electric substation

Electrical transmission line

Engine and motor repair

Electrical appliance, supplies, and machinery, assemble and manufacture

Electronic products, manufacturing

Exhibition area

Fairgrounds

Farm equipment, sales and service (inside)

Farm equipment, sales and service (outside)

Farm, ranch or orchard

Farm supply sales (inside)

Farm supply sales (outside)

Feed and farm supply (outside sales/storage)

Feed and farm supply (inside sales/storage)

Field or sales office (temporary)

Flea market

Florist

Food products processing

Food store, grocery store

Fraternal organization, lodge, or civic club

Furniture and upholstery manufacture

Furniture, appliance store

Garage (private)

Garden center (retail sales)

Gas metering station

Gas transmission line

General commercial plant

General merchandise store

Glass products manufacturing

Greenhouse, commercial

Greenhouse, noncommercial

Handicraft shop

Hatchery

Health club, gymnasium

Heavy machinery sales

Heliport of [or] helistop

Household appliance and repair

Household appliance products assembly and manufacture from prefabricated parts

Hospital

Ice production, dry or natural

Industrial park

Kennel

Laboratory, medical or dental

Laboratory, scientific or research

Laundry and cleaning, self-service

Laundry and cleaning, commercial

Library

Local utility transmission lines

Liquefied petroleum gas, storage, sale (no bulk storage or plants)

Meat processing/locker plant/frozen food products

Metal dealer, crafted precious

Metal fabrication

Motorcycle sales and service

Motor home storage, not to be used for living quarters

Museum or art gallery

Motel, motor hotel, or motor lodge

Musical instrument manufacture

Newspaper printing

Office center

Office, professional, or general administrative

Office, showroom, warehouse

Park, playground (public)

Parking lot or parking garage, automobile

Parking lot or parking garage, trucks

Pawnshop

Personal service shop

Pet shop

Pharmacy

Pipe sales and supply

Plumbing, heating, refrigeration or air conditioning business

Plumbing service

Portable buildings, sales only

Portable building construction and sales

Post office, public and private

Print shop

Public or private franchised utility service/yard

Pump sales, repair and manufacture

Quick oil change facility

Quick tune-up facility

Racquetball facilities

Rehabilitation care facility

Rehabilitation care institution

Radio, TV or microwave tower, amateur

Radio, TV or microwave tower, commercial

Rest home or nursing home

Retail shops, other than listed

Rodeo arena and grounds

Residence hotel

Restaurant or cafeteria, with drive-in service

Restaurant or cafeteria, without drive-in or drive-through service

Restaurant with drive-through service

Secondhand store, furniture/clothing

Self-storage, mini-warehouse

Service, retail

Service yards of government agency

School, private or public (primary and secondary)

School, trade or commercial

Sewage pumping station

Shops, office and/or storage area of public or private utility

Shopping center

Shooting range, target range (indoor). Subject to NRA design criteria

Solid waste transfer station

Studio for radio and television

Specialty schools

Stadium or playfield, public

Storage, repair of furniture and appliances (inside)

Storage, repair of furniture and appliances (outside)

Storage/wholesale warehouse, light

Studio (photographer, musician, artist)

Studio for radio and television

Swimming pool, commercial

Swimming pool, private

Tanning salon

Tattoo parlor

Taxidermist

Telephone exchange station

Telephone lines

Theater (indoor)

Theater (outdoor)

Tire dealer, no outside storage

Tire dealer (outside storage)

Tire retreading and recapping

Tool rental shop

Trailer, manufactured housing or mobile home display and sales

Trailer, travel trailer, cattle trailer, etc., not to be used for living quarters

Trailer rental

Trailer sales

Truck and bus leasing

Truck and bus repair

Travel trailer park

Truck or motor freight terminal

Truck sales

Veterinarian clinic (no outside pens)

Veterinarian clinic (outside pens)

Washateria

Water pumping station or well

Water storage, elevated

Water storage, ground

Water treatment plant

General manufacturing

Special Uses:

Auto parts sales (outside)

Brick, tile, pottery or terra-cotta manufacture, other than handicraft

Concrete, asphalt batching plant (temporary)

Manufactured Home

Dairy products, processing, manufacturing

Dormitory

Drugs or pharmaceutical products manufacture

Cemetery

Hatchery

Nursery school, kindergarten

Shooting range, target range, outdoor - subject to NRA design criteria

Single-Family Dwelling Detached

11. MANUFACTURING/INDUSTRIAL DISTRICT - HEAVY, M-2

General Purpose and Description: The Heavy Manufacturing/Industrial District is established to accommodate

most industrial uses and protect such areas from the intrusion of certain incompatible uses which might impede the development and use of lands for industrial purposes.

Permitted Uses:

Accessory building to main use

Advertising displays manufacture

Air conditioning and refrigeration contractor

Amusement, commercial (indoor)

Amusement commercial (outdoor)

Antique shop

Apparel and other products assembled from finished textiles

Arcade

Arts, crafts stores (inside sales)

Auto body and paint

Auto leasing

Auto parts sales (inside)

Auto parts sales (outside), not salvage

Auto repair: major

Auto repair, minor

Automobile and trailer sales area, new

Automobile and trailer sales area, used

Automobile service station

Auto storage, not wrecked

Bakery and confectionery, retail sales

Bakery, commercial

Bank, savings and loan, credit union

Barber and/or beauty shop

Barber school or college

Beauty culture school, cosmetology specialty

Bars, taverns

Blast furnace

Boarding and Rooming house

Boat sales and storage

Boats, building or repair

Boiler works

Book binding, except hand binding

Bottling works

Brick, tile, pottery or terra-cotta manufacture, other than handicraft

Brooms or brushes, manufacture

Building materials, hardware (inside)

Building materials, hardware (outside)

Building materials (inside storage)

Building materials (outside storage)

Business, service (no outside display)

Bus terminal

Cabinet and upholstery shop

Cameras or other photographic equipment

Candle manufacture

Carport

Car wash

Carpet manufacture or cleaning

Cement, lime, gypsum or plaster of Paris manufacture

Ceramics, stone, glass, marble or porcelain products manufacture (except handicrafts)

Child care center, commercial

Church, rectory, place of worship

Civic center

Cleaning and dyeing, small shop

Cleaning and dyeing, cleaning plant

Clinic, medical or dental

Club, private

Coal, coke, or wood yard, storage only

College or university

Concrete, asphalt batching plant (permanent)

Construction yard (temporary)

Contractor's shop and storage yard

Convenience store

Community or event center, public

Cosmetic manufacture

Cotton gin

Cotton seed oil manufacture

Creosote treatment

Custom personal service shop

Dairy products processing, manufacturing

Discount, variety, or department store

Disinfectant manufacture

Drapery, needlework, or weaving shop

Drugs or pharmaceutical products manufacture

Dye stuff manufacture

Electric power generation

Electric substation

Electrical appliance, supplies, and machinery, assemble or manufacture

Electronic products, manufacturing

Electrical transmission lines

Engine and motor repair

Exhibition area

Fairgrounds

Farm equipment, sales and service (inside and outside sales)

Farm[,] ranch or orchard

Farm supply sales (inside)

Farm supply sales (outside)

Feed and farm supply (outside sales/storage)

Feed and farm supply (inside sales/storage)

Fiberglass manufacturing

Field or sales office (temporary)

Flea market

Florist

Food products processing

Food store, grocery store

Forge plant

Foundry (iron, steel, brass or copper)

Fraternal organization, lodge, or civic club

Furniture and upholstery manufacture

Furniture, appliance store

Garage (private)

Garden center (retail sales)

Gas metering station

Gas transmission lines

General commercial plant

General manufacturing

General merchandise store

Glass products manufacturing

Grain elevator

Greenhouse, commercial

Greenhouse, noncommercial

Handicraft store

Hatchery

Health club, gymnasium

Heavy machinery sales

Heliport of [or] helistop

Household appliance and repair

Household appliance products assembly and manufacture from prefabricated parts

Hospital

Ice production, dry or natural

Industrial park

Kennel

Laboratory, medical or dental

Laboratory, scientific or research

Laundry and cleaning, self-service

Laundry and cleaning, commercial

Local utility transmission lines

Library

Liquefied petroleum gas, storage, sale (no bulk storage or plants)

Local utility distribution lines

Meat processing/locker plant/frozen food products

Metal dealer, crafted precious

Metal fabrication

Mill (grain, flour, food products)

Motel, motor hotel, or motor lodge

Motorcycle sales and service

Motor home storage, not to be used for living quarters

Musical instrument manufacture

Museum or art gallery

Newspaper printing

Office center

Office, professional, or general administrative

Office, showroom, warehouse

Oilfield service

Park, playground (public)

Parking lot or parking garage, automobile

Parking lot or parking garage, trucks

Pawnshop

Personal service shop

Pet shop

Petroleum products, sales (wholesale)

Pharmacy

Pipe sales and supply

Plumbing, heating, refrigeration or air conditioning business

Plumbing service

Portable buildings, sales only

Portable building construction and sales

Post office, public and private

Print shop

Public or private franchised utility service/yard

Pump sales, repair and manufacture

Quick oil change facility

Quick tune-up facility

Racquetball facilities

Radio, TV or microwave tower, amateur

Radio, TV or microwave tower, commercial

Rehabilitation care facility

Rehabilitation care institution

Residence hotel

Rest home or nursing home

Restaurant or cafeteria, with drive-in service

Restaurant or cafeteria, without drive-in or drive-through service

Restaurant with drive-through service

Retail shops, other than listed

Rodeo arena and grounds

Secondhand store, furniture/clothing

School, public/private (primary and secondary)

School, trade or commercial

Self-storage, mini-warehouse

Service, retail

Shopping center

Stables (private and commercial)

Storage/wholesale warehouse, light

Storage/wholesale warehouse, heavy

Service yards of government agency

Sewage pumping station

Shops, office and/or storage area of public or private utility

Shooting range, target range, indoor - subject to NRA design criteria

Solid waste transfer station

Specialty schools

Stadium or playfield, public

Storage, repair of furniture and appliances (inside)

Storage, repair of furniture and appliances (outside)

Storage/wholesale warehouse

Studio (photographer, musician, artist)

Studio for radio and television

Swimming pool, commercial

Swimming pool (private)

Tanning salon

Tattoo parlor

Taxidermist

Telephone lines

Theater (indoor)

Theater (outdoor)

Tire dealer, no outside storage

Tire dealer (outside storage)

Tire retreading and recapping

Tool rental shop

Trailer, manufactured housing or mobile home display and sales

Trailer rental

Trailer sales

Truck or motor freight terminal

Truck sales

Travel trailer park

Telephone exchange station

Trailer, travel trailer, cattle trailer, etc., not to be used for living quarters

Truck and bus leasing

Truck and bus repair

Veterinarian clinic (no outside pens)

Veterinarian clinic (outside pens)

Washateria

Water pumping station or well

Water storage, elevated

Water storage, ground

Water treatment plant

Special Uses:

Acetylene gas manufacture or storage

Acid manufacture

Alcohol manufacture

Ammonia, bleach or chlorine manufacture

Asphalt manufacture or refining

Blast furnace

Cemetery

Celluloid manufacture or treatment

Chemical manufacturing

Manufactured Home

Fat rendering

Fertilizer manufacture

Glue or gelatin manufacture

Hatchery

Nursery school, kindergarten

Scrap metal sales and storage

Shooting range, target range, outdoor - subject to NRA design criteria

Single-Family Dwelling Detached

Stable, commercial

Dormitory

12. SPECIAL USE DISTRICT

a. General Purpose and Description: Special use zoning allows for review of specified uses that may be appropriate in designated areas, provided that consideration is given to conditions that will minimize any negative impacts of the use.

b. Applicable Development Standards. Unless otherwise specified by the Planning and Zoning Commission and by the City Council, no special use approval shall be granted for any use that does not conform to the dimensional standards of the district in which it is located. Each special use shall also be subject to any specific use requirements set forth in this ordinance.

c. Special Use Approval Criteria. Approval of a special use by the Planning and Zoning Commission and City Council shall be based upon the following criteria:

1. Impacts Minimized. Whether and the extent to which the site plan minimizes adverse effects, including adverse visual impacts, on adjacent properties.

2. Consistent with Zoning Ordinance. Whether and the extent to which the proposed special use would conflict with any portion of this Zoning Ordinance, including the applicable zoning district intent statement.

3. Compatible with Surrounding Area. Whether and the extent to which the proposed special use is compatible with existing and anticipated uses surrounding the subject land.

4. Traffic Circulation. Whether and the extent to which the proposed special use is likely to result in extraordinarily prolonged or recurrent congestion of surrounding streets, especially minor residential streets.

5. Effect on Natural Environment. Whether and the extent to which the proposed special use would result in significant adverse impacts on the natural environment, including but not limited to water or air quality, noise, stormwater management, wildlife, vegetation, wetlands and the practical functioning of the natural environment.

6. Community Need. Whether and the extent to which the proposed special use addresses a demonstrated community need.

7. Development Patterns. Whether and the extent to which the proposed special use would result in a logical and orderly pattern of urban development in the community.

d. Expiration of Special Use Approval. All special use approvals issued shall be subject to the requirement that the property for which the approval was issued must actually acquire a building permit for the approved use within 12 months from the granting of the special use approval, provided that the City Manager, with significant evidence that the designated use cannot be realistically implemented with due diligence within that time period, may grant a longer period of time, but in no event shall such extension period exceed an additional 12 months.

e. Any district. The Planning and Zoning Commission may consider a special use zone change for a project with unique characteristics including the regulated uses and standards allowed within any respective districts in this Code where the nature of adjacent land uses requires higher development standards than found in such districts.

Adult bookstores, etc.

Airport, landing fields

Arsenal

Auto wrecking yard or junkyard

Boarding and rooming house

Cemetery

Club, private

Country club, including private club

Electric power generation

Feed and farm supply (inside and outside sales)

Feedlot

Garden home

Golf course

Golf driving range

Grain elevator

Guest house

Hatchery

Hospital

Heliport of [or] helistop

Kennel

Landfill

Manufactured home

Manufactured home park
Metal, secondhand dealer
Motel, motor hotel, or motor lodge
Nursery school, kindergarten
Prison, jail, place of incarceration
Racetrack
Radio, TV or microwave tower, amateur
Radio, TV or microwave tower, commercial
Self-storage, mini-warehouse
Service yard of government agency
Sewage treatment plant
Shooting range (outdoor)
Stable, commercial
Tattoo parlor
Townhouses
Trailer, manufactured or mobile home facility
Travel trailer park
Veterinarian clinic (outside pens)
Water treatment plant
Wrecking yard (junk or salvage yard)
Zero lot line homes (garden homes)

A District:

Farm supply sales (inside)

MH-1 District:

Electric Substation

Nursery school, kindergarten

MH-2 District:

Electric Substation

Nursery school, kindergarten

C-1 District:

Bars, taverns

Civic center

Club, private

Fairgrounds

Shooting range, target range, indoor - subject to NRA construction criteria

C-2 District:

Auto wrecking yard or junkyard

Bars, taverns

Cemetery

Club, private

Fairgrounds

Meat processing/locker plant/frozen food products

Shooting range, target range, indoor - subject to NRA construction criteria

M-1 District:

Cemetery

Nursery school, kindergarten

Shooting range, target range, outdoor - subject to NRA design criteria

M-2 District:

Acetylene gas manufacture or storage

Acid manufacture

Alcohol manufacture

Ammonia, bleach or chlorine manufacture

Asphalt manufacture or refining

Blast furnace

Cemetery

Celluloid manufacture or treatment

Chemical manufacturing

Explosives or fireworks manufacture or storage (no retail sales)

Fat rendering

Fertilizer manufacture

Glue or gelatin manufacture

Grain elevator

Hatchery

Herbicide manufacture

Insect poison manufacture

Junk or salvage yard

Nursery school, kindergarten

Mines and quarries

Scrap metal sales and storage

Shooting range, target range, outdoor - subject to NRA design criteria

Stable, commercial

Wrecking yard (junk and salvage)

ARTICLE 17. NONCONFORMITIES

Section 17.01 Continuance of Nonconformities

Nonconformities shall be allowed to continue in accordance with the regulations of this Article. If a use lawfully occupying land or buildings immediately before the effective date of this Zoning Ordinance or an amendment hereto, is classified by the Use Table as a Special use in the zoning district where that use is located, such use shall not be considered a nonconforming use if it meets the approval criteria for a Special use in that district.

Section 17.02 Expansion of Nonconforming Uses

1. Nonconforming Use. No nonconforming use may be enlarged, expanded or extended to occupy a greater area of land than was occupied on the effective date of this Zoning Ordinance, except upon authorization by the Planning and Zoning Commission and in conformance with the procedures set forth in this ordinance. Establishment or extension of a lawful use in a nonconforming structure shall not be deemed the extension of a nonconforming use. Provided however, an expansion of a nonconforming use must be contained wholly within the boundaries of the tract, and any applicable setback lines, upon which the nonconforming use occupied at the time it became a nonconforming use.

2. Nonconforming Structure. No nonconforming structure may be enlarged, expanded or extended in such a manner that it shall be made more nonconforming (for example, by increasing the encroachment of a building into a required yard or by increasing the height of a structure above that allowed for the affected district). A nonconforming structure may be enlarged, expanded or extended so long as the nonconforming feature is not enlarged, expanded or extended, thereby making the structure more nonconforming.

Section 17.03 Change in Use

A nonconforming use may be changed to another use as follows.

- a. A nonconforming use may be changed to a conforming use.
- b. A nonconforming use may be changed to another nonconforming use, provided the new use is of the same general character or less intensive in character (and thus more closely conforming). The

determination of whether a proposed use is less intensive shall be made by the City Manager in accordance with the provisions for written interpretations. A nonconforming use, if changed to a less intensive nonconforming use, may not thereafter be changed back to a less conforming or more intensive use.

Section 17.04 Abandonment

If a nonconforming use or structure is not operated during a continuous period of 6 months, said nonconforming use or structure shall be considered abandoned, and the structure or tract of land where the nonconforming use previously existed shall thereafter be occupied and used only in conformity with this Zoning Ordinance.

Section 17.05 Damage and Destruction of Nonconformity

1. Total Destruction or Obsolescence. A nonconforming use or structure shall not be extended or rebuilt in case of obsolescence or total destruction by fire or other cause. Total destruction or obsolescence means more than fifty percent (50%) of the then current replacement value of the nonconforming use.

2. Partial Destruction.

a. In the case of a nonconforming use or structure partially destroyed (being less than Total Destruction or obsolescence) by any cause, the Building Official shall be authorized to issue permits for complete reconstruction, so long as the Building Official determines that the cost of such reconstruction does not exceed 50 percent of the current replacement value for the entire structure.

b. In the case of a nonconforming use or structure partially destroyed by any cause, where the costs of proposed reconstruction are determined by the Building Official to exceed 50 percent of the current replacement value for the entire structure, the Building Official shall be authorized to issue permits for reconstruction only when specifically authorized by the Planning and Zoning Commission. Such rebuilding or restoration shall comply with the provisions of this Zoning Ordinance to the extent deemed reasonably practical, and the applicant shall make every reasonable effort to eliminate the nonconformities and bring the structure and site into substantial conformance with this Zoning Ordinance.

Section 17.06 Maintenance and Repairs to Nonconforming Uses

1. Normal Maintenance. Normal maintenance of a building or a structure containing a nonconforming use is allowed, including necessary nonstructural repairs and incidental alterations not extending the nonconforming use.

2. Structural Changes. No structural alteration shall be made in a building or other structure containing a nonconforming use except when required by law.

Section 17.07 Termination of Nonconforming Uses

a. The City Council may require the discontinuance of a nonconforming use or structure under a plan whereby full value of the property can be amortized within a reasonable and specified period of time, taking into consideration the investment expectations of the owner of the nonconforming use, general character of the neighborhood and the necessity for all property to conform to the regulations of this Zoning Ordinance, and other factors allowed by law. Such amortization schedule shall be established

by the council after receiving expert opinion as to values of the property and uses during a properly noticed public hearing. If amortization is approved, then a written notice shall be delivered to the owner ordering the amortization of the nonconforming use per the terms of that letter.

b. In addition, the City Council may require the removal of any structure or improvements located on property where discontinuance of a nonconforming use has been ordered if such improvements cannot, in the Council's opinion, be converted to a lawful use.

ARTICLE 18. VIOLATIONS AND ENFORCEMENT

Section 18.01 Enforcement

a. General. The provisions of this Zoning Ordinance shall be administered and enforced by the City Manager of the City of Littlefield or a duly authorized designee.

b. Right to Enter. For purposes of the Texas Code of Criminal Procedure, the Building Official or Fire Marshal shall have the right to enter upon any premises at any reasonable time prior to the completion of buildings for the purpose of making inspections of buildings or premises when necessary to enforce this Zoning Ordinance or to investigate or abate a Nuisance.

c. Stop Orders. Whenever any building work is being done contrary to the provisions of this Zoning Ordinance, the City Manager may direct the Building Official to order the work stopped by notice in writing served on the owner or contractor doing or causing such work to be done, and any such person shall immediately stop such work until authorized by the Building Official to proceed with the work.

Section 18.02 Inspection

The City Manager, or his duly designated representative, is hereby empowered to cause any building, other structure, or tract of land to be inspected and examined and to order in writing the remedying of any condition found to exist therein, or thereat, in violation of any provision of these regulations. After any such order has been served, no work shall proceed on any building, other structure, or tract of land covered by such order, except to correct such violation or to comply with an order of the City Manager.

Section 18.03 Violations

a) Any person who shall violate any of the provisions of this Zoning Ordinance or who shall fail to comply with any of the provisions of this Zoning Ordinance, or who shall build, alter or occupy any structure in violation of any statement or plan submitted and approved hereunder [shall be guilty of a violation of this ordinance].

b) The owners of any building or property or part thereof where anything in violation of this Zoning Ordinance shall be placed or shall exist, and any architect, builder, contractor, agent, person, firm or corporation employed in connection therewith and who has assisted in the commission of such violations, shall be guilty of a separate offense, and upon conviction thereof, shall be fined in accordance with this ordinance.

c) In addition to prosecution in Municipal Court, the City of Littlefield may use all legal remedies available to it for the enforcement of this Zoning Ordinance, including but not limited to summary

abatement, civil suits, and injunctions.

d) In addition to the remedies provided for above, the enforcing officer may, in case any building or structures are erected, constructed, reconstructed, altered, repaired, converted or maintained, or any building, structure or land is used in violation of this Zoning Ordinance, institute any appropriate action or proceedings to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, or use to restrain, correct or abate such violation, to prevent the occupancy of said building, structure or land, or to prevent any illegal act, conduct of business or use in or about such premises.

e) A person, business or corporation convicted of a violation of this ordinance may be fined in an amount of not less than \$1.00 or more than \$2,000.00. Each day such violation shall continue or shall be allowed to continue to exist, shall constitute a separate offense.

ARTICLE 19. [SCHEDULE OF USES]

Legend for Interpreting Schedule of Uses In the event that a conflict occurs between this Article and [Article 16](#), Article 16 shall prevail.

X	Designates use permitted by right in district indicated.
	Blank space indicates prohibited use
S	Designates use which may be approved as Special Use (P and Z - City Council)
E	Designates use which may be approved as an Exception, by the Zoning Board of Adjustment.
*	Reserved

RESIDENTIAL TYPE USES

Type of Use	A	CB	SF-1	SF-2	TF	MF	MH-1	MH-2	C-1	C-2	M-1	M-2
Boarding and Rooming House						S			X	X	S	S
Bed and Breakfast			S	S								
Community Home	S		S	S	S	X			S	S	S	
Dormitory						X			S	S	S	S
Duplex			S	S	X							
Garden Home				X								
Garage Sale	X		X	X	X		X	X				
Guest House	X		S	S	S							

Manufactured Home				X			X	X				
Manufactured Home Park								X				
Motel, Motor Hotel, or Motor Lodge									S	S	X	X
Multiple-Family Residence						X						
Residence Hotel						X			S	S	X	X
Retirement Housing						X						
Servant's or Caretaker's	X		X	S	S							
Single-Family Dwelling Attached		X		X	X	X			S	S	S	S
Single-Family Dwelling Detached	X		X	S	S	X			S	S	S	S
Townhouse or Row Dwelling			S	X	X	X			S	S	S	S
Travel Trailer Park	S	S	S	S	S	S	S	S	S	S	X	X
Two-Family Dwelling				X	X	X				S	S	S
Zero Lot Line House (Garden Home)			X			X						
Customary Home Occupation			X	X	X							

EDUCATION, INSTITUTIONAL, AND SPECIAL USES

Type of Use	A	CB	SF-1	SF-2	TF	MF	MH-1	MH-2	C-1	C-2	M-1	M-2
Cemetery or mausoleum									S	S	S	S
Child care center									X	X	S	S
Church, rectory, place of worship	X		X	X	X	X			X	X	S	S
Civic Center									S	X	X	X
College or university		S							S	S	S	S
Community center, public			S	S					S	X	X	X
Community center, private									S	X	X	X

Country club, private									S	S	S	S
Exhibition area									X	X	X	X
Fairgrounds									S	S	X	X
Farm, ranch, or orchard	X										S	S
Feedlot, livestock	S											S
Fraternal organization, lodge, or civic club		X							X	X	X	X
Golf course	S										S	S
Golf driving range	S									S	S	S
Greenhouse, commercial	X								S	X	X	X
Greenhouse or plant nursery, noncommercial	X		S	S	SE		S	S	S	X	X	X
Health club; gymnasium		X							X	X	X	X
Hospital						X			X	X	X	X
Household care institution						X			X	X	X	X
Kennel	S										X	X
Library				S		S			X	X	X	X
Museum or art gallery		S							X	X	X	X
Nursery school, kindergarten		S	S	S	S	S	S	S	S	X	S	S
Park, playground (public)	X	X	X	X	X	X	X	X	X	X	X	X
Park, playground (private)			S	S	S	S	S	S	S			
Prison, jail, place of incarceration											S	S
Racetrack											X	X
Registered family home	S	S	S	S	S	S	S	S	S	S	S	S
Rehabilitation care	S	X			S	S				S	S	S

Water storage, ground	X		S	S	S	S	S	S	X	X	X	X
Water treatment plant	S									X	X	X

AUTOMOBILE AND RELATED SERVICE USES

Type of Use	A	CB	SF-1	SF-2	TF	MF	MH-1	MH-2	C-1	C-2	M-1	M-2
Auto leasing									S	X	X	X
Auto paint and body shop										S	X	X
Auto parts sales (inside)		X							X	X	X	X
Auto parts sales (outside)											S	X
Auto repair: major											X	X
Auto repair: minor										X	X	X
Automobile and trailer sales area, new									S	X	X	X
Automobile and trailer sales area, used									S	X	X	X
Automobile service station									S	X	X	X
Auto storage										S	X	X
Auto wrecking yard or junkyard											S	X
Bus terminal										X	X	X
Car wash									S	X	X	X
Motorcycle sales and service									S	X	X	X
Parking lot or parking garage, automobile									X	X	X	X
Parking lot or parking garage, truck											X	X
Quick oil change facility									S	X	X	X
Quick tune-up facility									S	X	X	X

Tire dealer (no outside storage)										S	X	X
Tire dealer (with inside storage)										S	X	X
Tire retreading and recapping											X	X
Truck and bus leasing										S	X	X
Truck and bus repair											X	X
Truck or motor freight terminal										S	X	X
Truck sales									S	S	X	X

OFFICE, RETAIL, COMMERCIAL, AND SERVICE TYPE USES

Type of Use	A	CB	SF-1	SF-2	TF	MF	MH-1	MH-2	C-1	C-2	M-1	M-2
Adult bookstores, etc.												X
Air conditioning & refrigeration contractor										S	X	X
Amusement, commercial (indoor)		X							S	S	X	X
Amusement, commercial (outdoor)	S									S	X	X
Antique shop		X							X	X	S	S
Arcade		X							S	S	X	X
Arts, crafts store (inside sales)		X							X	X	S	S
Bars and taverns		X									S	S
Bakery and confectionery, retail sales		X							X	X	S	S
Bakery commercial		X							S	S	X	X
Bank, savings and loan, credit union		X							X	X	S	S
Barbershop		X							X	X	S	S
Barber school or college									X	X	S	S

Beauty culture school; cosmetology spec, shop		X							X	X	S	S
Beauty shop		X							X	X	S	S
Bldg. materials, hardware (inside storage)		X							X	X	X	X
Bldg. materials, hardware (outside storage)									S	S	X	X
Boat sales and storage										X	X	X
Business service		X							X	X	X	X
Cabinet and upholstery shop									S	S	X	X
Cleaning and dyeing, small shop									S	S	X	X
Clinic, medical or dental		X							X	X	S	S
Club, private		X							S	S	S	S
Convenience store					S				X	X	X	X
Custom personal service shop		X							X	X	S	S
Discount, variety, or department store		X							X	X	S	S
Drapery, needlework, or weaving shop		X							X	X	S	S
Engine and motor repair											X	X
Farm equipment, sales & service	S									S	X	X
Feed and farm supply (inside sales/storage)	S									X	X	X
Feed and farm supply (outside sales/storage)	S									S	X	X
Flea market		X							S	S	S	X
Florist		X							X	X	S	S
Food store; grocery store		X							X	X	S	S

Plumbing service										S	X	X
Portable building sales										S	X	X
Post office, government and private									X	X	X	X
Print shop		X							X	X	X	X
Racquetball facilities		X							S	X	X	S
Restaurant or cafeteria, with drive-in service						S			X	X	X	X
Restaurant or cafeteria, without drive-in or drive-through service		X				S			X	X	X	X
Retail shops and stores other than listed		X							S	S	S	S
Secondhand store, furniture/clothing		X							S	X	X	S
Service, retail		X							S	S	X	S
Shopping center									S	X	S	S
Storage, repair of furn. & appliances (inside)										S	X	X
Storage, repair of furn. & appliances (outside)											X	X
Studio (photographer, musician, artist)		X							X	X	S	S
Studio for radio and television		X							X	X	X	S
Tanning salon		X							X	X		
Tattoo parlor		X									X	X
Taxidermist		X								X	X	S
Theater (indoor)		X							X	X	S	S
Theater (outdoor)	S								S	X	X	S
Tool rental shop		X							S	X	X	X
Trailer,						X	X				X	X

Glass products											X	X
Glue or gelatin manufacture												S
Grain elevator	S											X
Hatchery	S										S	S
Herbicide manufacture												X
Household appliance products assembly & manufacture from prefabricated parts											X	X
Ice production, dry or natural									S		X	X
Industrial park											X	X
Insect poison manufacture												S
Junk or salvage yard											S	S
Light food manufacturing									X			
Meat processing/locker plant/frozen food products	S								S		X	X
Metal fabrication											X	X
Mill (grain, flour, food products)	S										S	X
Mines and quarries												S
Musical instrument manufacture									S		X	X
Oilfield service											S	X
Petroleum products, sales (wholesale)	S								S		X	X
Pipe sales and supply									S		S	X
Pump sales, repair, and maintenance									S		X	X
Scrap metal sales and storage												X
Self-storage; mini-	S								S		S	X

warehouse												
Storage/wholesale warehouse, light										S	X	X
Storage/wholesale warehouse, heavy											S	X
Wrecking yard (junk or salvage yard)											S	S

(Ordinance 2019-0129-4 adopted 1/29/19; Ordinance 2020-0526-1 adopted 5/26/20)

ACCESSORY AND INCIDENTAL USES

Type of Use	A	CB	SF-1	SF-2	TF	MF	MH-1	MH-2	C-1	C-2	M-1	M-2
Accessory building to main use	X		X	X	X	X	X	X	X	X	X	X
Carport	X		X	X	X	X	X	X	X	X	X	X
Construction yard (temporary)	X		X	X	X	X	X	X	X	X	X	X
Field or sales office	X		X	X	X	X	X	X	X	X	X	X
Garage, private	X		X	X	X	X	X	X				
Motor home storage; not to be used for living quarters	X		X	X	X	X	X	X	X	X	X	X
Trailer; travel trailer; cattle trailer, etc., storage; not to be used for living quarters	X		X	X	X	X	X	X			X	X

(Ordinance 2019-0129-4 adopted 1/29/19)

EXHIBIT B

AIRPORT HAZARD ZONING ORDINANCE

ORDINANCE NO. 2005-0927-4

Littlefield Airport Hazard Zoning Regulations

Regulating and restricting the height of structures and objects of natural growth and otherwise regulating the use of property in the vicinity of the LFD Municipal Airport, Littlefield, Texas, by creating the appropriate zones and establishing the boundaries thereof; providing for restrictions of such zones and the enforcement of such restrictions; defining certain terms used herein; referring to the LFD Municipal Airport Hazard Zoning Map prepared by TXDOT, dated May 4, 2004, which is incorporated in and made a part of these regulations; providing for a board of adjustment and imposing penalties.

Whereas, these regulations are adopted pursuant to the authority conferred by the Airport Zoning Act, Texas Local Government Code §§ 241.001 et seq.

Whereas, the Legislature of the State of Texas finds that:

- * an airport hazard endangers the lives and property of users of the airport and of occupants of land in the vicinity of the airport;
- * an airport hazard that is an obstruction reduces the size of the area available for the landing, taking off and maneuvering of aircraft, tending to destroy or impair the utility of the airport and the public investment in the airport;
- * the creation of an airport hazard is a public nuisance and an injury to the community served by the airport affected by the hazard;
- * it is necessary in the interest of the public health, public safety, and general welfare to prevent the creation of an airport hazard;
- * the creation of an airport hazard should be prevented, to the extent legally possible, by the exercise of the police power without compensation; and
- * the prevention of the creation of an airport hazard and the elimination, the removal, the alteration, the mitigation, or the marking and lighting of an airport hazard are public purposes for which a political subdivision may raise and spend public funds and acquire land or interests in land.

Accordingly, it is declared that the City of Littlefield benefits from the use of the LFD Municipal Airport and the City Council of the City of Littlefield permits the LFD Municipal Airport to be used by the public to an extent that the airport fulfills an essential community purpose; therefore, the LFD Municipal Airport is used in the interest of the public.

Therefore, be it ordered by the Littlefield Joint Airport Zoning Board of the City Council of the City of Littlefield, Texas, and the Commissioners Court of Lamb County, Texas:

Section 1. Short Title

These regulations shall be known and may be cited as the “LFD Municipal Airport Hazard Zoning Regulations.”

Section 2. Definitions

As used in these regulations, unless the context otherwise requires:

- A. Administrative Agency - The appropriate person or office of a political subdivision which is responsible for the administration and enforcement of the regulations prescribed herein. The administrative agency is set forth in [Section 3](#) of these regulations.
- B. Airport - LFD Municipal Airport, Littlefield, Texas; including the ultimate development of that facility.
- C. Airport Elevation - The established elevation of the highest point on the runway, either existing or planned, at the airport measured in feet above mean sea level (MSL). The airport elevation of the LFD Municipal Airport is 3,615.6 feet above [mean sea level].
- D. Airport Hazard - Any structure, tree, or use of land which obstructs the airspace required for the flight of aircraft or obstructs or interferes with the control, tracking, and/or data acquisition in the landing, takeoff, or flight at an airport or any installation or facility relating to flight, tracking, and/or data acquisition of the flight craft; is hazardous to, interferes with, or obstructs such landing, takeoff, or flight of aircraft; or is hazardous to or interferes with tracking and/or data acquisition pertaining to flight and flight vehicles.

- E. Approach Surface - A surface longitudinally centered on the extended runway centerline, extending outward and upward from each end of the primary surface and at the same slope as the approach zone height limitation slope set forth in [Section 5](#) of these regulations. In plan, the perimeter of the approach surface coincides with the perimeter of the approach zone.
- F. Approach, Conical, Horizontal, and Transitional Zones - These zones are set forth in [Section 4](#) of these regulations.
- G. Board of Adjustment - A board so designated by these regulations as provided in Texas Local Government Code § 241.032. Provisions for the board of adjustment are set forth in [Section 9](#) of these regulations.
- H. Conical Surface - A surface extending outward and upward from the periphery of the horizontal surface at a slope of twenty (20) feet horizontally for each one (1) foot vertically for a horizontal distance of four thousand (4,000) feet.
- I. Hazard to Air Navigation - An obstruction or use of land determined to have a substantial adverse effect on the safe and efficient utilization of navigable airspace.
- J. Height - For the purpose of determining the height limits in all zones set forth in these regulations and shown on the hazard zoning map, the datum shall be height above mean sea level (MSL) elevation as measured in feet.
- K. Horizontal Surface - A horizontal plane one hundred fifty (150) feet above the established airport elevation which in plan coincides with the perimeter of the horizontal zone.
- L. Nonconforming Use, Structure, or Tree - Any structure, tree, or use of land which is inconsistent with the provisions of these regulations and which is existing as of the effective date of these regulations.
- M. Nonprecision Instrument Runway - A runway having an existing instrument approach procedure utilizing air navigation facilities or other equipment that provides only horizontal guidance or area type navigation equipment. This also includes a runway for which a nonprecision instrument approach procedure has been approved or planned. Runway 01-19 is considered a nonprecision instrument runway.
- N. Obstruction - Any structure, tree, or other object, including a mobile object, which exceeds a limiting height set forth in [Section 5](#) of these regulations or is an airport hazard.
- O. Utility Runway - A runway designed for and intended to be used by propeller-driven aircraft of less than twelve thousand five hundred (12,500) pounds maximum gross weight and jet-powered aircraft. Runway 13-31 at the LFD Municipal Airport is considered a utility runway.
- P. Person - An individual, firm, partnership, corporation, company, association, joint stock association, or body politic and includes a trustee, receiver, assignee, administrator, executor, guardian, or other representative.
- Q. Precision Instrument Runway - A runway having an existing instrument approach procedure utilizing

air navigation facilities or other equipment which provide both horizontal and vertical guidance. This also includes a runway for which a precision instrument approach procedure has been approved or planned. Runway _____ at the LFD Municipal Airport is considered a precision instrument runway.

R. Primary Surface - A 500 foot wide surface longitudinally centered on the runway extending the full length of the ultimate runway configuration plus two hundred (200) feet beyond each ultimate end of the runway. The elevation of any point on the primary surface is the same as the nearest point on the existing or ultimate runway centerline.

S. Runway - A defined area on the airport prepared for the landing and taking off of aircraft along its length. The zoned length of Runway 01-19 at the LFD Municipal Airport is 402 feet.

T. Structure - An object, including a mobile object, constructed or installed by man including, but not limited to, buildings, towers, cranes, smokestacks, poles, earth formations, overhead power lines, and traverse ways. Traverse ways are considered to be the heights set forth in 14 CFR Part 77.23.

U. Transitional Surfaces - Surfaces extending perpendicular to the runway centerline and the extended runway centerline outward from the edges of the primary surface and the approach surface at a slope of seven (7) feet horizontally for each one (1) foot vertically to where they intersect the horizontal surface. Transitional surfaces for those portions of the precision approach surface which extend through and beyond the limits of the conical surface extend at a slope of seven (7) feet horizontally for each one (1) foot vertically for a distance of five thousand (5,000) feet measured horizontally from either edge of the approach surface and perpendicular to the extended runway centerline.

V. Tree - Any type of flora and an object of natural growth.

Section 3. Administrative Agency

It shall be the duty of the office of the City Mgr. to administer and enforce the regulations prescribed herein and is hereby designated as the administrative agency.

Section 4. Zones

In order to carry out the provisions of these regulations, there are hereby created and established certain zones which include all of the land lying beneath the approach surfaces, conical surface, horizontal surface, and transitional surfaces as they apply to the airport. Such surfaces are shown on the LFD Municipal Airport Hazard Zoning Map consisting of one (1) sheet, prepared by TXDOT and dated May 4, 2004, which is hereby attached to these regulations and made a part hereof. An area located in more than one of the following zones is considered to be only in the zone with the more restrictive height limitation. The various zones are hereby established and defined as follows:

A. Approach Zones - Approach zones are hereby established beneath the approach surfaces at each end of Runway 01-19 at the airport for an other than utility runway with nonprecision ins. landings. The approach surface shall have an inner edge width of 500 feet, which coincides with the width of the primary surface, at a distance of two hundred (200) feet beyond each runway end, widening thereafter uniformly to a width of 10,000 feet at a horizontal distance of 5,000 feet beyond the end of the primary surface. The centerline of the approach surface is the continuation of the centerline of the runway.

B. Conical Zone - A conical zone is hereby established beneath the conical surface at the airport which extends outward from the periphery of the horizontal surface for a horizontal distance of four

thousand (4,000) feet.

C. Horizontal Zone - A horizontal zone is hereby established beneath the horizontal surface at the airport which is a plane one hundred fifty (150) feet above the established airport elevation, the perimeter of which is constructed by swinging arcs of ten thousand (10,000) feet radii from the center of each end of the primary surface and connecting the adjacent arcs by lines tangent to those arcs.

D. Transitional Zones - Transitional zones are hereby established beneath the transitional surfaces at the airport. Transitional surfaces, symmetrically located on either side of the runway, have variable widths as shown on the LFD Municipal Airport Hazard Zoning Map. Transitional surfaces extend outward perpendicular to the runway centerline and the extended runway centerline from the periphery of the primary surface and the approach surfaces to where they intersect the horizontal surface. Where the precision instrument runway approach surface projects through and beyond the conical surface, there are hereby established transitional zones beginning at the sides of and at the same elevation as the approach surface and extending for a horizontal distance of five thousand (5,000) feet as measured perpendicular to the extended runway centerline.

Section 5. Height limitations

Except as otherwise provided in [Section 8](#) of these regulations, no structure shall be erected, altered, or replaced and no tree shall be allowed to grow in any zone created by these regulations to a height in excess of the applicable height limitations herein established for such zone except as provided in Paragraph E of this Section. Such applicable height limitations are hereby established for each of the zones in question as follows:

A. Approach Zones - Slope one (1) foot in height for each 20 feet in horizontal distance beginning at the end of and at the same elevation as the primary surface and extending to a point 5,000 feet beyond the end of the primary surface.

B. Conical Zone - Slopes one (1) foot in height for each twenty (20) feet in horizontal distance beginning at the periphery of the horizontal zone and at one hundred fifty (150) feet above the airport elevation and extending to a height of three hundred fifty (350) feet above the airport elevation, or to a height of 3965.6 feet above mean sea level.

C. Horizontal Zone - Established at one hundred fifty (150) feet above the airport elevation, or at a height of 3765.6 feet above mean sea level.

D. Transitional Zones - Slope one (1) foot in height for each seven (7) feet in horizontal distance beginning at the sides of and at the same elevations as the primary surface and the approach surfaces.

E. Excepted Height Limitation - Nothing contained in these regulations shall be construed as prohibiting the growth, construction, or maintenance of any structure or tree to a height of up to fifty (50) feet above the surface of the land at its location.

Section 6. Land Use Restrictions

Except as provided in [Section 7](#) of these regulations, no use may be made of land or water within any zone established by these regulations in such a manner as to create electrical interference with navigational signals or radio communications between the airport and aircraft, make it difficult for pilots to distinguish between airport lights and others, result in glare in the eyes of pilots using the airport, impair visibility in the vicinity of the airport, create potential bird strike hazards, or otherwise in any way endanger or interfere with the landing, taking off or

maneuvering of aircraft intending to use the airport.

Section 7. Nonconforming Uses, Structures, and Trees

- A. Nonconforming Uses - Nothing contained in these regulations shall be construed as requiring changes in or interference with the continuance of any nonconforming use of land.
- B. Nonconforming Structures - Nothing contained in these regulations shall be construed as to require the removal, lowering, or other change to any existing nonconforming structure including all phases or elements of a multiphase structure the construction of which was begun prior to the effective date of these regulations and is diligently prosecuted.
- C. Nonconforming Trees - Nothing in these regulations shall be construed as to require the removal, lowering, or other change to any nonconforming tree. However, any nonconforming tree which grows to a greater height than it was as of the effective date of these regulations is subject to the provisions of these regulations as described in [Section 5](#) hereinabove.

Section 8. Permits and Variances

- A. Permits - Any person who desires to replace, rebuild, substantially change, or repair a nonconforming structure or replace or replant a nonconforming tree must apply for and receive a permit, and the permit shall be granted. However, no permit shall be granted which would allow the establishment of an airport hazard or to allow a nonconforming structure or tree to exceed its original height or become a greater hazard to air navigation than it was at the time of the adoption of these regulations. Applications for permit shall be applied to and issued by the administrative agency.
- B. Variances - Any person who desires to erect, substantially change, or increase the height of any structure or establish or allow the growth of any tree which would exceed the height limitations set forth in [Section 5](#) of these regulations or change the use of property in such a way as to create a hazardous condition as described in [Section 6](#) of these regulations must apply to the board of adjustment and receive a variance. The application for variance must be accompanied by a determination from the Federal Aviation Administration under 14 C.F.R. Part 77 as to the effect of the proposal on the operation of air navigation facilities and the safe, efficient use of navigable airspace. Such variances shall be allowed where it is duly found that a literal application or enforcement of the regulations will result in practical difficulty or unnecessary hardship and the granting of relief would result in substantial justice, not be contrary to the public interest, and be in accordance with the spirit of these regulations.
- C. Requirements and Reasonable Conditions
- (1) Any permit granted may, at the discretion of the administrative agency, impose a requirement to allow the installation and maintenance, at the expense of the administrative agency, of any markers or lights as may be necessary to indicate to flyers the presence of an airport hazard.
 - (2) Any variance granted may, at the discretion of the board of adjustment, impose any reasonable conditions as may be necessary to accomplish the purpose of these regulations.

Section 9. Board of Adjustment

A. The airport board of LFD Municipal Airport is hereby designated as the board of adjustment for the purposes of these regulations and shall have and exercise the following powers:

- (1) to hear and decide appeals from any order, requirement, decision, or determination made by the Administrative Agency in the administration or enforcement of these regulations;
- (2) to hear and decide special exceptions to the terms of these regulations when the board is required to do so; and
- (3) to hear and decide specific variances.

B. The board of adjustment shall be comprised of five (5) members and shall adopt rules for its governance and procedure in harmony with the provisions of these regulations. Meetings of the board of adjustment shall be held at the call of the chairman and at such times as the board of adjustment may determine. The chairman, or in his/her absence the acting chairman, may administer oaths and compel the attendance of witnesses. All hearings of the board of adjustment shall be public. The board of adjustment shall keep minutes of its proceedings showing the vote of each member upon each question or if any member is absent or fails to vote, indicating such fact and shall keep records of its examinations and other official actions, all of which shall immediately be filed in the office of the board of adjustment or in the office of [the] city manager. All such records shall be public records.

C. The board of adjustment shall make written findings of fact and conclusions of law stating the facts upon which it relied when making its legal conclusions in reversing, affirming, or modifying any order, requirement, decision, or determination which comes before it under the provisions of these regulations.

D. The concurring vote of four (4) members of the board of adjustment shall be necessary to reverse any order, requirement, decision, or determination of the administrative agency, to decide in favor of the applicant on any matter upon which it is required to pass under these regulations, or to effect any variance to these regulations.

State law reference—Airport zoning board of adjustment, V.T.C.A., Local Government Code, sec. 241.032.

Section 10. Appeals

A. Any person aggrieved or any taxpayer affected by a decision of the administrative agency made in the administration of these regulations may appeal to the board of adjustment if that person or taxpayer is of the opinion that a decision of the administrative agency is an improper application of these regulations. This same right of appeal is extended to the governing bodies of the City of Littlefield and Lamb County, Texas and to the LFD/Lamb Joint Airport Zoning Board.

B. All appeals hereunder must be taken within a reasonable time as provided by the rules of the board of adjustment by filing a notice of appeal with the board of adjustment and the administrative agency specifying the grounds for the appeal. The administrative agency shall forthwith transmit to the board of adjustment all papers constituting the record upon which the action appealed was taken.

C. An appeal shall stay all proceedings is furtherance of the action appealed unless the administrative agency certifies in writing to the board of adjustment that by reason of the facts stated in

the certificate, a stay would, in the opinion of the administrative agency, cause imminent peril to life or property. In such case, proceedings shall not be stayed except by order of the board of adjustment on notice to the administrative agency and on due cause shown.

D. The board of adjustment shall fix a reasonable time for hearing appeals, give public notice and due notice to the parties in interest, and decide the same within a reasonable time. Upon the hearing, any party may appear in person, by agent, and/or by attorney.

E. The board of adjustment may reverse or affirm, in whole or in part, or modify the administrative agency's order, requirement, decision, or determination from which an appeal is taken and make the correct order, requirement, decision, or determination, and for this purpose the board of adjustment has the same authority as the administrative agency.

Section 11. Judicial Review

Any person aggrieved or any taxpayer affected by a decision of the board of adjustment may present to a court of record a petition stating that the decision of the board of adjustment is illegal and specifying the grounds of the illegality as provided by and in accordance with the provisions of Texas Local Government Code, § 241.041. This same right of appeal is extended to the governing bodies of the City of Littlefield, Texas, and Lamb County, Texas, and to the LFD/Lamb Joint Airport Zoning Board.

Section 12. Enforcement and Remedies

The governing bodies of the City of Littlefield, Texas, or Lamb County, Texas or the LFD/Lamb Joint Airport Zoning Board may institute in a court of competent jurisdiction an action to prevent, restrain, correct, or abate any violation of these regulations or of any order or ruling made in connection with their administration or enforcement including, but not limited to, an action for injunctive relief.

Section 13. Penalties

Each violation of these regulations or of any order or ruling promulgated hereunder shall constitute a misdemeanor and upon conviction shall be punishable by a fine of not more than \$200 and each day a violation continues to exist shall constitute a separate offense.

Section 14. Conflicting Regulations

Where there exists a conflict between any of the regulations or limitations prescribed herein and any other regulation applicable to the same area, whether the conflict be with respect to the height of structures or trees, the use of land, or any other matter, the more stringent limitation or requirement shall control.

Section 15. Severability

If any of the provisions of these regulations or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or application of these regulations which can be given effect without the invalid provision or application and to this end, the provisions of these regulations are declared to be severable.

Section 16. Adherence with State Laws

Any actions brought forth by any person or taxpayer as a result of the administration, enforcement, or the contesting [of] these regulations will be in accordance with the provisions of Texas Local Government Code, §§ 241.001 et seq. and other applicable State laws.

Section 17. Effective Date

Whereas, the immediate operation of the provisions of these regulations is necessary for the preservation of the public health, safety, and general welfare, an emergency is hereby declared to exist and these regulations shall be in full force and effect from and after their adoption by the LFD/Lamb Joint Airport Zoning Board.

(Ordinance 2005-0927-4 adopted 8/8/05)