

ARTICLE 9.500 ZONING REGULATIONS

Sec. 9.501 Purpose

It is declared to be the intent and purpose of the zoning regulations to promote and to protect the health, safety, comfort, convenience, prosperity, and general welfare of the citizens of Levelland by assuring quality development, to allow for proper economic growth which conforms with a comprehensive plan of the city. It is further declared that the intent and purpose of the zoning regulations includes the following:

- (1) To promote the stability of existing land uses that conform with a comprehensive plan and to protect them from inharmonious influences and harmful intrusions;
- (2) To promote a harmonious, convenient, workable relationship among land uses;
- (3) To promote a safe, effective traffic circulation system;
- (4) To promote and protect the aesthetic quality of the city, by conserving and enhancing the taxable values of land and buildings throughout the city;
- (5) To secure safety from fire, panic, and other dangers;
- (6) To provide adequate light and air;
- (7) To encourage proper population densities and prevent the overcrowding of structures;
- (8) To provide adequate protection for community investments in water, sewerage, streets, schools, parks, and other community facilities;
- (9) To divide the city into zones or districts, restricting and regulating therein the location, erection, construction, reconstruction, alteration and use of buildings, structures and land for trade, industry, residence and other specific uses; to regulate the intensity of the use of lot areas, and to regulate and determine the area of open spaces surrounding such buildings, to establish building lines and locations of buildings designed for specified industrial, business, residential and other uses within such areas; to fix standards to which buildings or structures incompatible with the character of such districts, must conform to prevent additions to and alterations or remodeling of existing buildings or structures in such a way as to avoid the restrictions and limitations lawfully imposed hereunder, providing for the gradual elimination of nonconforming uses of land, buildings and structures.

(Ordinance 635, sec. 1, adopted 11/17/81)

Sec. 9.502 Definitions

For the purpose of this article 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.

(Ordinance 635, sec. 2, adopted 11/17/81)

Accessory Building. A subordinate building located on the same lot with the main building, and which is reasonably necessary and incidental to the conduct of the primary use of such building.

Accessory Use. A subordinate use located on the same lot with the main use, and which is reasonably necessary and incidental to the conduct of the main use.

(Ordinance 1025, sec. 1, adopted 10/16/17)

Alley. A public way which customarily affords only secondary means of access to abutting property.

Automobile Wrecking Yard or Junk Yard. 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.

(Ordinance 635, sec. 2, adopted 11/17/81)

Bed and Breakfast. A single family dwelling unit or duplex constructed, used, intended for use, or altered

for use as overnight or short term occupancy by one or more individuals who are not the owners thereof, for which compensation is paid, provided that the outside appearance resembles a single family dwelling unit or duplex. (Ordinance 849 adopted 11/6/01)

Billboards. Any structure or portion thereof upon which are outdoor advertising signs which advertise, promote or otherwise disseminate information pertaining to goods, products or services, including charitable services or appeals and political services or appeals, and which are not related to goods, products or services comprising a primary use on the premises on which the sign is located, being either:

- (1) Poster panels or bulletins normally mounted on a building wall or free-standing structures with advertising copy in the form of pasted paper; or
- (2) Multi-prism signs - same as above, and alternating advertising messages on the one display area; or
- (3) Painted bulletins, where the advertiser's message is painted directly on the background of a wall-mounted or free-standing display area.

Board. The Zoning Board of Adjustment of the City of Levelland.

(Ordinance 635, sec. 2, adopted 11/17/81)

Brewpub. An establishment holding a brewpub license (BP) from the Texas Alcoholic Beverage Commission. (Ordinance 999 adopted 1/18/16)

Build. To erect, convert, enlarge, reconstruct, or structurally alter a building or structure.

Building. Any structure designed or built for the enclosure, support, shelter, or protection of persons, animals, chattels or property.

(Ordinance 635, sec. 2, adopted 11/17/81)

Bulk Storage of Wine. The temporary indoor storage of wine in barrels and/or vats for the purposes of aging and fermentation. Does not include the crushing of the fruit or the bottling of the wine for retail sale. (Ordinance 999 adopted 1/18/16)

City. The City of Levelland, Texas.

Clinic. An office or group of offices for one or more physicians, surgeons, dentists or chiropractors engaged in treating the sick or injured as outpatients.

Commission. The City Planning and Zoning Commission of the City of Levelland, Texas.

Council. The City Council of the City of Levelland, Texas.

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 article.

Day Nursery. A place maintained or conducted under public or private auspices which cares for no more than ten (10) children during a part of the twenty-four (24) hours of the day.

Dwelling. A building or portion thereof designed exclusively for residential occupancy, including one family, two family, and multiple family dwellings,

Dwelling, Townhouses or Condominiums. A dwelling unit consisting of a minimum of one thousand, three hundred (1,300) square feet of living area constructed as a series of dwelling units, and which are either attached to the adjacent dwelling or dwellings by party walls or are located immediately adjacent thereto with no visible separation between walls or roof. It is required by the City of Levelland that any townhouse or condominium have an attached garage. (Ordinance 673, sec. 6, adopted 10/5/83)

Dwelling, 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 under one (1) roof.

Dwelling, Multi-Family. A building designed for occupancy by three (3) or more individuals and/or families living independently of each other within separate units.

Dwelling, Single Family. A detached building designed exclusively for occupancy by one (1) family.

Dwelling, Two Family. A building or buildings designed for occupancy by two (2) individuals or families living independently of each other within separate units which do not have a common wall and are not

under one (1) roof but which are located on the same lot.

Dwelling Unit. one (1) or more rooms in a dwelling designed for occupancy by one (1) individual or family living independently as a single housekeeping unit, with no more than one (1) kitchen unit.

Efficiency Unit. A one (1) room dwelling, designed for occupancy by one (1) 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.

Family. A person or persons, occupying a dwelling, living together and maintaining a common household, of which not more than three (3) may be boarders or roomers.

Frontage.

(1) Street Frontage. All of the property on one side of a street between two intersecting streets (crossing or terminating), measured along the line of the street or if the street is deadened, then all of the property abutting on one side between an intersecting street and the dead end of the street.

(2) Lot Frontage. The distance for which the front boundary line of the lot and the street line are coincident.

Garage, Private. An accessory building for storage of motor vehicles.

Home Occupation. An occupation, profession, domestic craft, or economic enterprise which is customarily conducted in a "residential dwelling" as hereinafter defined, subject to compliance with each of the following conditions:

(1) "Residential Dwelling" as used in this section shall mean a detached building designed, used and occupied exclusively by members of one (1) family as a residence.

(2) That no person other than members of a family who reside in the residential dwelling be engaged in such occupation, profession, domestic craft or economic enterprise.

(3) That such use be and remain incidental and subordinate to the principal use of the residential dwelling as a family residence and the area utilized for such occupation, profession, domestic craft or economic enterprise shall never exceed twenty-five (25) percent of the total of the floor area of the residential dwelling.

(4) That to prevent increased traffic congestion in residential areas, no advertising of the occupation, profession, domestic craft or enterprise be conducted by means of any device such as a sign, display, handbills or other visible indication thereof displayed inside or outside the residential dwelling.

(5) That the residential dwelling shall maintain its residential character and shall not be altered or remodeled in order to create any type of exterior commercial appeal.

(6) That no exterior storage of material equipment and/or supplies used in conjunction with such occupation, profession, domestic craft or enterprise be placed, permitted or allowed on the premises occupied by the residential dwelling.

(7) That there be no offensive noise, vibration, smoke, dust, odors, heat or glare beyond the property lines.

(8) That such occupation, profession, domestic craft or enterprise be wholly within the residential dwelling and no accessory building be used in conjunction therewith, other than as storage.

(9) That only equipment be used in such occupation, profession, domestic craft or enterprise that is ordinarily used in a private home in a like amount and kind.

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.

(Ordinance 635, sec. 2, adopted 11/17/81)

HUD-Code Manufactured Home. Means a structure constructed on or after June 15, 1976, according to the rules of the United State Department of Housing and Urban Development, transportable in one or more sections, which in the traveling mode is eight body feet or more in width or 40 body feet or more in length, or when erected on site is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning and electrical systems. The terms does not include a recreational vehicle as that term is defined by 24 C.F.R. Section 3282.8(g).

HUD Manufactured Home Park. A HUD manufactured home park means any tract of land under single ownership where accommodation is provided for non-transient HUD manufactured home use.

HUD Manufactured Home Subdivision. A tract of land constituting a unified development oriented to HUD manufactured home dwelling which has been finally platted of record in its entirety in accordance with the City of Levelland Subdivision Regulations and in accordance with the specific provisions of zoning regulations No. 635 pertaining thereto.

(Ordinance 843 adopted 12/18/00)

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 (4) feet centers. All such landscape screens shall be permanently maintained.

Loading Space. An area within the main building or on the same lot, providing for the standing, loading or unloading of trucks, having a minimum dimension of 15 by 40 feet and a vertical clearance of at least 14 feet.

Lodging or Boarding House. A building other than a hotel where lodging and/or meals are provided for five or more persons for compensation pursuant to previous arrangements, but for the public or transient.

Lot. Means an undivided parcel of land adequate for occupancy by a use herein permitted, providing the yards, area, and off-street parking herein required and fronting directly upon a street, which parcel of land is identified by a tract or lot number in a duly approved subdivision plat of record .

Lot, Depth. The distance from the front street line to the rear line measured in the mean direction of the side lines.

(Ordinance 635, sec. 2, adopted 11/17/81)

Lot Line. The lines designated on a plat as being the boundaries of the lot.

Lot Line, Front. Any lot line that forms a boundary of a lot on the side where the primary structure or building faces a street and is contiguous to the street. Every property must have a front lot line.

Lot Line, Rear. Any lot line that forms a boundary of a lot and is contiguous to an alley and is not a front lot line.

Lot Line, Side. Any lot line that forms a boundary of a lot and does not meet the definition of a front lot line or a rear lot line.

(Ordinance 1025, sec. 2, adopted 10/16/17)

Lot, Width. The mean horizontal distance between side lines measured at right angles to the depth.
(Ordinance 635, sec. 2, adopted 11/17/81)

Mobile Home. Means a structure that was constructed before June 15, 1976, transportable in one or more sections, which in traveling mode is eight body feet or more in width or 40 body feet or more in length, or when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities and includes the plumbing, heating, air-conditioning and electrical systems. (Ordinance 843 adopted 12/18/00)

Modular Homes. A modular home is a dwelling that is manufactured in two or more modules at a location other than the homesite and which is designed to be used as a residence when the modules are transported to the homesite, and the modules are pinned together and installed on a permanent foundation system. The term modular home shall not mean nor apply to:

- (1) Sectional or panelized housing in which the basic components assembled at the home site are not at least three dimensional modules; and
- (2) Ready-built homes which are constructed so that entire living areas are contained in a single unit or section at a temporary location for the purpose of selling it and moving it to another location.

Nameplate. A sign not larger than two square feet in area identifying the owner or occupant of a premises and the street address and which does not contain flashing or intermittent illumination.

Nonconforming Use. A building or premises existing legally at the time of the passage of this article which does not by reason of use conform to the regulations of the district in which it is situated.

(Ordinance 635, sec. 2, adopted 11/17/81)

Off-Street Parking Space. An all weather surfaced area enclosed or unenclosed not in a street, alley or other right-of-way, and having an area of not less than one hundred and eighty (180) square feet, inclusive of driveways, permanently reserved for the temporary storage of one automobile and connected with the street by an all weather surfaced driveway which affords satisfactory ingress and egress for automobiles. (Ordinance 673, sec. 3, adopted 10/5/83)

Pool House. An accessory building located on the same property as a residential dwelling that is ancillary to and utilized in conjunction with a permanent in-ground or above-ground swimming pool. A pool house may contain a changing area or a changing room with a bathroom and shower. (Ordinance 1025, sec. 2, adopted 10/16/17)

Premises. Means land, together with any building or structures occupying it.

Ready-Built Homes. A ready-built home is a dwelling which is constructed so that the entire living area is contained in a single unit or section at a temporary location for the purpose of selling and moving it to another location to be placed on a permanent foundation system and the home completed for the purposes of making a livable residence.

Recreational Vehicle. A portable structure, self-propelled or towable by another vehicle, of such size and weight as not to require special highway movement permits, primarily designed, constructed or modified to provide temporary living quarters while in transit, or for recreational camping purposes or for profit. Recreational vehicles include travel trailers, camping trailers, truck campers, and motor homes.

Recreational Vehicle Park. A parcel of land on which two or more spaces are used or intended for use by transient recreational vehicles and their occupants.

Screening Fence. A solid six (6) feet fence or wall of wood, filled chain link, or masonry construction or equivalent landscape screen which shall be installed prior to or concurrently with the first building permit issued for a lot, and which shall be permanently maintained.

(Ordinance 635, sec. 2, adopted 11/17/81)

Servants Quarters. An accessory building located on the same property as a residential dwelling and used as living quarters for guests, servants employed on the premises only, or a related family member, not for rent or lease, not used for commercial purposes, which is clearly subordinate and incidental to the main residential dwelling and shares utilities with the main residential dwelling with no separate utility meters. (Ordinance 1025, sec. 2, adopted 10/16/17)

Sign, Business. A graphic device which identifies a business or advertises only the commodities or services offered on the premises where the sign is located .

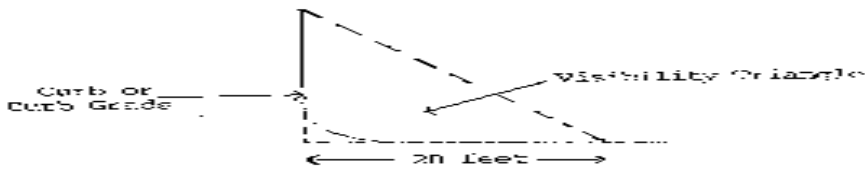
Street. A public thoroughfare which affords the principal means of access to abutting property.

Structure. Anything constructed or erected, which requires location on the ground, or attached to something having a location on the ground, including, but not limited to advertising signs, billboards and poster panels.

Structural Alterations. Any change in the supporting members of a building, including, but not limited to bearing walls or partitions, columns, beams or girders, or any substantial change in the roof or in the exterior walls.

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

Visibility Triangle. An unobstructed parcel of land located at the intersection of two streets across which vehicles must be able to see in order to allow safe traffic flow through intersections. Within the visibility triangle no foliage or structures are permitted to be taller than thirty-six (36) inches above the curb grades.



(Ordinance 635, sec. 2, adopted 11/17/81)

Wine Tasting Facility. An establishment for the sampling and retail sale of wine by the bottle and/or glass.

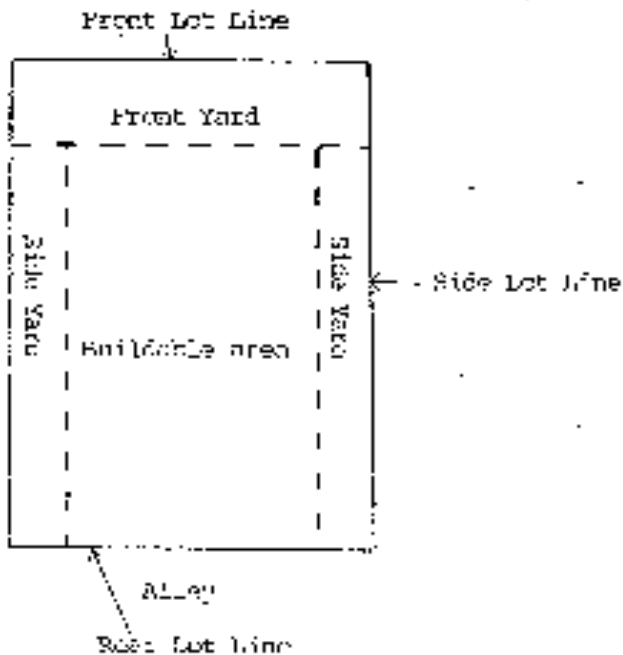
Winery. Wine production facility which can entail all processes of wine production as included in a state winery permit.

(Ordinance 999 adopted 1/18/16)

Yard. An open space on a lot unoccupied and unobstructed from the ground upward, except as otherwise provided in this article.

(1) Front Yard. 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 or more streets, the lot shall be considered to front on that street which the greatest number of lots abut.

(2) Yard, Side. An open unoccupied space on the same lot with the building between the main building and the adjacent side of the lot, and extending entirely from the front yard to the rear lot line thereof.



(Ordinance 635, sec. 2, adopted 11/17/81)

Sec. 9.503 Districts

The City of Levelland is hereby divided into classes of use districts termed respectively:

<u>District Symbol</u>	<u>District Name</u>	<u>Section Number</u>
------------------------	----------------------	-----------------------

SF-1	Restricted Single Family District	5
SF-2	Single Family District	6
Multi-1	Duplex District	7
Multi-2	Two Family District	8
Multi-3	Low Density Multi-Family District	9
Multi-4	High Density Multi-Family District	10
B-1	Local Business District	11
B-2	General Business District	12
B-3	Central Business District	13
I	Industrial	14

(Ordinance 635, sec. 3, adopted 11/17/81)

Sec. 9.504 Zoning Map

(a) Boundaries of the districts as enumerated in [Section 9.503](#) of this article are hereby established and adopted on the Zoning Map of the City of Levelland, which are made a part of this article as fully as if the same were set forth herein in detail.

(b) The Zoning Map adopted hereby shall bear the signature of the Mayor and attestation of the City Secretary for identification and authentication.

(c) It shall be the duty of the secretary of the Planning and Zoning Commission and of the Building Inspector to maintain the Zoning Map and to keep the Map up-to-date, showing all the changes, amendments, or additions which may occur to the Zoning Map.

(Ordinance 635, sec. 4, adopted 11/17/81)

Sec. 9.505 SF-1 Restricted Single Family District

(a) Purpose. The purpose of this district is to provide for restricted low density single family residential units, together with such public and semi-public buildings and facilities and accessory structures as may be necessary and compatible with a single family residential development.

(b) General Provisions.

(1) Single family dwelling units constructed in any zoning district shall comply with the regulations of the "SF-1" District.

(2) No use shall be permitted which is or would reasonably be injurious to the neighborhood residents or which would interfere with the safety or with the reasonable use and enjoyment of their property by reason of the emission of dust, smoke, odor, glare, noise, vibration, trash, junk, water spray, or by reason of any condition which would amount to a public nuisance at common law.

(3) No more than one dwelling unit shall be permitted per lot.

(c) Permitted Uses.

(1) Single family dwelling units which are constructed on the dwelling site.

(Ordinance 635, sec. 4, adopted 11/17/81)

(2) Public Parks, Public Buildings, Public or Private Schools (if curriculum is similar to public schools), and Colleges. Customary uses of such facilities are permitted as well as occasional public fund raising functions.

(3) Churches and other places of worship, including accessory use and buildings. Customary uses of such facilities are permitted as well as occasional public fund raising functions.

(Ordinance 678, sec. 1, adopted 1/3/84)

(4) Unlighted golf courses, but no commercial miniature courses or driving ranges.

(5) Day nurseries, provided that the residence must be owner occupied and not more than ten (10) children are kept at any one time.

(6) Cultivated farm land.

(7) Oil, gas, and service wells, provided they comply with [Chapter 4, Article 4.400](#) of the City Code.

(8) Accessory buildings of the following character:

(A) Private garage, tool house, green house, storage house or pool house.

(B) Bona fide servants quarters.

(C) Any accessory building closer than ten (10) feet from the main building shall be considered part of the main building and shall be required to comply with the same side yards required for the main building, an accessory building more than ten (10) feet from the main building may be erected on the side lot line but must be located at least five (5) feet from any street line.

(Ordinance 635, sec. 5, adopted 11/17/81)

(D) Located at least thirty feet (30') from the front lot line or at least ten feet (10') behind the front wall of the main residential dwelling, whichever is greater.

(E) Is not used for any commercial activity.

(F) Except for bona fide servants quarters is not used as living quarters for any person.

(G) Except for pool houses and servants quarters, the accessory building may not be plumbed to have more than one (1) toilet, one (1) sink basin and one (1) water heater with a maximum capacity of ten (10) gallons.

(H) Has a maximum square footage of 500 square feet or twenty-five percent (25%) of the main residential dwelling per accessory building, whichever is greater, with a combined square footage of all accessory buildings on the property of no greater than 2,500 square feet.

(I) The highest point of the accessory building is limited to ten (10) feet or the same level of the main residential dwelling or of the first story of the main residential dwelling of a multi-story main residential dwelling, whichever is greater.

(J) Accessory buildings with a door facing the alley must be setback from the rear lot line an amount equal to the width of the widest door opening or ten (10) feet, whichever is less. In no event, may the door of the accessory building, when open, obstruct or otherwise prevent the ability of a vehicle to freely traverse the alley.

(Ordinance 1025, sec. 3, adopted 10/16/17)

(d) Conditional Uses. The following uses may be permitted when approved by the Zoning Board of Adjustment.

(1) Any accessory building construction which may extend into the required front or side yards.

(2) The temporary, one year placement of a mobile home in the district, provided that the mobile home is skirted, and that it is supported and anchored in accordance with the Texas Department of Labor and Standards' Texas Mobile Home Tie-down Standards and provided the Board of Adjustment finds that there is a bona fide personal hardship necessitating the placement of the mobile home.

(3) Ambulance Service.

(4) Bona fide home occupations.

(Ordinance 635, sec. 5, adopted 11/17/81)

(5) Townhouses or Condominiums. (Ordinance 673, sec. 4, adopted 10/5/83)

(e) Yard Requirements.

(1) Front Yard. The minimum front yard shall be twenty-five (25) feet.

(2) Side Yard. There shall be a minimum side yard of five (5) feet on each side of any structure. Overhanging roof eaves and fireplaces may extend as much as twenty-four (24) inches into a side yard.

(f) Lot Width. The minimum width of any lot shall be sixty (60) feet.

(g) Lot Area. The minimum area of any lot shall be seven thousand five hundred (7,500) square feet.

(h) Off-Street Parking.

(1) Single Family Dwellings. Two (2) parking spaces are required, and driveways may be used as parking spaces.

(2) Churches and Other Places of Worship. One (1) parking space shall be required within two hundred (200) feet of the church's entrances for each five seats in the main auditorium.

(3) Places of Public Assembly. One (1) parking space shall be required for each four seats in the main auditorium.

(4) Schools. Ten (10) parking spaces shall be required for each classroom in high schools and colleges, 2 parking spaces shall be required for each classroom in elementary schools.

(5) All Other Uses. The same as required for that use or a similar type use found elsewhere in this article.

(Ordinance 635, sec. 5, adopted 11/17/81)

(i) Signs. The following signs shall be permitted:

(1) One nameplate for occupants of each residential unit.

(2) Traffic and official public signs.

(3) Temporary signs as permitted in [Section 9.309](#) of the city code.

(4) Signs for churches, public buildings and semi-public buildings, religious, educational or philanthropic institutions or lodges, fraternities, sororities, hospitals, clinics, nonprofit clubs, and other nonprofit organizations lawfully located within a SF-1 zoning district that meet the following criteria:

(A) One (1) freestanding, monument or illuminated sign with a maximum of forty-eight (48) square feet in message area and a maximum height of the lesser of sixteen (16) feet or the height of the building on which the sign is located. Electronic signs are permitted so long as they do not cause a glare or brightness to a degree that it constitutes a hazard or creates a nuisance by interfering with the reasonable enjoyment of neighboring property by a person of ordinary sensibilities.

(Ordinance 1043 adopted 9/9/19)

(j) Oil, Gas and Service Wells. All oil, gas and service wells in any zoning district shall be surrounded by a minimum of a six (6) foot high solid screening fence.

(Ordinance 635, sec. 5, adopted 11/17/81)

(k) Accessory Buildings on Residential Lots Greater Than One (1) Acre in Size: The following special exceptions may be permitted when approved by the zoning board of adjustment:

(1) Construction of an accessory building, prior to the construction of the main structure provided the accessory building:

(A) Is a permanent structure constructed on site of where the main residential structure will be built;

- (B) The highest point of the accessory building is limited to eighteen feet (18');
 - (C) Located at least one hundred feet (100') from the front lot line, twenty feet (20') from the side lot line and twenty feet (20') from the rear lot line;
 - (D) Has a six (6) foot solid screening fence between the accessory building and any adjacent property with a residential structure already located on the property unless the owner of the adjoining property provides written consent for the accessory building to be constructed without a screening fence; and
 - (E) Complies with all other applicable accessory building regulations not in conflict with the provisions outlined in this subsection (k)(1).
- (2) Construction which would cause the combined square footage of all accessory buildings on the property to exceed 2,500 square feet.
 - (3) Has a maximum square footage exceeding twenty-five percent (25%) of the main building.
- (Ordinance 1025 adopted 10/16/17)

Sec. 9.506 SF-2 Single Family District

- (a) Purpose. The purpose of this district is to provide for low density single family residential units, together with such public and semi-public buildings and facilities and accessory structures as may be necessary and compatible with a single family residential development.
- (b) General Provisions.
 - (1) Single family dwelling units constructed in any zoning district shall comply with the regulations of the "SF-1" District.
 - (2) No use shall be permitted which is or would reasonably be injurious to the neighborhood residents or which would interfere with the safety or with the reasonable use and enjoyment of their property by reason of the emission of dust, smoke, odor, glare, noise, vibration, trash, junk, water spray or by reason of any condition which would amount to a public nuisance at common law.
 - (3) No more than one dwelling unit shall be permitted per lot.
- (c) Permitted Uses.
 - (1) Single family dwelling units which are constructed upon the dwelling site.
(Ordinance 635, sec. 6, adopted 11/17/81)
 - (2) HUD Manufactured homes, provided that it is installed, skirted, supported, and anchored in accordance with the regulations of the Texas Department of Housing and Community Affairs authorized by V.T.C.A. Occupations Code, Chapter 1201; and provided further, that all skirting shall be of a color, texture, material, and appearance that is compatible with the siding on the manufactured home, and is not allowed to be rusted, rotted, or otherwise deteriorated. (Ordinance 916, sec. 4, adopted 12/3/07)
 - (3) Modular homes or ready-built homes. (Ordinance 635, sec. 6, adopted 11/17/81)
 - (4) Public parks, public buildings, public or private schools (if curriculum is similar to public schools), and colleges. Customary uses of such facilities are permitted as well as occasional public fund raising functions.
 - (5) Churches and other places of worship, including accessory use and buildings. Customary uses of such facilities are permitted as well as occasional public fund raising functions.
(Ordinance 678, sec. 1, adopted 1/3/84)
 - (6) Unlighted golf courses, but no commercial miniature courses or driving ranges.
 - (7) Day nurseries, provided that the residence must be owner occupied and not more than ten children are kept at any one time.
 - (8) Cultivated farm land.
 - (9) Oil, gas and service wells, provided they comply with [Chapter 4, Article 4.400](#) of the city code.
 - (10) Accessory buildings of the following character:
 - (A) Private garage, tool house, green house, storage house or pool house.

(B) Bona fide servants quarters.

(C) Any accessory building closer than ten (10) feet from the main building shall be considered part of the main building and shall be required to comply with the same side yards required for the main building; an accessory building more than ten (10) feet from the main building may be erected on the side lot line but must be located at least five feet from any street line.

(Ordinance 635, sec. 6, adopted 11/17/81)

(D) Located at least thirty feet (30') from the front lot line or at least ten feet (10') behind the front wall of the main residential dwelling, whichever is greater.

(E) Is not used for any commercial activity.

(F) Except for bona fide servants quarters, is not used as living quarters for any person.

(G) Except for pool houses and servants quarters, the accessory building may not be plumbed to have more than one (1) toilet, one (1) sink basin and one (1) water heater with a maximum capacity of ten (10) gallons.

(H) Has a maximum square footage of 500 square feet or twenty-five percent (25%) of the main residential dwelling per accessory building, whichever is greater, with a combined square footage of all accessory buildings on the property of no greater than 2,500 square feet.

(I) The highest point of the accessory building is limited to ten (10) feet or the same level of the main residential dwelling or of the first story of the main residential dwelling of a multi-story main residential dwelling, whichever is greater.

(J) Accessory buildings with a door facing the alley must be setback from the rear lot line in an amount equal to the width of the widest door opening or ten (10) feet, whichever is less. In no event, may the door of the accessory building, when open, obstruct or otherwise prevent the ability of a vehicle to freely traverse the alley.

(Ordinance 1025, sec. 4, adopted 10/16/17)

(11) Single family dwelling houses originally built on a site as an "on-site built" dwelling, which is moved from the original site to a lot or lots and reinstalled on a permanent foundation, subject to the provisions of [Section 9.506\(1\)](#). (Ordinance 845 adopted 4/17/01)

(d) Conditional Uses. The following uses may be permitted when approved by the zoning board of adjustment.

(1) Any accessory building construction which may extend into the required front or side yards.

(2) Ambulance Service.

(3) Bona fide home occupations.

(4) Mobile Home Subdivisions.

(Ordinance 635, sec. 6, adopted 11/17/81)

(5) Child Care Center. (Ordinance 673, sec. 1, adopted 10/5/83)

(6) Townhouses or Condominiums. (Ordinance 673, sec. 5, adopted 10/5/83)

(7) The temporary, one year placement of a mobile home in the district, provided that the mobile home is skirted, and that it is supported and anchored in accordance with the Texas Department of Labor and Standards Texas Mobile Home tie-down standards and provided the Board of Adjustment finds that there is a bona fide personal hardship necessitating the placement of the mobile home.

(Ordinance 673, sec. 9, adopted 10/5/83)

(8) Bed and Breakfast operations, subject to the particular requirements of the board of adjustment.

(Ordinance 849 adopted 11/6/01)

(e) Yard Requirements.

(1) Front Yard. The minimum front yard shall be twenty-five (25) feet.

(2) Side Yard. There shall be a minimum side yard of five (5) feet on each side of any structure. Overhanging roof eaves and fireplaces may extend as much as twenty-four (24) inches into a side yard.

(f) Lot Width. The minimum width of any lot shall be fifty (50) feet.

- (g) Lot Area. The minimum area of any lot shall be six thousand (6,000) square feet.
- (h) Off-Street Parking.
- (1) Single Family Dwellings. Two (2) parking spaces are required, and driveways may be used as parking spaces.
- (2) Churches and Other Places of Worship. One (1) parking space shall be required within 200 feet of the church's entrances for each five seats in the main auditorium.
- (3) Places of Public Assembly. One (1) parking space shall be required for each four seats in the main auditorium.
- (4) Schools. Ten (10) parking spaces shall be required for each classroom in high schools and colleges, two (2) parking spaces shall be required for each classroom in elementary schools.
- (5) All Other Uses. The same as required for that use or a similar type use found elsewhere in this article.

(Ordinance 635, sec. 6, adopted 11/17/81)

- (i) Signs. The following signs shall be permitted:
 - (1) One nameplate for occupants of each residential unit.
 - (2) Traffic and official public signs.
 - (3) Temporary signs as permitted in [Section 9.309](#) of the city code.
 - (4) Signs for churches, public buildings and semi-public buildings, religious, educational or philanthropic institutions or lodges, fraternities, sororities, hospitals, clinics, nonprofit clubs, and other nonprofit organizations lawfully located within a SF-2 zoning district that meet the following criteria:
 - (A) One (1) freestanding, monument or illuminated sign with a maximum of forty-eight (48) square feet in message area and a maximum height of the lesser of sixteen (16) feet or the height of the building on which the sign is located. Electronic signs are permitted so long as they do not cause a glare or brightness to a degree that it constitutes a hazard or creates a nuisance by interfering with the reasonable enjoyment of neighboring property by a person of ordinary sensibilities.

(Ordinance 1043 adopted 9/9/19)

- (j) Mobile Home Subdivisions. Notwithstanding any restrictions contained in this article, the following regulations shall apply for Mobile Home Subdivisions.
 - (1) A mobile home subdivision shall be located with free access to a public street or highway.
 - (2) No mobile home shall be located nearer than ten (10) feet from either side boundary lot line or nearer than five (5) feet from the back boundary lot line.

Mobile homes located on streets that connect at both ends with streets located outside the subdivision shall be set not less than twenty-five (25) feet from the front lot boundary line. On all other streets within the subdivision, mobile homes shall be set not less than ten (10) feet from the front lot boundary line.

In computing the distance from any lot boundary line, the "tongue" or hitch of the mobile home shall not be considered as part of the mobile home.

- (3) Not less than two (2) off-street parking spaces shall be provided for each lot. Driveways may be used as parking spaces, but the interior of any garage or carport shall not be considered as a parking space.
- (4) Any garage erected, placed or located on a lot shall not extend closer than ten (10) feet from any side boundary lot line, and shall be so located on the lot so that one or more of the off-street parking spaces are located between it and the front boundary lot line.
- (5) All alleys located in the subdivision shall be not less than twenty (20) feet wide, and shall be located so as to allow vehicular access from each end.
- (6) Due to the density of dwelling units within the subdivision and to prevent excessive vehicular traffic through a subdivision, to the maximum extent possible streets will be so located and arranged so as to minimize the number of streets connecting at both ends with public streets or highways located outside the subdivision.

(7) All streets within the subdivision that do not connect at both ends with streets located outside the subdivision shall be not less than thirty-four (34) feet in width, located on a right of way at least fifty (50) feet in width.

All streets within the subdivision that do connect at both ends with streets located outside the subdivision shall comply with the Subdivision Ordinance of the City of Levelland.

(8) All streets and alleys shall be constructed in conformity with all applicable regulations of the City of Levelland, and shall be dedicated to the city.

(9) All mobile homes located within the subdivision shall comply with all regulations of the City of Levelland pertaining to mobile homes.

(10) Each applicant for a mobile home subdivision shall, at the time he submits a proposed plat, submit a proposed set of deed restrictions applying to each lot in the subdivision containing appropriate provision for single-family development. Such proposed deed restrictions shall contain a provision that they shall expire not later than twenty (20) years after their filing date. However, they may provide for a means of extension for periods of definite duration upon concurrence of the then owners of the individual lots.

(11) One platted lot may be combined with another lot which shall thereafter be considered as one lot, but no later re-subdivision of any such lot shall be permitted that would result in a violation of subsection (2), (3), (4), or (9)

(12) No more than one dwelling unit shall be permitted per lot.

(13) To the extent not in conflict with the requirements herein set forth for Mobile Home Subdivisions, all of the other provisions of Chapter 9, Article 9.300 shall apply to Mobile Home Subdivisions.

(Ordinance 697, sec. 1, adopted 2/19/85)

(k) Child Care Centers. Notwithstanding any restrictions contained in this article, the following regulations shall apply for child care centers.

(1) A child care center shall consist of facilities, preferably in conjunction with a church or a school, suitable for caring for seven or more children in a day, away from parents or guardians.

(2) Child care centers will be required to meet all requirements set forth by the Texas Department of Human Resources relating to child care centers before permission may be granted for a conditional use.

(3) Child care centers may not begin to operate until such time as certification from the State of Texas has been granted. Application may be made for the conditional use necessary for location of a child care center in the City of Levelland before such certification is obtained, but any conditional use granted by the city shall be immediately terminated if state certification is terminated at any time for any reason. The conditional use shall also terminate upon finding that any provision of this article has been falsified or if any requirement of this article is not maintained by the applicant. Before such termination shall be made by the Board of Adjustment, due notice shall be given to applicant with the opportunity to correct the violation. The conditional use shall also terminate in the event that state certification is not obtained within six (6) months from the date that the conditional use is granted by the City of Levelland.

(4) There shall be at least thirty (30) square feet of indoor activity space for each child care center, measured wall to wall on the inside of the building, not including single use areas as defined by the Texas Department of Human Resources.

(5) Child care centers shall have at least eighty (80) square feet of outdoor play area for each child using the area at one time. All outdoor play areas used by children shall be accessible by a safe route and enclosed by a building or fence at least four (4) feet high with at least two exits.

(6) Child care centers must provide a loading zone which shall be an off street space for loading and unloading children on the same lot with the child care center. The loading zone shall be surfaced with an all weather material and connected by a drive constructed of similar all weather material with a public street; and such loading zone and its drive shall also have a separate marked entry and exit for ingress and egress from a public street or other appropriate means of access. Such loading zone and drive shall permit traffic flow in one direction only.

(Ordinance 673, sec. 2, adopted 10/5/83)

(l) Single Family "Moved In" Dwellings. All single family dwellings permitted under [Section 9.506\(c\)\(11\)](#)

shall meet the following requirements:

- (1) Upon completion of installation, the dwelling unit will have the appearance of a dwelling constructed on the lot.
- (2) Before occupancy or use, the dwelling unit will be brought into compliance with all codes, rules and ordinances in effect at the time the dwelling unit is moved to the site.
- (3) Until the requirements of (1) and (2), above are met to the satisfaction of the building official, no connections, other than temporary construction connections to the municipal water and wastewater systems, electric supply and natural gas supply will be permitted.

(Ordinance 845 adopted 4/17/01)

(m) Accessory Buildings on Residential Lots Greater Than One (1) Acre in Size: The following special exceptions may be permitted when approved by the zoning board of adjustment:

(1) Construction of an accessory building, prior to the construction of the main structure provided the accessory building:

(A) Is a permanent structure constructed on site of where the main residential structure will be built;

(B) The highest point of the accessory building is limited to eighteen feet (18');

(C) Located at least one hundred feet (100') from the front lot line, twenty feet (20') from the side lot line and twenty feet (20') from the rear lot line;

(D) Has a six (6) foot solid screening fence between the accessory building and any adjacent property with a residential structure already located on the property unless the owner of the adjoining property provides written consent for the accessory building to be constructed without a screening fence; and

(E) Complies with all other applicable accessory building regulations not in conflict with the provisions outlined in this subsection (k)(1).

(2) Construction which would cause the combined square footage of all accessory buildings on the property to exceed 2,500 square feet.

(3) Has a maximum square footage exceeding twenty-five percent (25%) of the main building.

(Ordinance 1025 adopted 10/16/17)

Sec. 9.507 Multi-1 Duplex District

(a) Purpose. The purpose of this district is to provide for residential areas of slightly higher densities and for double occupancy of residential buildings in areas compatible with the SF-1 districts.

(b) General Provisions.

(1) No more than one duplex shall be permitted per lot.

(2) No use shall be permitted which is or would reasonably be injurious to the neighborhood residents or which would interfere with the safety or the reasonable use and enjoyment of their property by reason of the emission of dust, smoke, odor, glare, noise, vibration, trash, junk, water spray, or by reason of any condition which would amount to a public nuisance at common law.

(c) Permitted Uses.

(1) Any use unconditionally permitted in the "SF-1" District.

(2) Duplexes constructed on the dwelling site.

(d) Conditional Uses. The following uses may be permitted when approved by the Zoning Board of Adjustment.

(1) Any use conditionally permitted in the "SF-1" District.

(e) Yard Requirements.

(1) Front Yard. The minimum front yard shall be twenty-five (25) feet.

(2) Side Yard. There shall be a minimum side yard of five (5) feet on each side of any structure. Overhanging roof eaves and fireplaces may extend as much as twenty-four (24) inches into a side yard.

(f) Lot Width. The minimum lot width of any lot shall be seventy-five feet.

(g) Lot Area.

- (1) The minimum area for any lot with a single family dwelling shall be six thousand (6,000) square feet.
- (2) The minimum area for any lot with a duplex dwelling unit shall be seven thousand five hundred (7,500) square feet.

(h) Off-Street Parking.

- (1) Single Family Dwellings. Two (2) parking spaces required.
- (2) Duplexes. Two (2) parking spaces required for each dwelling unit.
- (3) All Other Uses. The same as required for that use or a similar type use found elsewhere in this article.

(Ordinance 635, sec. 7, adopted 11/17/81)

(i) Signs. The following signs shall be permitted:

- (1) One nameplate for occupants of each residential unit.
- (2) Traffic and official public signs.
- (3) Temporary signs as permitted in [Section 9.309](#) of the city code.
- (4) Signs for churches, public buildings and semi-public buildings, religious, educational or philanthropic institutions or lodges, fraternities, sororities, hospitals, clinics, nonprofit clubs, and other nonprofit organizations lawfully located within a Multi-1 zoning district that meet the following criteria:
 - (A) One (1) freestanding, monument or illuminated sign with a maximum of forty-eight (48) square feet in message area and a maximum height of the lesser of sixteen (16) feet or the height of the building on which the sign is located. Electronic signs are permitted so long they do not cause a glare or brightness to a degree that it constitutes a hazard or creates a nuisance by interfering with the reasonable enjoyment of neighboring property by a person of ordinary sensibilities.

(Ordinance 1043 adopted 9/9/19)

Sec. 9.508 Multi-2 Two-Family District

(a) Purpose. The purpose of this district is to provide for residential areas of slightly higher densities, for double occupancy of residential buildings and for two mobile homes to be placed as dwelling units on single lots.

(b) General Provisions.

- (1) A duplex unit constructed in any zoning district except the Multi-1 district shall comply with the regulation of the "Multi-2" District.
- (2) No more than one duplex shall be permitted per lot.
- (3) No more than two mobile homes shall be permitted per lot.
- (4) No use shall be permitted which is or would reasonably be injurious to the neighborhood residents or which would interfere with the safety or the reasonable use and enjoyment of their property by reason of the emission of dust, smoke, odor, glare, noise, vibration, trash, junk, water spray, or by reason of any condition which would amount to a public nuisance at common law.

(c) Permitted Uses.

- (1) Any use unconditionally permitted in the "SF-1", "SF-2" or "Multi-1" Districts.
- (2) Duplexes.
- (3) Two family dwelling units.
- (4) Two mobile homes on a single lot.

(d) Conditional Uses. The following uses may be permitted when approved by the Zoning Board of Adjustment.

Any use conditionally permitted in the "SF-1", "SF-2" or "Multi-1" Districts.

(e) Yard Requirements.

- (1) Front Yard. The minimum front yard shall be twenty-five (25) feet.
- (2) Side Yard. There shall be a minimum side yard of five (5) feet on each side of any structure. Overhanging roof eaves and fireplaces may extend as much as twenty-four (24) inches into a side yard.
(Ordinance 635, sec. 8, adopted 11/17/81)
- (3) As a condition to the placement of two mobile homes on a single lot as provided in [Subsection 9.508\(c\)\(4\)](#), neither mobile home shall be located nearer than ten (10) feet from each side lot boundary line, and in addition there shall be not less twenty (20) feet of unobstructed space between the two mobile homes.

This requirement shall override and control over the provisions of subsection (2).

- (4) In the event two dwelling units are located on a lot as contemplated by [Subsection 9.508\(c\)\(3\)](#) and one of such dwelling units is a mobile home, the mobile home shall be located not less than ten (10) feet from each side boundary lot line and there shall be not less than twenty (20) feet of unobstructed space between the mobile home and the other dwelling unit.

(Ordinance 697, adopted 2/19/85, Section 6)

- (f) Lot Width. The minimum lot width of any lot shall be fifty (50) feet.

- (g) Lot Area.

- (1) The minimum area for any lot with a single family dwelling shall be six thousand (6,000) square feet.

- (2) The minimum area for any lot with two-family dwelling units or a duplex shall be six thousand (6,000) square feet.

- (3) The minimum area for any lot with two mobile homes on a lot shall be six thousand (6,000) square feet.

- (h) Floor Area Ratio. A maximum of .50 square feet of total floor area for each one (1) square foot of lot area is permitted.

- (i) Off-Street Parking.

- (1) Single Family Dwellings. Two (2) parking spaces required.

- (2) Duplexes and Two Family Dwellings. Two (2) parking spaces required for each dwelling unit.

- (3) All Other Uses. The same as required for that use or a similar type use found elsewhere in this article.

(Ordinance 635, sec. 8, adopted 11/17/81)

- (j) Signs. The following signs shall be permitted:

- (1) One nameplate for occupants of each residential unit.

- (2) Traffic and official public signs.

- (3) Temporary signs as permitted in [Section 9.309](#) of the city code.

- (4) Signs for churches, public buildings and semi-public buildings, religious, educational or philanthropic institutions or lodges, fraternities, sororities, hospitals, clinics, nonprofit clubs, and other nonprofit organizations lawfully located within a Multi-2 zoning district that meet the following criteria:

- (A) One (1) freestanding, monument or illuminated sign with a maximum of forty-eight (48) square feet in message area and a maximum height of the lesser of sixteen (16) feet or the height of the building on which the sign is located. Electronic signs are permitted so long as they do not cause a glare or brightness to a degree that it constitutes a hazard or creates a nuisance by interfering with the reasonable enjoyment of neighboring property by a person of ordinary sensibilities.

(Ordinance 1043 adopted 9/9/19)

- (k) Separation Requirement.

- (1) There must be a linear separation of at least ten (10) feet between each residential building to be located upon a lot.

(Ordinance 635, sec. 8, adopted 11/17/81)

Sec. 9.509 Multi-3 Low Density Multifamily District

- (a) Purpose. The purpose of this district is to promote medium density, multiple occupancy development. Architectural design, landscaping, screening, and parking areas shall be so provided as to insure maximum protection of any adjacent lower density use areas.
- (b) General Provisions. No use shall be permitted which is or would reasonably be injurious to the neighborhood residents or which would interfere with the safety or the reasonable use and enjoyment of their property by reason of the emission of dust, smoke, odor, glare, noise, vibration, trash, junk, water spray, or by reason of any condition which would amount to a public nuisance at common law.
- (c) Permitted Uses.
- (1) Any use unconditionally permitted in the "SF-1", "SF-2", "Multi-1", or "Multi-2" Districts.
 - (2) Multi-family dwellings, apartments and townhouses.
 - (3) Accessory uses, limited to a rental office, club rooms, recreational rooms, pools, and laundries.
- (d) Conditional Uses. The following uses may be permitted when approved by the Zoning Board of Adjustment.
- (1) Any use conditionally permitted in the "SF-1", "SF-2", "Multi-1", or "Multi-2" Districts.
 - (2) Mobile home park.
- (e) Yard Requirements.
- (1) Front Yard. The minimum front yard shall be twenty-five (25) feet.
 - (2) Side Yard. There shall be a minimum side yard of five (5) feet on each side of any single story structure and ten (10) feet on each side of any two (2) story structure.
- (f) Lot Width. The minimum width of any lot shall be fifty (50) feet.
- (g) Lot Area. The minimum area for any lot with single family dwelling, duplex, two family dwelling units or multi-family dwelling units shall be six thousand (6,000) feet.
- (h) Floor Area Ratio. A maximum of .50 square feet of total floor area for each one (1) square foot of lot area is permitted.
- (i) Off-Street Parking.
- (1) Single Family Dwelling. Two (2) parking spaces required.
 - (2) Duplexes and Two-Family Dwelling. Two (2) parking spaces required for each dwelling unit.
 - (3) Multi-Family Dwellings. Two (2) parking spaces required for each one-bedroom unit, two (2) spaces for each two (2) or more bedroom units, plus one (1) additional space for each four (4) units in the development.
 - (4) All Other Uses. the same as required for that use or a similar type use found elsewhere in this article.
- (j) Alley Screening. Whenever any property located in a "Multi-3" zoned district is adjacent to any "SF-1" or "Multi-1" zoned district, on either side or to the rear, even if separated by an alley, a six (6) feet high solid screening fence shall be installed and permanently maintained on the development lot along the adjacent property line. No such screening fence is required when the adjacent property is separated from the development lot by a publicly dedicated street.
- (Ordinance 635, sec. 9, adopted 11/17/81)
- (k) Signs. The following signs shall be permitted:
- (1) One nameplate for occupants of each residential unit.
 - (2) Traffic and official public signs.
 - (3) Temporary signs as permitted in [Section 9.309](#) of the city code.
 - (4) Signs for churches, public buildings and semi-public buildings, religious, educational or philanthropic institutions or lodges, fraternities, sororities, hospitals, clinics, nonprofit clubs, and other nonprofit organizations lawfully located within an M-3 zoning district that meet the following criteria:
 - (A) One (1) freestanding, monument or illuminated sign with a maximum of forty-eight (48) square

feet in message area and a maximum height of the lesser of sixteen (16) feet or the height of the building on which the sign is located. Electronic signs are permitted so long as they do not cause a glare or brightness to a degree that it constitutes a hazard or creates a nuisance by interfering with the reasonable enjoyment of neighboring property by a person of ordinary sensibilities.

(5) One (1) identification sign that does not utilize or incorporate flashing, moving, or intermittent illuminations, with a maximum of forty-eight (48) square feet in message area and a maximum height the lesser of twenty-five (25) feet or the height of the building on which the sign is located.

(Ordinance 1043 adopted 9/9/19)

(l) Site Plan Review. No building permit shall be issued until the City Manager or Building Inspector has reviewed a site plan for a building sign and has approved the same as to off street parking spaces, the location of private driveways, and the availability of ingress and egress to off-street parking sites.

(m) Separation Requirement. There must be a linear separation of at least ten (10) feet between each building located upon a tract of land.

(Ordinance 635, sec. 9, adopted 11/17/81)

(n) (1) Design, Construction, and Maintenance of HUD Manufactured Home Parks and Vacation Travel Trailer Parks.

(A) (i) All new HUD manufactured home park and vacation travel park construction permitted hereby shall comply with the requirements and standards set out in all relevant sections of the city code, including but not limited to, subdivision regulations, building code, plumbing code, electrical code and zoning regulations.

(ii) HUD manufactured home parks and vacation travel trailer parks in existence upon the effective date of this article shall comply with this article when updating their existing facilities. Updating shall mean major remodeling or replacement of existing facilities, but shall not include normal maintenance.

(B) All HUD manufactured home parks and vacation travel trailer parks constructed in whole or in part after the effective date of this article shall conform to the following requirements:

(i) Landscaping: A "green-belt" not less than five feet (5') in width consisting of growing trees, or grass, or other ground cover shall be maintained along the perimeter of HUD manufactured home parks and vacation travel trailer parks with omissions made for interior street entrances and exists and along those boundary lines adjacent to a similar "green-belt" already in existence. Exposed ground surfaces in all parks shall be protected with a vegetative growth that is capable of preventing soil erosion and of eliminating dust.

(ii) Density: The following maximum densities shall apply to HUD manufactured home parks and vacation travel trailer parks:

HUD manufactured homes – nine (9) per acre.

Vacation travel trailers – fifteen (15) per acre.

(iii) Initial development of any HUD manufactured home park shall not be less than .85 acre fully improved with serviced spaces. All site plans shall define the initial development area.

(iv) HUD manufactured home and vacation travel trailer minimum setback and spacing requirements:

HUD manufactured Vacation

Spacing: Home Travel Trailer

Between HUD manufactured home structure 10' 10'

End to end parking 10' 6'

HUD manufactured Vacation

Setbacks: Home Travel Trailer

From permanent structures (excluding individual storage structures,

patio roofs and carports) 10' 5'

From patio roof or carport

of one HUD manufactured structure to

adjacent HUD manufactured structure 3' 3'

Rear and side park property

lines 10' 5'

Front park property lines 25' 15'

From interior streets 10' 10'

From cul-de-sac streets 15' 10'

Space Width: 35' 25'

(v) Tenant Storage: HUD manufactured home parks shall provide storage facilities of one hundred twenty (120) cubic feet minimum on each HUD manufactured home space.

(vi) Patio Roofs and Carports: HUD manufactured home and vacation travel trailer spaces may have open unenclosed patio roofs and carports of metal, fiberglass or other materials.

(vii) Utilities: Utilities shall be provided at the expense of developer as follows:

a. Water Supply: An adequate supply of potable water for domestic and fire protection purposes shall be supplied to meet the requirements of the park. HUD manufactured home and vacation travel trailer spaces shall be provided with a water hookup at least four (4) inches above the ground and hose connection for lawn maintenance.

b. Sewage Disposal: Waste from showers, bathtubs, toilets, lavatories in HUD manufactured homes, vacation travel trailers and service or other buildings within the park shall be discharged into a public sewer system in compliance with applicable ordinances. In the event public services are not available, such waste shall be discharged into a private disposal system approved by the City-County Health Unit.

c. Natural Gas: HUD manufactured home park spaces shall be provided with a natural gas hookup at least four (4) inches above the ground.

d. Electrical Service: Service shall be provided throughout HUD manufactured home parks and vacation travel trailer parks, and service to individual HUD manufactured homes and vacation travel trailers shall meet the requirements as set forth in the City Electrical Code.

(viii) Lighting shall be provided at the expense of developer as follows: Street lighting within the HUD manufactured home parks and vacation travel trailer parks shall be provided along all internal streets. Light standards shall have a height and spacing to insure an average illumination level of not less than two-tenths (0.2) footcandles shall be maintained.

(ix) Interior streets shall be provided at the expense of developer as follows:

a. Interior streets shall be of hard surface and shall permit unobstructed access to within at least two hundred feet (200') of any portion of each HUD manufactured home or vacation travel trailer;

b. All interior streets shall be privately built and maintained by the owner or agent;

c. The internal streets shall be continuous and connect with other internal streets or with public streets, or shall be provided with a cul-de-sac having a minimum diameter of fifty feet (50'). No internal street ending in a cul-de-sac shall exceed five hundred feet (500') in length; and

d. Interior streets where on-street parking is permitted shall not be less than thirty-five feet (35') in width. In HUD manufactured home parks and vacation travel trailer parks where no on-street parking is permitted, the interior streets shall not be less than twenty feet (20') in width.

(x) Parking: One (1) off-street hard-surface parking space shall be provided for each HUD manufactured home space, and one (1) additional guest hard-surface parking space shall be provided in a common area for each three (3) HUD manufactured homes in the park. Such parking spaces shall not be over three hundred feet (300') from the HUD manufactured homes they serve. Vacation travel trailer parks shall provide one (1) automobile parking space for each vacation travel trailer space and one (1) additional guest parking space shall be provided in a common area for each four (4) vacation travel trailer spaces in the park. Such parking shall not be over two hundred feet (200') from the travel

trailers they serve.

(xi) Recreation Area:

a. Extent: Recreation areas and facilities in HUD manufactured home parks such as playgrounds, swimming pools and community buildings shall be provided which in the judgment of the park licensee or agent will meet the anticipated needs of the clientele which the park is designed to serve. Provision of separate adult and tot lot recreation areas is encouraged.

b. In HUD manufactured home parks of four (4) acres or more, at least five percent (5%) of the gross site area shall be devoted to recreational facilities, generally provided in a central location. In large parks, this may be decentralized. Recreation areas include space for community buildings and community use facilities such as adult recreation and child play areas, swimming pools and drying yards, but not including vehicle parking areas.

c. Playground Location: When playground space is provided, it shall be so designated and shall be protected from traffic, thoroughfares, and parking areas. Such space shall be maintained in a sanitary condition and free of safety hazards.

(xii) Sanitation Facilities: Vacation travel trailer parks shall provide toilets, baths or showers, and other sanitation facilities which shall conform to the following requirements:

a. The toilet and other sanitation facilities for males and females shall be either in separate buildings or shall be separated, if in the same building, by a soundproof wall. Such service buildings shall be well-lighted and ventilated at all times with screened openings. These service buildings shall be maintained in clean, sightly condition and kept free of any condition that could menace the health of any occupant. Service buildings shall be located not closer than five feet (5') nor farther than two hundred feet (200') from any vacation travel trailer space.

b. An adequate supply of hot water shall be provided at all times in any required service buildings, and for all bathing, washing, cleansing and laundry facilities.

c. Toilet Facilities:

1. Males: Toilet facilities for males shall consist of not less than one (1) flush toilet for every fifteen (15) vacation travel trailers, and one (1) urinal for every fifteen (15) vacation travel trailers, one (1) shower with individual dressing accommodations for every ten (10) vacation travel trailers.

2. Females: Toilet facilities for females shall consist of not less than one (1) flush toilet for every ten (10) vacation travel trailers, one (1) shower with individual dressing accommodations for every ten (10) vacation travel trailers.

(xiii) Refuse and Garbage Handling:

a. Centrally located dumpster containers sufficient to handle the refuse generated by HUD manufactured home parks and vacation travel trailer parks may be provided. Such dumpsters shall be located in designated areas where pickup will be made by the city.

b. If refuse is gathered at the individual sites, it shall be stored in flytight, watertight, rodent-proof containers, which shall be located at each HUD manufactured home and vacation travel trailer site. Containers for this use shall be provided in sufficient number and capacity to store properly all refuse.

c. The park licensee or agent shall insure that the individual site refuse containers are emptied regularly or collected and stored centrally and maintained in a sanitary condition for pickup by the city.

(xiv) Fire Protection:

a. Fire hydrants approved by the city fire chief shall be installed so that no HUD manufactured home space or vacation travel trailer space will be over five hundred feet (500') from a hydrant setting on a six inch (6") water main.

b. There shall not be any storage under the HUD manufactured homes or vacation travel trailers of any items that would create a fire hazard.

c. The HUD manufactured home park or the vacation travel trailer park licensee or agent shall be responsible for maintaining the conditions of this section and for maintaining the entire area of the park free of dry brush, leaves and weeds.

(xv) Supervision: A responsible attendant or supervisor, owner or operator shall be in charge at all

times to keep the HUD manufactured home park or vacation travel trailer park, its facilities and equipment in a clean, orderly and sanitary condition and he shall be answerable, with the licensee, for any violation of the provisions of this article.

(2) Permits for Construction.

(A) All applications for HUD manufactured home park and vacation travel trailer park permits shall be made upon standard forms provided by the building inspector and shall contain the following:

(i) Name and address of the applicant; and

(ii) Location and legal description of the HUD manufactured home park or vacation travel trailer park.

(B) To this application shall be attached two (2) copies of a site plan, at a minimum scale of one inch (1") equals one hundred feet (100'). One print of the plot plan is to be circulated by the building inspector to each of the city departments designated in this article for approval prior to issuing the permit. This plot plan does not replace or supersede the subdivision plat of the property required by state law to be recorded in the county records of the county in which the property is located, after review and approval of the zoning commission.

(C) Permit Fee: All applications to the building inspector shall be accompanied by a fee as provided for in the fee schedule found in the appendix of this code.

(D) Issuance of Permit: When upon review of the application the building inspector is satisfied that the proposed plan meets the requirements of this article, a permit shall be issued.

(E) Appeal From Denial of Permit by the Building Inspector: Any person affected by the refusal of the building inspector to issue a permit under the provisions of this article as set out in this section may request and shall be granted a hearing on the matter before the city council, provided that such person shall file within thirty (30) days after the date the permit was refused, in the office of the building inspector, a written petition requesting such hearing and setting forth a brief statement of the grounds therefor. Upon receipt of such petition, the building inspector shall forward it to the city secretary who shall request the city council to set a time and place for such hearing and shall give the petitioner written notice thereof. At such hearing the petitioner shall be given an opportunity to be heard and to show why such refusal should be modified or withdrawn.

(F) Hearing Order: After such hearing, the city council shall issue an order in writing sustaining, modifying or withdrawing the refusal which order shall be served as provided in this section hereof. Upon failure to comply with an order by the city council sustaining or modifying a decision thereof, the occupancy permit and the license of the park affected by the order shall be revoked.

(3) Permits.

(A) (i) A permit is required annually for each HUD manufactured home park or vacation travel trailer park. It shall be unlawful for any person to operate any such park within the limits of the city unless he holds a valid permit issued annually by the city tax department in the name of such person for the specific park.

(ii) This annual permit can be issued when the owner or agent shows written evidence that the HUD manufactured home park or vacation travel trailer park and its facilities have been inspected and approved by the city-county health department and the city fire department not more than thirty (30) days prior to the date of permit application. This nontransferable permit may be obtained at the city tax office.

(iii) The city tax department shall send out notices thirty (30) days before expiration date and follow-up to insure this annual permit is obtained.

(B) Display: The permit shall be conspicuously posted in the office of the HUD manufactured home park or vacation travel trailer park at all times.

(C) Revocation: The permit to maintain and operate a HUD manufactured home park or vacation travel trailer park shall be revoked by the city tax department upon ten (10) days' notice when recommended by the city-county health department, building inspector, or fire department on the finding of a violation of any provision of this article. A new permit may be issued if the circumstances leading to revocation have been remedied.

(4) Inspection.

(A) Inspection Required: The building inspector, the city-county health officer, the fire chief, the police chief and the tax assessor-collector are hereby authorized and directed to make such inspections as are necessary to determine compliance with this article.

(B) Entry on Premises: The building inspector, the city-county health officer, the fire chief, the police chief and the tax assessor-collector shall have the power to enter at reasonable times upon any private or public property for the purpose of inspecting and investigating conditions relating to the enforcement of this article.

(C) Inspection of Register: The building inspector, the city-county health officer, the fire chief, the police chief and the tax assessor-collector shall have the power and authority in discharging their official duties to inspect the register containing a record of all residents of the HUD manufactured home or vacation travel trailer park.

(D) Duty of Occupants: It shall be the duty of every occupant of a HUD manufactured home park or vacation travel trailer park to give the permittee, his agent or authorized employee access to any part of such park at reasonable times for the purpose of making such repairs or alterations as are necessary to effect compliance with this article.

(E) Register of Occupants: It shall be the duty of the permittee to keep a register containing a record of all HUD manufactured home and vacation travel trailer owners and occupants located within the park. This register shall be kept for a period of two (2) years and be readily available for inspection by law enforcement officers, public health officials and other officials whose duties necessitate acquisition of the information contained in the register. The register shall contain the following information:

- (i) Name and address of each occupant;
- (ii) The make, model, year, license number and state registration of all automobiles, HUD manufactured homes and vacation travel trailers;
- (iii) The date of arrival and departure of each HUD manufactured home and vacation travel trailer; and
- (iv) Information forms will be furnished by the city.

(Ordinance 843 adopted 12/18/00; Ordinance 916, sec. 2, adopted 12/3/07)

Sec. 9.510 Multi-4 High Density Multi-Family District

(a) Purpose. The purpose of this district is to promote high density multifamily developments in harmony with lower density uses while being mindful of traffic circulation patterns by requiring frontage on major thoroughfares. Architectural design, landscaping, screening, and parking areas shall be so provided as to insure maximum protection of any adjacent lower density use areas.

(b) General Provisions. No use shall be permitted which is or would reasonably be injurious to the neighborhood residents or which would interfere with the safety or the reasonable use and enjoyment of their property by reason of the emission of dust, smoke, odor, glare, noise, vibration, trash, junk, water spray, or by reason of any condition which would amount to a public nuisance at common law.

(c) Permitted Uses.

- (1) Any use unconditionally permitted in the "SF-1", "SF-2", "Multi-1", "Multi-2", or "Multi-3" Districts.
- (2) Religious, educational or philanthropic institutions.
- (3) Clubs, lodges, fraternities or sororities, where the chief activity is not a business.

(d) Conditional Uses. The following uses may be permitted when approved by the Zoning Board of Adjustment.

- (1) Any use conditionally permitted in the "SF-1" "SF-2", "Multi-1", "Multi-2", or "Multi-3" Districts.
- (2) Barber Shops and Beauty Shops[.]
- (3) Hospitals, clinics (except mental or veterinary), nursing homes and homes for the aged.

(e) Yard Requirements.

- (1) Front Yard. The minimum front yard shall be twenty-five (25) feet.
- (2) Side Yard. There shall be a minimum side yard of five (5) feet on each side of any single story structure and ten (10) feet on each side for any two-story structure.

- (f) Lot Width. The minimum width of any lot or grouping of lots for a Multi-4 site shall be one hundred (100) feet.
- (g) Lot Area.
- (1) The minimum area for any lot with a single family dwelling shall be five thousand (5,000) square feet.
- (2) The minimum area for any lot with duplexes, two family dwelling units or multi-family units shall be six thousand (6,000) square feet.
- (3) The minimum lot area for multi-family dwelling units using the high density residential district floor area ratio shall be ten thousand (10,000) square feet.
- (h) Floor Area Ratio. A maximum of .75 square feet of total floor area for each one (1) square foot of land area is permitted.
- (i) Off Street Parking.
- (1) Single Family Dwelling. Two (2) parking spaces required.
- (2) Duplexes or Two-Family Dwelling. Two (2) parking spaces required for each dwelling unit.
- (3) Multi-Family Dwellings. Two (2) parking spaces required for each one-bedroom unit, two spaces for each two or more bedroom units, plus one (1) additional space for each four units in the same development.
- (4) Multi-Family Dwelling Units Using the High Density Residential District Floor Area Ratio. One (1) parking space required for each efficiency unit, one and one-half (1-1/2) space for each one bedroom unit, two (2) spaces for each unit with two (2) bedrooms, two and one-half (2-1/2) spaces for each unit with three (3) or more bedrooms, additionally, one (1) extra space for each four (4) dwelling units in a development.
- (5) Clubs, Lodges, Fraternities and Sororities. one space for each one hundred (100) square feet of gross floor area.
- (6) All Other Uses. the same as required for that use or a similar type use found elsewhere in this article.
- (j) Alley Screening. Whenever any property located in a "Multi-4" zoned district is adjacent to any "SF-1", "SF-2", "Multi-1", or "Multi-2" zoned district, on either side or to the rear, even if separated by an alley, a six (6) feet high solid screening fence shall be installed and permanently maintained on the development lot along the adjacent property line. No such screening fence is required when the adjacent property is separated from the development lot by a publicly dedicated street.

(Ordinance 635, sec. 10, adopted 11/17/81)

- (k) Signs. The following signs shall be permitted:
- (1) One nameplate for occupants of each residential unit.
- (2) Traffic and official public signs.
- (3) Temporary signs as permitted in [Section 9.309](#) of the city code.
- (4) Signs for churches, public buildings and semi-public buildings, religious, educational or philanthropic institutions or lodges, fraternities, sororities, hospitals, clinics, nonprofit clubs, and other nonprofit organizations lawfully located within a Multi-4 zoning district that meet the following criteria:
- (A) One (1) freestanding, monument or illuminated sign with a maximum of forty-eight (48) square feet in message area and a maximum height of the lesser of sixteen (16) feet or the height of the building on which the sign is located. Electronic signs are permitted so long as they do not cause a glare or brightness to a degree that it constitutes a hazard or creates a nuisance by interfering with the reasonable enjoyment of neighboring property by a person of ordinary sensibilities.
- (5) One (1) identification sign that does not utilize or incorporate flashing, moving, or intermittent illuminations, with a maximum of forty-eight (48) square feet in message area and a maximum height the lesser of twenty-five (25) feet or the height of the building on which the sign is located.

(Ordinance 1043 adopted 9/9/19)

- (l) Site Plan and Review. No building permit shall be issued until the City Manager or Building Inspector

has reviewed a site plan for a building site and has approved the same as to off-street parking spaces, the location of private driveways, and the availability of ingress and egress to off-street parking sites.

(m) Separation Requirement. There must be a linear separation of at least ten (10) feet between each building located upon a tract of land.

(Ordinance 635, sec. 10, adopted 11/17/81)

Sec. 9.511 B-1 Local Business District

(a) Purpose. The purpose of this district is to provide local neighborhood residential areas with limited convenience services and small retail type items.

(b) General Provisions.

(1) No use shall be permitted which is or would reasonably be injurious to the neighborhood residents or which would interfere with the safety or the reasonable use and enjoyment of their property by reason of the emission of dust, smoke, odor, glare, noise, vibration, trash, junk, water spray, or by reason of any condition which would amount to a public nuisance at common law.

(2) When proposed development in this district is adjacent to any residentially zoned district, on either site or to the rear, even if separated by an alley, a six (6) feet solid screening fence or an equivalent landscape screen shall be installed and permanently maintained on the development lot along the adjacent property line. A solid wall of a building, when permitted to be located on the property line, shall constitute adequate screening.

(c) Permitted Uses.

(1) Any uses conditionally or unconditionally permitted in any of the Residential Districts, except those listed conditionally in this section.

(2) Grocery store.

(3) Television or household appliance repair shop.

(4) Restaurants where dining room facilities are provided inside the building and at which no outside drive-up or walk-up service is offered.

(5) Gasoline pumps as an accessory use to another use permitted in this District

(6) Offices and Clinics.

(7) Self-service laundry.

(d) Conditional Uses. The following uses may be permitted when approved by the Zoning Board of Adjustment.

Small stores and small shops where goods and merchandise are sold at retail.

(e) Yard Requirements.

(1) Front Yard. The minimum front yard shall be twenty (20) feet.

(2) Side Yard. There shall be no side yard requirement except when the property is adjacent to any Residential Districts, in which case the minimum side yard requirement shall be five (5) feet.

(f) Lot Width.

(1) The minimum width of any lot used for a single family dwelling, two-family dwelling and low density multi-family dwellings shall be fifty (50) feet.

(2) The minimum width of any lot used for high density, multifamily dwelling units shall be one hundred (100) feet.

(3) There shall be no minimum lot width for any other type of use in this district other than those described above for residential uses.

(g) Lot Area.

(1) The minimum area for any lot with a single family dwelling shall be five thousand (5,000) square feet.

(2) The minimum area for any lot with duplexes, two-family dwelling units or multi-family units shall be 6,000 square feet.

(3) The minimum lot area for multi-family dwelling units using the high density residential district floor area ratio shall be 10,000 square feet.

(4) There shall be no minimum lot area requirement for any other type of use in this district other than those described above for residential uses.

(h) Off-Street Parking.

(1) Commercial Uses. One parking space required for each two hundred (200) square feet of display area.

(2) All Other Uses. the same as required for that use or a similar type use found elsewhere in this article.

(i) Alley Screening. As described in General Provision, subsection (b).

(Ordinance 635, sec. 11, adopted 11/17/81)

(j) Signs. The following signs shall be permitted:

(1) Permanent signs not exceeding the maximum sign message area for businesses.

(2) Sign as permitted for that use or a similar type use found in the residential districts of this article.

(3) Temporary signs as permitted in [Section 9.309](#) of the city code.

(Ordinance 1043 adopted 9/9/19)

(k) Site Plan and Review. No building permit shall be issued until the City Manager or Building Inspector has reviewed a site plan for a building site and has approved the same as to off-street parking spaces, the location of private driveways, and the availability of ingress and egress of off-street parking sites. (Ordinance 635, sec. 11, adopted 11/17/81)

Sec. 9.512 B-2 General Business District

(a) Purpose. The purpose of this district is to provide for heavy retail and wholesale commercial uses which serve a wide area. Such districts should have frontage on major trunk thoroughfares which are designed to safely carry a high volume of traffic.

(b) General Provisions.

(1) No use shall be permitted which is or would reasonably be injurious to the neighborhood residents or which would interfere with the safety or the reasonable use and enjoyment of their property by reason of the emission of dust, smoke, odor, glare, noise, vibration, trash, junk, water spray, or by reason of any condition which would amount to a public nuisance at common law.

(Ordinance 635, sec. 12, adopted 11/17/81)

(2) All businesses shall be conducted entirely within a building. Outside storage of any type shall be prohibited except in conjunction with the on premises sale or rental of motor vehicles, trailers, fully constructed portable buildings, plants, plant material, garden and yard equipment, lumber, and building supplies, and farm implements. (Ordinance 673, adopted 10/5/83, Section 11)

(3) When proposed development in this district is adjacent to any residentially zoned district, on either side or to the rear, even if separated by an alley, a six (6) feet solid screening fence or an equivalent landscape screen shall be installed and permanently maintained on the development lot along the adjacent property line. A solid wall of a building, when permitted to be located on the property line, shall constitute adequate screening.

(Ordinance 635, sec. 12, adopted 11/17/81)

(c) Permitted Uses.

(1) Any uses conditionally or unconditionally permitted in any of the residential districts or in the B-1 District except mobile home subdivisions and mobile home parks.

(Ordinance 697, adopted 2/19/85, Section 7)

(2) Mini Storage Buildings.

(3) Retail or wholesale stores and shops.

(4) Bicycle and lawnmower sales and repair shops.

- (5) Radio, television and electrical appliance sales and repair.
- (6) Tool rental shops.
- (7) Office supply and printing services.
- (8) Personal service shops, such as shoe repair, tailoring, dress making and similar shops.
- (9) Laboratories and studios.
- (10) Funeral homes or mortuaries.
- (11) Animal hospitals and pet and grooming shops where there are no open kennels or open exercise runs.
- (12) Hotels or motels.
- (13) Carwash facilities.
- (14) Billboards, provided such sign is not closer than 400 feet to another such sign.
- (15) Newspaper printing establishment.
- (16) New and Used Car Dealership.

(Ordinance 635, sec. 12, adopted 11/17/81)

- (17) Wine Tasting Facility. (Ordinance 999 adopted 1/18/16)

(d) Conditional Uses.

- (1) Mobile Home Subdivisions.
- (2) Mobile Home Parks.

(Ordinance 697, sec. 9, adopted 2/19/85)

- (3) Sexually oriented businesses, upon such conditions and limitations as required by the zoning board of adjustment. (Ordinance 908, sec. 2, adopted 3/5/07)
- (3) Sexually oriented businesses, upon such conditions and limitations as required by the zoning board of adjustment. (Ordinance 908, sec. 2, adopted 3/5/07)
- (4) Bulk Storage of Wine.
- (5) Winery so long as it is consistent with the light manufacturing requirements outlined in this section.

- (6) Light manufacturing so long as all manufacturing is conducted indoors, limited to 5,000 square feet of dedicated manufacturing space where the manufactured product is offered for retail sale in an attached retail outlet or storefront.

(Ordinance 999 adopted 1/18/16)

(e) Yard Requirements.

- (1) Front Yard. The minimum front yard shall be twenty (20) feet. This section shall not be so construed as to permit obstruction of any nature on corner lots within the visibility triangle.
- (2) Side Yard. There shall be no side yard requirement except when the property is adjacent to any Residential Districts, in which case the minimum side yard requirement shall be five (5) feet.

(f) Lot Width.

- (1) The minimum width of any lot used for a single-family dwelling, two-family dwelling and low density multifamily dwellings shall be fifty (50) feet.
- (2) The minimum width of any lot used for high density, multifamily dwelling units shall be one hundred (100) feet.
- (3) There shall be no minimum lot width for any other type of use in this district other than those described above for residential uses.

(g) Lot Area.

- (1) The minimum area for any lot with a single-family dwelling shall be 5,000 feet.
- (2) The minimum area for any lot with duplexes, two-family dwelling units or multifamily units shall be

six thousand (6,000) square feet.

(3) The minimum lot area for multifamily dwelling units using the high density residential district floor area ratio shall be 10,000 square feet.

(4) There shall be no minimum lot area requirement for any other type of use in this district other than those described above for residential uses.

(h) Off-Street Parking.

(1) Commercial Uses. One (1) parking space required for each two hundred (200) square feet of display area.

(2) All Other Uses. the same as required for that use or a similar type use found elsewhere in this article.

(i) Alley Screening. As described in General Provision, subsection (b)(3)

(Ordinance 635, sec. 12, adopted 11/17/81)

(j) Signs. The following signs shall be permitted:

(1) Permanent signs not exceeding the maximum sign message area for businesses.

(2) Sign as permitted for that use or a similar type use found in the residential districts of this article.

(3) Temporary signs as permitted in [Section 9.309](#) of the city code.

(Ordinance 1043 adopted 9/9/19)

(k) Mobile Home Parks. Notwithstanding any restrictions contained in this article, the following regulations shall apply for Mobile Home Parks.

(1) A mobile home park shall be located with free access to a public street or highway. (Ordinance 697, adopted 2/19/85, Section 3)

(2) When the mobile home park is adjacent to any residentially zoned district, on either side or to the rear, even if separated by a side street or alley, a six (6) feet solid screening fence of wood or masonry construction, or an equivalent landscape screen shall be installed and permanently maintained on the development lot along the adjacent property line. A solid wall of a building, when permitted to be located on the property line, shall constitute adequate screening. (Ordinance 635, sec. 12, adopted 11/17/81)

(3) The number, location, and size of access drives shall be subject to approval by the City Planning and Zoning Commission. (Ordinance 697, adopted 2/19/85, Section 3)

(4) Internal access drives shall be not less than twenty-five 25 feet in width and shall be paved and maintained with a smooth hard surface and be properly drained. (Ordinance 635, sec. 12, adopted 11/17/81)

(5) There shall be no minimum lot area for mobile home sites or spaces in a park, except that there shall be not less than twenty (20) feet of unobstructed clearance between mobile homes. In computing this clearance, any attached carport, garage, porch, or other structure shall be considered as part of the mobile home. No mobile home shall be located closer than five (5) feet to any access drive. Each mobile home shall be properly skirted and shall be supported and anchored in accordance with all applicable state and local laws and regulations. (Ordinance 697, adopted 2/19/85, Section 3)

(6) Off-street parking spaces in a park shall be provided in the ratio of two (2) spaces per mobile home and placed in locations convenient to individual mobile homes or groups of mobile homes.

(7) The mobile home park shall conform to all other regulations contained in the City of Levelland building, gas, plumbing, and electrical codes .

(8) A park exceeding six hundred (600) feet in depth shall be required to install a six-inch water main, or such other size as required by the City Engineer, looped if possible, located within the park and instead at or near the edge of the pavement in a dedicated easement. Fire hydrants shall be located along the main so as to make fire protection available to all property in the park. This facility is to be installed at the park owner's expense and dedicated to the city and is to be maintained by the city.

(9) Outside lighting shall be erected in such a manner that it will neither be detrimental to nor project onto adjacent properties.

(Ordinance 635, sec. 12, adopted 11/17/81)

(l) Site Plan Review. No building permit shall be issued until the city manager or building inspector has reviewed a site plan for the mobile home park and has approved the same as to all off-street parking spaces, driveways, utilities, hook-ups, and other structures or improvements, and the availability of ingress and egress to off-street parking sites. (Ordinance 697, sec. 4, adopted 2/19/85)

Sec. 9.513 B-3 Central Business District

(a) Purpose. The purpose of this district is to provide for the commercial, financial and governmental focal point of the city. The principal difference in this district and General Business District is that buildings may be built to the front property line and it is impractical to require off-street parking spaces for each business on its own lot.

(b) General Provisions.

(1) No use shall be permitted which is or would reasonably be injurious to the neighborhood residents or which would interfere with the safety or the reasonable use and enjoyment of their property by reason of the emission of dust, smoke, odor, glare, noise, vibration, trash, junk, water spray, or by reason of any condition which would amount to a public nuisance at common law.

(2) All businesses shall be conducted entirely within a building. Outside storage of any type shall be prohibited except in conjunction with the on premises sale or rental of motor vehicles, trailers, fully constructed portable buildings, plants, plant material, garden and yard equipment, and construction supplies.

(3) When proposed development in this district is adjacent to any residentially zoned district, on either side or to the rear, even if separated by an alley, a six (6) feet solid screening fence or an equivalent landscape screen shall be installed and permanently maintained on the development lot along the adjacent property line. A solid wall of a building, when permitted to be located on the property line, shall constitute adequate screening.

(Ordinance 635, sec. 13, adopted 11/17/81)

(c) Permitted Uses. Any uses conditionally or unconditionally permitted in any of the residential districts or in the B-1 District or the B-2 District, except for mobile home subdivisions and mobile home parks. (Ordinance 697, adopted 2/19/85, Section 10)

(d) Conditional Uses.

(1) Mobile Home Subdivisions.

(2) Mobile Home Parks.

(Ordinance 697, adopted 2/19/85, Section 11).

(3) Brewpub.

(4) Bulk Storage of Wine.

(5) Winery so long as it is consistent with the light manufacturing requirements outlined in this section.

(6) Light manufacturing so long as all manufacturing is conducted indoors, limited to 5,000 square feet of dedicated manufacturing space where the manufactured product is offered for retail sale in an attached retail outlet or storefront.

(Ordinance 999 adopted 1/18/16)

(e) Yard Requirements.

(1) Front Yard. The minimum front yard for any lot used for a single family dwelling, two family dwelling or low density multi-family dwellings shall be twenty (20) feet.

(2) Front Yard. The minimum front yard for any lot used for high density multi-family dwellings shall be twenty-five (25) feet.

(3) Side Yard. There shall be no side yard requirement except when the property is adjacent to any Residential Districts, in which case the minimum side yard requirement shall be five (5) feet.

(f) Lot Width.

(1) The minimum width of any lot used for a single family dwelling, two family dwelling and low density multi-family dwellings shall be fifty (50) feet.

- (2) The minimum width of any lot used for high density, multifamily dwelling units shall be one hundred (100) feet.
- (3) There shall be no minimum lot width for any other type of use in this district other than those described above for residential uses.
- (g) Lot Area.
 - (1) The minimum area for any lot with a single family dwelling shall be five thousand (5,000) feet.
 - (2) The minimum area for any lot with duplexes, two family dwelling units or multi-family units shall be 6,000 square feet.
 - (3) The minimum lot area for multi-family dwelling units using the high density residential district floor area ratio shall be 10,000 square feet.
 - (4) There shall be no minimum lot area requirement for any other type of use in this district other than those described above for residential uses.
- (h) Off Street Parking. There shall be no off-street parking requirements in the district unless the lot is being used for a residential purpose in which case the parking space requirements of the residential districts shall be followed.
- (i) Alley Screening. As described in General Provision, subsection (b)(3)
(Ordinance 635, sec. 12, adopted 11/17/81)
- (j) Signs. The following signs shall be permitted:
 - (1) Attached permanent signs not exceeding the maximum sign message area for businesses.
 - (2) Temporary signs as permitted in [Section 9.309](#) of the of the city code including temporary signs on sidewalks during business hours that meet the criteria of Section 9.306(b)(2) of the city code.(Ordinance 1043 adopted 9/9/19)

Sec. 9.514 Industrial

- (a) Purpose. The purpose of this district is to provide suitable areas for industrial and heavy commercial uses along major thoroughfare corridors which may produce off-site noise, odor or dust. The regulations are designed to provide areas protected from residential use intrusions.
- (b) General Provisions.
 - (1) One caretakers home on the Industrial site is permitted.
 - (2) No use shall be permitted which is or would reasonably be injurious to the neighborhood residents or which would interfere with the safety or the reasonable use and enjoyment of their property by reason of the emission of dust, smoke, odor, glare, noise, vibration, trash, junk, water spray, or by reason of any condition which would amount to a public nuisance at common law.
 - (3) When proposed development in this district is adjacent to any residentially zoned district, on either side or to the rear, even if separated by a street or alley, a six (6) feet high solid screening fence or an equivalent landscape screen shall be installed and permanently maintained on the development lot along the adjacent property line.
 - (4) Notwithstanding anything in this article to the contrary, any residential use in existence in an Industrial District at the time of the passage of this article shall be permitted to continue. The residential use may be expanded, remodeled or conveyed in the Industrial District for so long as it is continuously utilized as a residence. An abandonment of the property as a residential use for a continuous period of twelve months shall cause the property to be treated as a nonconforming use under this article.
- (c) Permitted Uses.
 - (1) Oil Field Service Yards.
 - (2) Commercial welding or manufacturing shops.
 - (3) Any other nonresidential use for which no restrictions or conditions exist under the terms of this article.(Ordinance 635, sec. 14, adopted 11/17/81)

(4) Winery. (Ordinance 999 adopted 1/18/16)

(5) Game rooms as that term is defined in [Article 4.1400](#) of this code. (Ordinance 1039 adopted 2/4/19)

(d) Conditional Uses.

(1) Sexually oriented businesses, upon such conditions and limitations as required by the zoning board of adjustment. (Ordinance 908, sec. 3, adopted 3/5/07)

(e) Yard Requirements.

(1) Front Yard. No front yard is required. This section shall not be construed so as to permit obstructions of any nature on corner lots within the visibility triangle.

(2) Side Yard. There shall be no side yard requirements, except where the property is adjacent to any residentially zoned district, even if separated by an alley, the side yard requirement shall be five (5) feet.

(f) Off-Street Parking. One (1) parking space shall be required for every employee, computed using the maximum number of employees employed at any one time.

(g) Site Plan Review. No building permit shall be issued until the City Manager or Building Inspector has reviewed a site plan for a building site and has approved the same as to off-street parking spaces, the location of private driveways, and the availability of ingress and egress to off-street parking sites.

(Ordinance 635, sec. 14, adopted 11/17/81)

Sec. 9.515 General Zoning Rules

(a) All land annexed by the City of Levelland through voluntary or involuntary annexation procedures shall upon the date of annexation be designated as being in any zoning district that the Council shall direct.

(b) Whenever the council vacates a street or alley right-of-way, the adjacent districts shall extend to the center line of such vacation.

(c) Temporary building, including "mobile homes" used for construction offices are permitted in any district as accessory buildings only during the course of construction.

(d) Lots existing at the time of passage of this article.

(1) On lots which contain between four thousand (4,000) and six thousand (6,000) square feet in area, a one-family dwelling or other use may be erected provided the required yard regulations are observed.

(2) On any lot separately owned containing less than four thousand (4,000) square feet in area, a one-family dwelling may be erected provided the required yard regulations are observed. Where two (2) or more adjoining lots are under the same ownership, only a single one-family dwelling or other permitted use may be built on a fifty (50) feet width.

(e) On lots fronting on two (2) non-intersecting streets, a front yard shall be provided on each street except when a note appears on the recorded plat restricting access to one of the abutting streets in which case only one (1) front yard shall be required.

(f) Vision clearance. On any corner lot on which a front or side yard is required, no wall, fence, sign or other structure or any plant growth shall be permitted or maintained higher than three (3) feet above the curb grade within twenty (20) feet of the intersection of the curb grade lines. This area shall be known as the visibility triangle.

(g) Any fence, wall, hedge, shrubbery, etc. higher than a base line extending from a point three (3) feet above walk grade to a point four and one half (4-1/2) feet above walk grade at the depth of front yard required is an obstruction to view and a violation of this article, except single trees having trunks which are pruned to a height of six (6) feet above walk grade. Lots on a cul-de-sac will be permitted to waive the height restriction for fences and shrubbery upon obtaining the permission of the Building Inspector.

(h) Open fire escapes, fireproof outside stairways and balconies may project into a side yard a distance of not more than two (2) feet.

(i) Notwithstanding anything in this article to the contrary, any business use in existence in a

residential district at the time of the passage of this article shall be permitted to continue. The business use may be expanded, remodeled or conveyed in the residential district for so long as it is continuously utilized as a business. An abandonment of the property as a business use for a continuous period of twelve months shall cause the property to be treated as a nonconforming use under this article.

(Ordinance 635, sec. 15, adopted 11/17/81)

(j) Notwithstanding anything in this article to the contrary, any conditional use which may be granted to permit townhouses or condominiums in a single family-one (SF-1) or single family-two (SF-2) zoning district as allowed by [Section 9.505\(d\)\(5\)](#) or [9.506\(d\)\(6\)](#) of this article, the decision of the Zoning Board of Adjustment need not be final. After decision has been made by the Board to grant or deny the conditional use, any person may appeal the decision of the board to the city council of the City of Levelland by paying a Fifty Dollar (\$50.00) appeal fee in the office of the zoning administrator within ten (10) days of the Zoning Board of Adjustment's decision. If no appeal fee is paid within such ten (10) day period of time, the decision of the Zoning Board of Adjustment is final. In the event that the appeal fee is paid, the city council shall consider the conditional use at its next available meeting and by majority vote may approve or deny the conditional use request. (Ordinance 673, sec. 7, adopted 10/5/83)

(k) Notwithstanding anything in this article to be contrary, any building located on a cul-de-sac may be erected with the front portion in line with the other buildings on the street, however, garage entrances must have a minimum setback of twenty (20) feet from the front property line. (Ordinance 673, sec. 8, adopted 10/5/83)

(l) Notwithstanding anything in this article to the contrary, no more than two main buildings or mobile homes shall be permitted on any single lot or tract. In the case of unusually large lots or tracts, the Zoning Board of Adjustment may consider as a conditional use the granting of permission to allow more than two main buildings or mobile homes on a lot in any zoning district. (Ordinance 673, sec. 10, adopted 10/5/83)

(m) No mobile home shall be located less than ten (10) feet from the side boundary lot line of any lot, and there shall be not less than twenty (20) feet of unobstructed space between any mobile home and any other mobile home or other dwelling. (Ordinance 697, adopted 2/19/85, Section 13)

(n) No mobile home manufactured prior to June 15, 1976 that does not qualify as a HUD-code manufactured home shall be brought into, stored, set up, or used within the city limits. (Ordinance 916, sec. 3, adopted 12/3/07)

Sec. 9.516 Zoning Board of Adjustment

(a) Purpose. Since the state law requires a zoning ordinance to be a comprehensive plan in which the rules are uniform as to each zoning district and not by individual parcels of property, it is impractical if not impossible to provide for all special or unusual circumstances which might be applicable to a particular piece of property. In anticipation of such situations the State Zoning Law and this article make provision through a Board of Adjustment to deal with certain problems arising out of the application of the regulations. Decision of the Board are not appealable to the City Council.

(b) Creation. There shall be a Board of Adjustment, established and governed by Article 1011g of the Civil Statutes of Texas, and consisting of five (5) members appointed by the City Council, each to be appointed for a term of two (2) years, removable for cause by the appointing authority upon written charges and after a public hearing. Vacancies shall be filled for the unexpired term of any member whose term becomes vacant. The City Council may appoint up to four (4) alternate members to the Board who shall serve in the absence of one (1) or more regular members when requested to do so. The alternate members shall serve for the same period as the regular members and any vacancies shall be filled in the same manner, and alternates shall be subject to removal as the regular members.

(c) Powers.

(1) The Zoning Board of Adjustment shall not have the power to grant any special exception or variance which allows a use permitted in a less restricted Zoning District to be placed in a more restrictive Zoning District except for those uses provided for as "Conditional Uses", or in accordance with this section.

(2) The Board shall have the power to hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by an administrative official in the enforcement of this article.

(3) **Special Exceptions.** In order to provide for adjustment in the relative locations of uses and buildings of the same or different classifications, to promote the usefulness of this article, and to supply the necessary elasticity to its different operation, special exceptions are permitted by the terms of this article to be granted by the Board of Adjustment upon a showing of good cause.

(Ordinance 635, sec. 16, adopted 11/17/81)

(d) **Special Exceptions.** The following special exceptions may be permitted, if the board finds that in its opinion, as a matter of fact, such exceptions will not substantially affect adversely the uses of adjacent and neighboring property permitted by this article nor will the exceptions unduly hinder traffic conditions in the area.

(1) Where there is now a commercial use on a portion of the lot to allow a nonconforming commercial use to extend to the entire lot or a large portion of that lot.

(2) To waive or reduce the parking and loading requirements in any district whenever the character or use of the building is such as to make unnecessary the full provision of parking or loading facilities, or where such regulations would impose an unreasonable hardship upon the use of the lot.

(3) To authorize additions or substantial alternates to special permits.

(4) To determine in cases of uncertainty the classification as to district of any use not specifically named in this article, provided, however, such use shall be in keeping with uses specifically named in the district regulations.

(5) To authorize business signs to exceed the maximum height limitations of twenty-five (25) feet upon a finding by the board that the taller sign is so engineered as to be capable of withstanding the stresses of sustained winds in excess of one hundred ten (110) mph. A certification signed by a licensed engineer of the State of Texas will be prima facie evidence that the sign meets the wind stress requirement.

In granting any special exceptions under the provisions of this article, the board may designate such conditions in connection therewith, in its opinion, which will secure substantially the purpose and intent of this article. If the board's conditions are not met within sixty (60) days of the granting of the special exceptions, the board, on its own motion, may revoke the special exception and order the removal of all improvements made by the applicant for the special exception.

(Ordinance 646, adopted 3/16/82, Section 1)

(6) To authorize special exceptions to the strict compliance with the provisions of [Article 9.300](#) "Sign Regulations." (Ordinance 1043 adopted 9/9/19)

(e) **Conditional Uses.** The Board of Adjustment shall have the power to grant the following:

To grant conditional use permits in any zone where such uses are allowed by the provisions of this article. In granting any conditional uses under the provisions of this article, the Board may designate such conditions in connection therewith, in its opinion, which will secure substantially the purpose and intent of this article. If the Board's conditions are not met within sixty (60) days of the granting of the conditional use, the Board, on its own motion, may revoke the conditional use and order the removal of all improvements made by the applicant for the conditional use.

(f) **Variances.**

(1) The Board of Adjustment shall have the power to vary the regulations of any district so as to relieve difficulties or hardships in cases when and where, by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of the enactment of such regulation or restriction, or by reason of exceptional topographical conditions or other extraordinary and exceptional situations or conditions of such piece of property, the strict application of each regulation or restriction would result in peculiar and exceptional practical difficulties to, or exceptional hardship upon, the owner of such property. Such grant or variance shall comply, as nearly as possible, in every respect with the spirit, intent, and purposes of the zoning plan, it being the purpose of provision to authorize the granting of variation only for reasons of demonstrable and exceptional hardship as distinguished from variation sought by applicants for purposes or reasons of convenience, profit or caprice.

(2) In granting any variance under the provision of this article, the Board may designate such conditions in connection therewith, which, in its opinion, will secure substantially the purpose and intent of this article.

In the event that an applicant who is granted a variance with conditions attached, failed to meet those conditions within a reasonable time, the Board on its own motion, and due public hearing, may revoke the applicant's variance and order the property to be returned to the condition it was in prior to the application of the variance to the property.

(g) Lapse of Special Exception, Conditional Use or Variance. After the Board of Adjustment has approved a special exception or granted a conditional use or variance, the special exception or variance so approved or granted shall lapse after the expiration of one year, if no substantial construction or change of use has taken place in accordance with the plans for which such special exception, condition use or variance was granted, and the provisions of this article shall thereafter govern.

(h) Fees. Before any action shall be taken on any appeal to the Board of Adjustment necessitating the publication of notices or sending of notices, the appellant shall deposit with the City Secretary the sum of \$50.00 to cover costs and expenses relative thereto.

(i) Notice. Notices of hearing on any requests for special exceptions, conditional uses, appeals or variance shall be given in accordance with State Statutes as they may hereinafter be altered or amended. As a minimum, however, the following procedural steps shall be followed:

(1) For a request for a Special Exception, Conditional Use, Appeal or Variance, the Board of Adjustment shall cause to be issued by mail, written notice of a public hearing before the Board of Adjustment to all owners of city real property (owners as shown on the last approved city tax roll) whose property lies within two hundred (200) feet of the property in controversy.

(2) If part of the property within the two hundred (200) feet was annexed to the city since the approval of the last city tax roll, notice shall be given to those property owners by newspaper publication at least fifteen (15) days before the hearing.

(3) The mailed notices shall be properly addressed, postage paid and deposited in the city post office at least ten (10) days before the hearing date.

(4) At least fifteen (15) days before the public hearing before the Board of Adjustment for City Planning and Zoning Commission, notice shall be published one time in a newspaper of general circulation in the city.

(Ordinance 635, sec. 16, adopted 11/17/81)

Sec. 9.517 Special Permit Uses

(a) Purpose. In order to provide for design and land use flexibility in the various districts, certain uses of property may be applied for to the Planning and Zoning Commission of the City of Levelland. Upon a finding that the special permit use is in harmony with the purposes and objectives of the zoning regulations the Planning and Zoning Commission may recommend to the City Council that the special permit application be granted.

(b) Permitted Uses. Only those Special Permit uses stated in this section are permitted.

(1) Outdoor Theater in a B-2 or I District, provided: Approval be obtained from the State Highway Department when located on or near a state highway.

(2) Dog Kennels in a B-2 or I District, provided: There are no open pens in a B-2 District but fenced runs are permitted in an I District.

(3) Excavation of Sand and Gravel in the B-2 and I Districts provided: Applicant meets the requirements of Commission and Council.

(4) Recreation Vehicle or Travel Trailer Park in a B-2 District provided:

(A) Area shall be at least three acres in size with a minimum of 100 feet adjacent to a public street or highway.

(B) Recreational vehicle spaces will be rented by the day or week only and the occupant of a recreational trailer space shall remain in the same park not more than ninety (90) continuous days .

(C) Access to the park shall be from a public street or highway. The number and location of access drives shall be approved by the City Manager. No space for parking vehicles shall be designed for direct access to a street outside the premises of the park.

(D) Interior access drives shall not be less than eighteen (18) feet in width of pavement and shall be

paved and maintained with a hard surface that shall be well-drained. No parking shall be permitted on the pavement.

(E) Each space shall provide sufficient parking and maneuverability space so the parking or maneuvering of vehicles shall not necessitate- the use of any public street, sidewalk or right-of-way or any private property not a part of the park.

(F) There shall be no minimum lot area for recreational vehicles except that such vehicles be so harbored that there shall be at least a ten (10) feet unobstructed clearance between such vehicles and provided that no part of such vehicles shall be closer than twenty (20) feet to any building within the park nor closer than five (5) feet to any access drive. There shall be no more than fifteen (15) such recreational vehicles per acre of gross site area.

(G) There shall be at least one well-maintained recreational area, which shall be available for use by all occupants, and which shall total not less than eight (8%) per cent of the gross site area.

(H) Outside lighting shall be erected in such a manner that it not be detrimental to nor project onto adjacent properties.

(I) A business sign is permitted as an accessory use.

(J) Exposed ground surfaces in all parts of the park shall be paved or covered with screenings or other solid material, or protected with a vegetative growth that is capable of preventing soil erosion and eliminating objectionable dust.

(K) Storage, collection and disposal of refuse shall be so conducted as to create no health hazard, rodent harborage, insect breeding area, accident or fire hazard, or air pollution. All refuse shall be stored in fly-tight, water-tight, and rodent-proof containers, which shall be located not more than 150 feet from any recreational vehicle space.

(L) The person to whom the special permit is granted shall at all times operate the park in compliance with this article and shall provide adequate supervision to maintain the park, its facilities, and equipment in good repair and in a clean and sanitary condition at all times.

(5) Explosive Manufacture or Storage in the I District, provided: Approval of the Fire Chief obtained and additional conditions of Council are met.

(6) Livestock or Feed Yards in the I District, provided: Approval of Health Department obtained and additional conditions of Council are met.

(7) Stock Yards or Slaughtering of Animals in the I District, provided: Approval of Health Department obtained and additional conditions of Council are met.

(8) Fat Rendering and Distillation of Bones in the I District, provided: Approval of Health Department obtained and additional conditions of Council are met.

(9) Fertilizer Manufacture in the I District, provided: The process will not create any danger to the health or safety in residential areas of the city and will not create any offensive noise, vibration, smoke, dust, odors, heat, or glare in such residential areas.

(10) Cotton Gin and Compress in an I District, provided: Approval of Health Department obtained and additional conditions of Council are met.

(11) Junk Yards, Salvage or Scrap Operations, or Automobile Wrecking Yards in an I District, provided: Conditions of City Council are met and that the property be surrounded by at least a six (6) feet high solid screen fence and that material not be piled higher than the screening fence.

(12) Manufacture of Chemicals and Storage in Bulk in an I District, provided: Conditions of Council are met.

(13) Petroleum Refining and Storage in Bulk in an I District, provided: Conditions of Fire Marshal and City Council are met.

(14) Feed Grinding and Processing in an I District, provided: Conditions of Council are met.

(15) Curing, Tanning and Storage of Hides in an I District, provided: Conditions of Council are met.

(16) Any other use not listed but which may be potentially hazardous or objectionable because of the emission of smoke, noise, odor, toxic gas or glare permitted in the I District, provided: Conditions of City Council are met.

(17) Zero Lot Line houses in any residential district subject to the following conditions:

(A) Front Yard. The minimum front yard shall be fifteen (15) feet, provided that in no case shall a garage or carport fronting only a street be within twenty (20) feet of the street property line.

(B) Side Yard. There shall be no side yard requirements for one side of the house; however, the other side yard shall be a minimum of ten (10) feet, five (5) feet of which shall be an access easement for adjoining property maintenance.

No doors, windows or other openings shall be permitted on Zero (0) lot line side of houses.

All corner lots shall have a minimum of ten (10) feet side yard adjacent to a street.

(C) Lot Width. The minimum width of any development lot shall be thirty-five (35) feet.

(D) Lot Area. The minimum area of any development lot shall be twenty-eight hundred (2,800) square feet.

(E) Lot Coverage. The combined area of all structures shall not exceed sixty-five (65) percent of the lot area. Trellised and open porches shall not be counted in the combined area.

(F) Off-Street Parking. Single family dwellings shall have a minimum of two (2) approved parking spaces.

(G) Access. All lots shall have access either to a public street or to a private street meeting city street construction standards.

(18) Utility distribution facilities and appurtenances including water, sewer, electric, gas, telephone and television may be permitted in any district, except that power generation, and offices, may not be located in residential districts.

(c) Large Scale Residential Developments.

(1) Purpose. The purpose of this section is to encourage creative approaches for better quality and lower cost residential developments by permitting reasonable modifications of the standard zoning and subdivision regulations in a completely planned development.

(2) Plan Submission. The owner or owners of ten (10) acres or more within a Residential District may submit a plan to the Council showing in detail the manner in which the land is to be used, the location, size, character and appearance of buildings, and provision for street circulation, off-street parking, service areas, landscaping, etc.

(3) Time Limit. The Council shall submit such plan to the commission who shall have forty-five (45) days in which to investigate, hold public hearings and make a report and recommendations of the City Council on the plan.

(4) Procedure. The Commission shall review the proposed development as to its conformity to the comprehensive plan and recognized principles of civic design, land use planning and landscape architecture. The minimum yard requirements of the district in which the development is located shall not apply, except that the minimum yards shall be provided around the boundaries of the area being developed. The Commission may impose conditions regarding layout, traffic circulation, and may require that appropriate deed restrictions be filed that would be enforceable by the city and/or an approved home owners' association for a period of at least twenty (20) years from the date of filing.

The plan shall comply with applicable procedures of the Ordinance governing the subdivision of land. A plat of the development shall be recorded regardless of whether a subdivision is proposed and such plat shall show building lines, common land, if any, streets, easements and other applicable features required by the Ordinance regarding the subdivision of land.

The maximum number of dwelling units permitted shall comply with the requirements of the district or districts in which the development is located. The number of dwelling units permitted shall be determined by dividing the net development area by the minimum lot area per family required by the district or districts in which the area is located. The net development shall be determined by subtracting the area set aside for churches, schools, and commercial areas from the gross development area and deducting twenty (20) per cent of the remainder for streets regardless of the amount of land actually required for streets. The area of land set aside from common open space and recreational use shall be included in determining the number of dwelling units permit. The dwelling units may be one-family, two-family or multi-family provided.

For each three (3) acres of residential use in the development, there may be not more than one (1) acre for commercial use.

The proposed uses, signs, and off-street parking shall be approved by the Commission.

(d) Procedure.

(1) After receiving an application for a permit the Planning and Zoning Commission shall hold a public hearing thereon and determine the effect of such proposed use upon:

(A) The neighborhood character

(B) Traffic

(C) Public utilities

(D) Public health

(E) Public safety and general welfare

the public hearing shall be conducted following notice of a hearing in the style required by Article 1011f of Vernon's Revised Civil Statutes. If the City Planning and Zoning Commission makes no report within thirty (30) days of the public hearing, the Commission shall be considered to have made a report approving the proposed special permit. After the recommendations and report of the City Planning and Zoning Commission containing reasons for the recommendation have been filed, a public hearing shall be held by the City Council. Notice of such hearing shall be given by publication one time in the official publication of the City of Levelland, Texas, stating the time and place of such hearing, which time shall not be earlier than fifteen (15) days from the first day of such publication.

(2) The Planning and Zoning Commission in formulating their recommendations to the City Council and stating the reasons for the recommendation, may require from the applicant plans for construction and any other pertinent information which may help the Planning and Zoning Commission in reaching their determination of whether or not to recommend the special permit. In addition, the Planning and Zoning Commission may recommend to the City Council and the City Council may require in addition to the specified conditions inherent in the special permit, such other reasonable conditions and stipulations as are deemed to be necessary by the City Council for the protection of the immediate properties and for the protection of the neighborhood character around the special permit use.

(Ordinance 635, sec. 17, adopted 11/17/81)

Sec. 9.518 Nonconforming Buildings and Uses

(a) Purpose. The lawful use of any building, structure or land existing at the time of the enactment of this article may be continued although such use does not conform with the provisions of this article provided, however, the right to continue such nonconforming uses shall be subject to regulations prohibiting the creation of a nuisance and shall terminate when inappropriate use of the premises produces a condition which constitutes a nuisance and further, the right of nonconforming uses to continue shall be subject to such regulations as the maintenance of the premises and conditions of operation may, in the judgment of the Board of Adjustment, be reasonably required for the protection of adjacent property and further, the right of nonconforming uses to continue shall be subject to the specific regulations herein contained.

(b) Change of Use. A nonconforming use of a building or structure may be changed to another nonconforming use of the same or of a higher classification, provided no structural alterations are made in the building. If the use is changed to a higher classification or to a conforming use, it cannot be changed back to the original nonconforming use. For the purposes of this paragraph, the "same classification" means uses permitted in the same district; a "higher classification" means uses in a district with a prior listing in this article.

(Ordinance 635, sec. 18, adopted 11/17/81)

(c) Discontinuance of Nonconforming Use. If a nonconforming use of a building or premises is discontinued for a period of ninety (90) days or more, the use of such premises or building then must conform to the use regulations of the district in which it is located. (Ordinance 697, adopted 2/19/85, Section 12)

(d) Damage to Nonconforming Use. No building or structure which has been damaged by any cause whatsoever to the extent of more than fifty (50) percent of the fair market value of the building

immediately prior to the damage shall be restored except in conformity with the regulations of this article and all rights as a nonconforming use are terminated. If a building or structure is damaged by less than fifty (50) percent of its fair market value, it may be repaired or reconstructed and used as before the time of damage, provided that such repairs or reconstruction be substantially completed within twelve (12) months of the date of such damage.

(e) Enlargement of Nonconforming Use. A nonconforming use cannot be enlarged, extended, reconstructed or structurally altered unless changed to a conforming use.

(f) Special Permit Uses Not Nonconforming. Existing uses of the types eligible for special permits under Section 9.517 shall be conforming uses and shall receive a special permit for the existing use from the building inspector upon request. A special permit shall be required for any enlargement or addition .

(g) Intermittent and Illegal Uses. The occasional, intermittent, temporary or illegal use of land or buildings shall not be sufficient to establish the existence of a nonconforming use and the existence of a nonconforming use on the entire lot or tract.

(h) Nonconforming Uses Not Validated. A conforming use in violation of a provision of the Ordinance which this article repeals shall not be validated by adoption of this article.

(Ordinance 635, sec. 18, adopted 11/17/81)

Sec. 9.519 Amendment of Article

(a) Amendment. The City Council may from time to time, on its own motion or upon petition amend, supplement, change, modify by Ordinance the boundaries of districts or modify the regulations or restrictions herein established. Any proposed amendment, supplement, change or modification shall first be submitted to the City Planning and Zoning Commission for its recommendations and report. If the City Planning and Zoning Commission makes no report within thirty (30) days, it shall be considered to have made a report approving the proposed amendment, supplement, modification or change.

(b) Notice. Notices of hearing on any proposed amendment, supplement, change or modification shall be given in accordance with State Statutes as they now exist or as they may hereinafter be altered or amended. As a minimum, however, the following procedural steps shall be followed:

(1) For a proposed change in classification, the Planning and Zoning Commission shall cause to be issued by mail, written notice of a public hearing before the Planning and Zoning Commission to all owners of city real property (owners as shown on the last approved city tax roll) whose property lies within two hundred (200) feet of the property on which the change is proposed.

(2) If part of the property within the two hundred (200) feet was annexed to the city since the approval of the last city tax roll, notice shall be given to those property owners by newspaper publication at least fifteen (15) days before the hearing.

(3) The mailed notices shall be properly addressed, postage paid and deposited in the city post office at least ten (10) days before the hearing date.

(4) At least fifteen (15) days before the public hearing before the City Planning and Zoning Commission, notice shall be published one time in a newspaper of general circulation in the city.

(5) Following the hearing and recommendation of the Planning and Zoning Commission to the City Council, at least fifteen (15) days notice of the time and place of a public hearing on the proposal before the City Council shall be published in a paper of general circulation in the city.

(Ordinance 635, sec. 19, adopted 11/17/81)

(b-1) Notice Involving Substantial Amendments. Notices of hearings on any proposed amendments, supplements, changes, or modification proposed as part of a comprehensive review of this chapter undertaken by the Planning and Zoning Commission shall be given as follows:

(1) Prior to taking final action on any proposal to the City Council calling for substantial or comprehensive amendments, supplements, changes or modifications to this chapter, the Planning and Zoning Commission shall conduct a public hearing. Notice of this public hearing shall be published two times in a newspaper of general circulation in the city, the first publication being not less than fifteen (15) days prior to the public hearing, and the second publication being not more than seven (7) days prior to the public hearing.

(2) Prior to taking final action on a proposal from the Planning and Zoning Commission involving

substantial or comprehensive amendments, supplements, changes or modifications to this chapter, the City Council shall conduct a public hearing. Notice of this public hearing shall be published one time in a newspaper of general circulation in the City, with such publication being not less than fifteen (15) days prior to the public hearing.

(Ordinance 810, adopted 11/18/97)

(c) Twenty Percent Rule. If the city planning commission recommends against, or if a protest against such proposed amendment, supplement, change or modification shall be presented to the City Manager, duly signed by the owners of 20 percent or more, either of the area of lots or land included in such proposed change, or of the lots or land immediately adjoining the same, the modification shall not become effective except by the favorable vote of three-fourths (3/4) of all the members of the City Council.

(d) Fees. Before any action shall be taken as provided in this article, the applicant for such amendment shall deposit with the City Secretary the sum of \$100.00 to cover costs and expenses relative thereto.

(Ordinance 635, sec. 19, adopted 11/17/81)

(e) In any Ordinance changing the boundaries of any zoning district, or changing the zoning classification of any lot, block, tract or other parcel of land, the City Council shall have the authority to condition the approval of any such change in any manner deemed appropriate in order to protect the interests of other properties, including the authority to limit the use of such lot, block, tract, or other parcel solely to the use proposed as part of the application or request for such zoning change. The approved use shall be considered for all purposes as being the grant of a conditional use, notwithstanding that the proposed use would otherwise be an unconditionally permitted use in that classification of zoning district. Any subsequent change in use will require approval from the City Council in the same manner as any other conditional use. (Ordinance 940 adopted 7/20/09)

Sec. 9.520 Administration

(a) Building Inspector. It shall be the duty of the Building Inspector to enforce the provisions of this article, and to refuse to issue any permit for a building, or for a use of any premises which would violate any of the provisions of this article. Appeals from any decision of the Building Inspector may be taken to the Board of Adjustment as provided for in Section 9.516(c)(2).

(b) Building Permits. No construction shall be undertaken without a building permit. Each application for a building permit shall be accompanied by a plat, drawn to scale, showing actual dimensions of the lot to be built upon; the size, shape and location of the building to be erected, and such other information as may be necessary to provide for the enforcement of this article. A record of applications and plats shall be kept in the office of the Building Inspector. Any building permit shall be valid for a period of 12 months after issuance. Any person failing to commence construction within said 12 months period after issuance of the building permit shall be required to reapply to the Building Inspector for the issuance of a new building permit prior to commencing construction.

(Ordinance 635, sec. 20, adopted 11/17/81)

Sec. 9.521 Penalties

(a) Any person, land owner, building owner or occupant, who shall violate any of the provisions of this article or who shall fail to comply with any of the provisions of this article or who shall build, alter, or occupy any building, structure or land in violation of any statement or plan submitted and approved hereunder shall be guilty of a misdemeanor and upon conviction thereof shall be fined as provided for in the general penalty provision found in [Section 1.106](#) of this code. Each day such violation is committed or permitted to continue, shall constitute a separate offense, and shall be punishable as such hereunder.

(b) The owner or owners of any building or property or part thereof where anything in violation of this article shall be caused to exist, and any architect, building contractor, agent, attorney, person, firm, or corporation employed in connection therewith and who have assisted in the commission of such violation, shall be guilty of a separate offense, and upon conviction thereof, shall be fined as provided for in the general penalty provision found in [Section 1.106](#) of this code.

(c) In addition to the remedies provided for in subsections (a) and (b) of this section, the Administrator

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 article, institute on behalf of the City of Levelland 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 any illegal act, conduct business or use in or about such premises.

(Ordinance 635, sec. 21, adopted 11/17/81)

Sec. 9.522 Pre-Existing Illegal Uses

By the passage of this article no presently illegal use shall be deemed to have been legalized, unless specifically such use falls within a use district where the actual use is a conforming use. Otherwise, such uses shall remain nonconforming uses, where recognized, or an illegal use as the case may be. It is further the intent and declared purpose of this article that no offense committed and no liability, penalty of forfeiture, either civil or criminal, incurred prior to the time the zoning regulations and Map adopted, shall be discharged or Affected by such repeal; but prosecutions and suits for such offenses, liabilities, penalties, or forfeitures may be instituted or cause presently pending proceed in all respects as if such prior ordinance had not been repealed.

(Ordinance 635, sec. 22, adopted 11/17/81)