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Article I.
Title, Definitions, General Provisions,
Auto Wrecking Yards and Swimming Pools

Sec. 1. Title.

This ordinance shall be known as the 1956 amendment to the Richardson Zoning Ordinance.

Sec. 2. Definitions.

The following words shall, for the purpose of this appendix, have the meaning here applied, viz:

Abutting or adjacent means sharing all or a part of a common lot, property or district line.

Accessory building or structure means a building or structure detached from the principal building located on the same lot therewith, the use of which is customarily incidental and subordinate to the principal building.

Accessory use means a use customarily incidental and subordinate to the principal use of land or building(s) and located on the same lot therewith.

Alley means a public or private way that affords only a secondary means of access to abutting property.

Ambulance service means a privately owned business that provides emergency transportation service to the public, including facilities for the storage and maintenance of vehicles, office space and sleeping quarters for on-call employees.

Amenity means an improvement to be dedicated to the public or property owners' association and providing an aesthetic, recreational or other benefit.

Amusement arcade means a building or part of a building in which more than ten percent of the floor area or in which five or more amusement devices, pinball machines, video games, electronic games, shuffle board, pool tables, or other similar player-operated amusement devices are present and maintained as the primary use.

Amusement devices means any kind of machine or video redemption machine or device operated by or with paper currency, a coin, metal slug, token, card or check that dispenses, or is used or is capable of being used to dispense or afford, amusement, skill, or pleasure or is operated for any purpose, other than for dispensing only merchandise, music, or service.

Antenna means a device or apparatus consisting of one or more wires or rods arranged to send and receive radio, television, electromagnetic or microwave signals. For purposes of this section, several antenna components may be assembled to perform a single function for a single operator and may be considered one antenna.

Antenna, accessory means an antenna for the purpose of transmitting, retransmitting and/or receiving radio, television, electromagnetic or microwave signals as part of and directly related to a principal activity within an office, retail or industrial building and which itself is not a principal use or unrelated to any principal use on the property.

Antenna, commercial means an antenna for the purpose of transmitting, retransmitting and/or receiving radio, television, electromagnetic or microwave signals primarily for the purpose of operating a business and/or for financial gain. A commercial antenna may be either mounted or freestanding as described below.

Antenna, freestanding means a commercial antenna supported by or affixed to a freestanding pole, tower, tripod, frame or other similar structure.

Antenna, mounted means a commercial antenna permanently affixed to the roof or other portion of a building.

Antique shop means a retail establishment offering for sale within a building, works of art, furniture, decorative objects, or other artifacts of an earlier period which have value and significance as a result of age, design, or sentiment.

Apartment means a multifamily structure containing three or more dwelling units located on a single lot designed to be occupied by three or more families living independently of one another, excluding hotels or motels.

Approved parking surface, nonresidential means an area of Portland cement concrete poured to a depth of not less than five inches, reinforced with No. 3 reinforcing bar not more than 24 inches on center, each way, clay-fired paving brick or paverstone or an equivalent approved by the city engineer. Such paving material shall be installed upon a base course to be approved by the city engineer.

Approved parking surface, residential means a single, continuous slab of Portland cement concrete poured to a depth of not less than four inches, reinforced with No. 3 reinforcing bar not more than 24 inches on center, each way, clay-fired paving brick or paverstone or an equivalent to be approved by the city engineer. Such paving material shall be installed upon a base course approved by the city engineer.

Art gallery means an establishment in which original works of art or limited editions thereof are bought, sold, loaned, appraised, displayed or exhibited to the public.

Assisted living facility means an establishment that furnishes, in one or more facilities, food and shelter to four or more persons who are unrelated to the proprietor of the establishment and that provides personal care services as defined by chapter 247 of the Texas Health and Safety Code, including assistance with meals, dressing, movement, bathing, or other personal needs or maintenance, the administration of medication by qualified personnel, or the general supervision or oversight of a resident's physical and mental well being.

Attic means the area between the roof and the ceiling of the rooms below that is not habitable and does not have a permanent stairway. Improvement to habitable status shall make the space a story.

Bakery means a retail establishment for the production and sale of baked goods on the premises.

Bank or financial institution means an establishment, open to the public, for the deposit, custody, loan, exchange or issue of money, the extension of credit, and/or facilitating the transmission of funds excluding pawnshops, check cashing businesses, payday advance/loan businesses and car title loan businesses.

Barber or beauty salon means an establishment employing persons to cut or style men's and women's hair with incidental cosmetic services to include skin and nail care and the sale of hair and beauty products.

Basement means a story partly underground, having at least one-half of its height above the average level of the adjoining ground. A basement shall be counted as a story if subdivided and used for dwelling or business purposes.

Beer and wine package sales means an establishment engaged in the selling of beer and/or wine to the general public for off-site personal or household consumption and rendering services incidental to the sale of such goods.

Boarding kennel means an establishment in which five or more domestic animals more than four months of age are housed, groomed, bred, boarded, trained or sold for commercial purposes.

Book, card, or stationery store means a retail establishment primarily engaged in the sale of books, magazines, newspapers, greeting cards, postcards, paper goods, party supplies, and/or any other printed information, excluding sexually oriented businesses.

Bowling alley means an establishment that devotes more than 50 percent of its gross floor area to bowling lanes, equipment, and playing area.

Breezeway means a roofed, open-sided passageway connecting two structures, such as a house and a garage.

Building means any structure built for support, shelter or enclosure of persons, animals, chattels, records or other movable property, and when separated in a manner sufficient to prevent fire, each portion of such building shall be deemed a separate building.

Building official means the chief building official for the city or designee.

Camera and photographic supply shop means a retail establishment primarily engaged in the sale, lease, and service of photography equipment and supplies, including incidental on-site film processing or developing.

Car title loan business means an establishment that makes small consumer loans that leverage the equity value of a car or other vehicle as collateral where the title to such vehicle is owned free and clear by the loan applicant and any existing liens on the car or vehicle cancel the application. The loan terms are often for 30 days and failure to repay the loan or make interest payments to extend the loan allows the lender to take possession of the car or vehicle.

Carport means an enclosure, not exceeding 12 feet in height and completely open to the free movement of air from floor to roof on at least two sides, designed primarily for the shelter of motor vehicles.

Carwash means a building in which automobiles and light duty trucks are washed, cleaned and/or waxed.

Catering service means an establishment providing meals and/or refreshments for off-site consumption for a fee, without on-site banquet facilities.

Cellar means a story having more than one-half of its height below the average level of the adjoining ground. A cellar shall not be counted as a story for the purpose of height measurement.

Check cashing business means an establishment that provides to the customer an amount of money that is equal to the face of the check or the amount specified in the written authorization for an electronic transfer of money, less any fee charged for the transaction, and where there is an agreement not to cash the check or execute an electronic transfer of money for a specified period of time, the business of cashing checks, warrants, drafts, money orders, or other commercial paper serving the same purpose for compensation by any person or entity other than a retail seller engaged primarily in the business of selling consumer goods, including consumables to retail buyers, that cashes checks or money orders or issues money orders or money transfers for a minimum flat fee as a service that is incidental to its main purpose or business, provided such retailer does not cash more than 100 checks in any calendar month. This definition excludes a state or federally chartered bank, savings and loan association or credit union, pawnshop or grocery store.

Childcare center means a facility licensed or certified by the appropriate agency of the State of Texas that provides non-medical care, training, education, or supervision for six or more children under 14 years of age for less than 24 hours per day.

Church means any structure used principally for regular assembly for religious worship and those accessory uses or activities which are customarily associated therewith.

Church parking lot, remote means a parking lot to support the activities of a church that is separated from the lot upon which the church is located by a dedicated public street or alley.

City means the City of Richardson.

City manager means the city manager for the city or designee.

Clothing or apparel store means a retail establishment selling garments, shoes and/or accessories.

Commercial amusement center means a commercially operated facility offering entertainment or games of skill for a fee or charge, conducted indoors or outdoors. Such facilities may include, but are not limited to golf driving ranges, miniature golf courses, bingo parlors, water slides, go-kart tracks or skateboard facilities.

Commission means the city plan commission for the city.

Construction field office means a structure or shelter used in connection with a development or construction project for housing on-site of temporary administrative and supervisory functions and for sheltering employees and equipment allowed by temporary permits issued by the building official.

Contracting operation means a business engaged in construction, repair or service activities, such as heating/air conditioning, plumbing, painting, irrigation, pest control, or carpet cleaning, including the storage of service materials and vehicles related to the business, but excluding heavy construction equipment.

Controlled substance paraphernalia shop means an establishment for the sale of any instrument, device, article, or contrivance used, designed for use, or intended for use in ingesting, smoking, administering or preparing marijuana, hashish, hashish oil, cocaine or any other controlled substance. For purposes of this appendix, "paraphernalia" shall be defined by the laws of the State of Texas.

Convenience store means a retail establishment of less than 10,000 square feet engaged in the sale of packaged foods, beverages, tobacco products, magazines and newspapers, personal or household merchandise.

Council means the City Council for the City of Richardson.

Country club means land and buildings that may include a golf course, clubhouse, restaurant, swimming pool, tennis courts, pro shop, and similar recreational or service uses available only to members and their guests.

Court means an open, unobstructed space bounded on more than two sides by the walls of a building.

Courtyard means an open space surrounded by walls on four sides.

Department store means a business that is conducted under a single owner's name wherein a variety of unrelated merchandise and services are housed, exhibited and sold directly to the customer for whom the goods and services are furnished, said merchandise may include but shall not be limited to wearing apparel, home appliances and electronics, furniture and home furnishings, tools and hardware.

Design standards collectively means the city master transportation plan, master water distribution plan, master wastewater collection plan, standard specifications for public works construction with city special provisions, manual for general procedures for the design of water and sewer lines, storm drainage design manual, design standards and the parking design manual, as may be amended.

Developer means the person, business, corporation or association responsible for the platting and/or the development of land.

Development means the construction, reconstruction, conversion, or the structural alteration, relocation or enlargement of any buildings or structures; and any use or extension of the use of land.

Development engineer means the individual with the city responsible for the approval and release of civil engineering plans for the construction of projects or designee.

Development plan means a plan that must be approved by the city prior to any improvements to a property. A development plan may include, but is not limited to, a site plan, landscape plan or building elevation plans.

Development plan application means the executed application forms, other required documents, applicable development plans and fees required by the city.

Development review committee means the committee, comprised by city staff, responsible for reviewing a development plan application.

Development services means the development services department for the city.

Director means the director of the development services department for the city.

Distribution center means a building or facility for the storage and distribution of wholesale items, goods, products or merchandise.

Driving instruction school means a school teaching motor vehicle driving skills to individuals, to include classroom teaching and driving practice in a vehicle with a qualified instructor.

Drugstore or pharmacy means an establishment engaged in the retail sale of prescription drugs, nonprescription medicines, cosmetics, and related merchandise.

Duplex means a freestanding building on one lot, having separate accommodations for and occupied by not more than two families, one family in each living unit.

Easement means a right of use granted within a tract of land by a property owner to another entity for purposes specified therein.

Electronic-cigarette means a battery power product that uses an atomizer or similar device that allow users to inhale nicotine vapor or other vapor without fire, smoke, ash or carbon monoxide.

Electronic-cigarette establishment means a business establishment that is dedicated primarily to the sale and/or on premise use of electronic-cigarettes.

End of building, apartment means the narrowest side of a building containing no doors or openings for access. If the narrower side of an apartment building contains doors or openings for access, it shall be subject to the same setback and space requirements as for the sides of a building other than the end.

Escrow means cash or other acceptable security deposited with the city in accordance with city policies or regulations.

Fabric store means an establishment engaged in the retail sale of cloth and textile products and related items.

Facade means that portion of any exterior wall on a building extending from the adjacent ground grade to the top of the parapet, wall, or eaves and the entire width of the building elevation.

Family means one or more persons related by blood, adoption or marriage, living and cooking together as a single housekeeping unit, exclusive of household servants. A number of persons, but not exceeding two, living and cooking together as a single housekeeping unit, though not related by blood, adoption or marriage, shall be deemed to constitute a family.

Farming means the growing of usual farm products, vegetables, fruits, trees, grain, and the raising of the usual farm animals such as horses, cattle, and sheep and including the necessary accessory uses for raising, treating, and storing products raised on the premises, but not including the commercial feeding of offal or garbage to swine or other animals and not including any type of agriculture or husbandry specifically prohibited by ordinance or law.

Fine arts studio means a school teaching classes in fine arts such as dance, music, painting, sculpting and drama.

Floor area ratio means the ratio of the gross floor area of a building or buildings in relation to the gross land area of the site. The floor area ratio (FAR) shall be expressed as the gross floor area, being the first integer, followed by the gross land area, expressed as a constant of 1, being the second integer.

Florist means an establishment for the display and retail sale of flowers, small plants and accessories.

Fortune-teller, psychic reader, or spiritual advisor means an establishment providing predictions or readings of the future based on intuitive or mental powers, astrology, card or tea reading, crystal gazing, palmistry, or spiritual reading.

Fraternal organization means an organized group having a restricted membership engaged in civic, social and fraternal activities.

Front yard. See "Setback, front".

Furniture, home furnishings, and appliance store means a retail establishment engaged in the sale of new goods for furnishing the home including, but not limited to furniture, floor coverings, window coverings and household appliances.

Garage, attached means an enclosed portion of a residential structure attached to the principal building by a common wall and roof and designed for the parking and storage of vehicles by the occupants of the residence.

Garage, detached means an enclosed structure accessory to the principal residential structure, designed for the parking and storage of vehicles by the occupants of the residence.

Gardening means the cultivation of fruits, vegetables, flowers, etc., on a plot of land or a portion thereof.

Golf course means an area of land laid out for playing at least 18 holes of the game of golf and improved with tees, greens, fairways and hazards and may include incidental uses such as a clubhouse, pro shop or restaurant.

Grocery store means a retail establishment, not a convenience store, for the display and sale of meat, fruits, fresh and packaged foods, cleaning supplies, paper goods, pet supplies, health and beauty products, bakery products, dairy products and similar items for human consumption and may include a bakery, delicatessen or prescription pharmacy.

Gross floor area means the total area of a building, measured from the exterior surface of all exterior walls, including basements, elevator shafts or stairwells at each floor, interior balconies or mezzanines, and floor space in accessory buildings. Off-street parking structures are expressly excluded from this category.

Gross land area means the total land area of a lot, tract or parcel, inclusive of street or alley rights-of-way that are internal to the site, and one-half of adjacent street or alley rights-of-way, provided said adjacent street is not indicated on the master transportation plan of the City of Richardson. No portion of any street required by the master transportation plan shall be counted as gross land area for purposes of determining maximum floor area or minimum landscaping requirements.

Hardboard siding means exterior walls constructed of hardboard siding materials as defined by the Richardson Building Code.

Hardware store means a facility engaged in the retail sale of various basic hardware lines, such as electrical and plumbing goods, tools, paint, glass, wallpaper, housewares, and lawn and garden supplies.

Health club means an indoor facility provided for individual or group exercise and recreational activities including aerobics, workout equipment, calisthenics, weight training, running, swimming and court games, and providing shower facilities and changing areas and may include spas, gymnasiums, and incidental uses such as childcare facilities, food service, and pro shops oriented to customers during their use of the facility.

Height means the vertical distance of a building or portion thereof measured from the mean level of the ground surrounding the building to (1) the highest point of the roof's surface if a flat surface, (2) the deck line for a mansard roof, (3) the mean level for a shed roof, or (4) the mean level between eaves and the ridge for hip and gable roofs, and in any event excluding parapet walls not exceeding four feet in height, chimneys, cooling towers, elevator penthouses, mechanical equipment rooms, ornamental cupolas, standpipes, elevator bulkheads, domes or spires.

Helipad means a landing pad for use by rotary wing aircraft not including on-site servicing or fueling facilities for such aircraft.

Home occupation means an occupation that is incidental and secondary to the primary use of the premises as a residence and customarily conducted in a residential dwelling unit by a member of the occupant's family, entirely within the main structure, provided such use is not detrimental or injurious to adjoining property. Legal home occupations must meet all of the following conditions:

- (1) Shall be conducted entirely within a completely enclosed structure.
- (2) The total floor area to be used for the home occupation shall not exceed 20 percent of the total floor area of the principal building.
- (3) Shall have no outside storage of materials, goods, supplies or equipment.
- (4) Shall have no exterior advertisement, sign or display advertising the business on the premises.
- (5) Shall have no building alterations that will alter the residential character of the home. Shall engage in no activity that will indicate from the exterior of the structure that the premises are being used for anything other than a dwelling.
- (6) Shall not employ persons other than members of the immediate family or lawful occupants residing on the premises.
- (7) Shall have no toxic, explosive, flammable, combustible, corrosive, radioactive, or other hazardous materials on the site for business purposes.

- (8) Shall not involve the exhibit or display of goods, wares or merchandise.
- (9) Sales incidental to a service shall be allowed; and orders previously made by telephone, internet or at a sales party may be filled on the premises.
- (10) Shall not create any condition that is offensive by reason of odor, noise, smoke, vibration, electrical interference, dirt, or heat in excess of those normally found in residential areas.
- (11) Shall not create a fire hazard, explosion or accumulation of pests, rodents, flies or vermin.
- (12) Shall not involve or include the repair or service of vehicles, internal combustion engines, large equipment or large appliances on the premises.
- (13) Shall not generate traffic or parking in greater volumes than normally expected in a residential neighborhood.”

Hospital means an institution licensed by the State of Texas having rooms and facilities for sick or injured persons, used for providing services for in-patient medical or surgical care of sick or injured humans, or the treatment of the mentally ill, convalescent, or infirm persons and which may include related facilities such as laboratories, out-patient services, training facilities, and administrative offices provided that such related facilities are incidental and subordinate the principal use and must be an integral part of the hospital.

Hotel means a building or group of buildings offering overnight or temporary lodging accommodations or guest rooms on a daily rate to the general public and may provide additional services such as food service, meeting rooms and recreational facilities. A hotel may be a full-service hotel, limited-service hotel, or suite hotel.

Hotel, full-service means a hotel offering sleeping accommodations along with full food and beverage service for three meals per day, meeting space of at least 2,000 square feet and other guest amenities. Up to 50 percent of the rooms in a full-service hotel may be suites, each with a parlor and a sleeping room, separated by a floor to ceiling partition.

Hotel, limited-service means a hotel offering sleeping accommodations with food and beverage service for fewer than three meals per day and providing less than 2,000 square feet of meeting area. Suite hotels as defined herein are specifically excluded from this definition.

Hotel, suite means a hotel offering guest rooms, each with a parlor area and sleeping room separated by a floor to ceiling partition. Suite hotels may offer either full or limited-service, but are distinguishable for purposes of this appendix by the separation of the sleeping and sitting areas.

Incidental retail or personal service activities means an establishment or place of business primarily engaged in the provision of frequent or recurrent needed services of a personal nature, typical uses to include, but shall not be limited to barber or beauty salon, jewelry repair, shoe repair shop, cleaning and laundry pickup station, tailor or seamstress and the sale of sundries, said retail activity to constitute an accessory activity in an office or industrial building.

Independent living facility means a facility containing dwelling units, accessory uses and support services specifically designated for occupancy by persons 55 years of age or older who are fully ambulatory or who require no medical or personal assistance or supervision.

Infrastructure means facilities and services necessary to sustain the land use activity, including, but not limited to: paving, water, sanitary sewer, storm sewer and other utilities.

Jewelry store means a retail establishment engaged in the sale of precious metals and stones in the form of jewelry.

Large scale retail store means a building or portion of a building with a gross floor area of seventy thousand (70,000) square feet or more the principal use of which is the operation of a single business engaged in the retail sale of goods or merchandise to the general public, but which may also include within such building or portion of building the operation of one or more accessory uses.

In addition to retail stores, this definition specifically includes, but is not limited to, businesses commonly known as membership warehouse clubs, wholesale membership clubs, outlet stores, discount or close-out clubs, grocery stores, and department stores.

Laundromat means a facility where clothing and other fabrics are washed or dried in machines operated by patrons.

Laundry or dry cleaning service means a building or portion thereof in which articles of clothing and other textiles are laundered, pressed or dry cleaned on-site.

Laundry pick-up station means a facility for pickup and delivery of individual consumer clothing or other textiles to be dry cleaned or laundered and without laundry equipment, dry cleaning equipment or operations on the premises.

Lot means a designated parcel, tract or area of land established by a plat to be separately owned, used, developed, or built upon.

Lot coverage means that area or percentage of the lot that may be covered by the principal building and all accessory buildings or structures, excluding breezeways, and covered patios.

Lot depth means the distance measured from the front lot line to the rear lot line, with at least one of the side lot lines meeting the minimum depth required by the applicable zoning district regulations.

Lot width means the minimum width of the lot measured at the required front setback line.

Mailing service means a privately-owned business engaged in providing packing and mailing services and the sale of related supplies and may include the offering of mailboxes for lease to customers.

Manual for general procedures for the design of water and sewer lines means the city's manual for general procedures for the design of water and sewer lines, as adopted by the city, and as amended from time to time.

Manufacturing facility means the manufacturing of finished products or parts, predominately from previously prepared materials, including fabrications, assembly, and packaging of such products and storage and distributions of such products, but excluding the processing of raw materials and goods.

Manufacturing facility, heavy means the manufacturing, processing or treatment of raw materials or goods including, but not limited to, food and animal products, meat packing, chemicals or minerals.

Manufacturing facility, high-tech means a business where electronic, communication, precision scientific and technical equipment may be designed, fabricated, created, assembled and packaged, provided that all activities and storage of equipment and materials take place completely within the principal building.

Martial arts school means a business teaching skills in the martial arts such as judo, karate or tae-kwon-do.

Masonry construction means exterior walls constructed of brick, concrete, or concrete block in accordance with the Richardson Building Code, but in no case shall brick be less than three inches in thickness when applied as a veneer nor shall it be less than the thickness required by the Richardson Building Code when serving as a structural masonry wall; and in no case shall concrete or concrete block

be less than 3 5/8 inches in thickness when serving as a structural masonry wall. As an alternative to the masonry materials described herein, other materials which do not meet the thickness requirements when applied as a veneer, including natural and cast stone, may be utilized so long as the thickness satisfies the structural requirements of the Richardson Building Code. Materials used in the recladding of existing residential structures must be architecturally compatible with the principal structure including all new and existing trim, architectural appendages, windows and doors as determined by the Chief Building Official or designee.

Massage establishment shall have the same meaning provided to that phrase as set forth in Texas Occupations Code §455.001(5), as amended, and shall include, but not be limited to, establishments known variously as massage parlors, foot spas, reflexology establishments, and salon suites, offering massage, massage therapy or other massage services.

Massage services, other shall have the same meaning given to that phrase as set forth in Texas Occupations Code §455.001(11), as amended.”

Massage therapy shall have the same meaning given to that phrase as set forth in Texas Occupations Code §455.001(8), as amended.”

Master transportation plan means the city's master transportation plan, as adopted by the city, and as amended from time to time.

Master water and sewer plan means the city's master water and sewer plan, as adopted by the city, and as amended from time to time.

Mixed-use means the development of a tract of land, building, or structure that includes multiple uses, including, but not limited to, residential, office, retail, public, or entertainment.

Mortuary or funeral home means a building used for the storage and preparation of human bodies prior to their burial or cremation and the display of the deceased and the conducting of ceremonies connected therewith before burial or cremation.

Motor vehicle means any vehicle propelled by mechanical power, such as a car, van, pickup or truck, recreational vehicle, motorcycle or boat. For purposes of the zoning ordinance, this definition shall include campers and recreational trailers that are not self-propelled but shall exclude construction equipment, forklifts and farm implements.

Motor vehicle body shop means a business engaged in the repair or straightening of a motor vehicle body or frame, the painting of motor vehicles or the upholstery of motor vehicle interiors.

Motor vehicle, heavy load means a motor vehicle having a gross vehicle weight (GVW) of 7,500 pounds or more, including, but not limited to, recreational vehicles, vans, buses, tractor-trailers and other similar vehicles.

Motor vehicle, light load means a motor vehicle having not more than two axles, and having a gross vehicle weight (GVW) of less than 7,500 pounds, including, but not limited to, pick-up trucks, vans and other similar vehicles.

Motor vehicle parts and accessory sales means the retail sale of small parts and accessories for the repair and enhancement of motor vehicles, but excluding the sale or installation of tires and batteries, sale of major engine or body components and any motor vehicle repairs on the premises.

Motor vehicle rental means an establishment where the primary use is the rental of motor vehicles.

Motor vehicle rental/leasing means the rental or leasing of automobiles, motorcycles, light duty trucks and vans, and general purpose trailers including the incidental parking and servicing of such vehicles.

Motor vehicle repair shop, major means a business located in a single-tenant building in which major repair and service functions are performed on motor vehicles as defined herein, to include repair and reconditioning of engines, air conditioning systems and transmissions; replacement of brake parts, starters, hoses, alternators; emergency towing and road service, but excluding the storage or impoundment of vehicles awaiting repair and the activities of a motor vehicle body shop.

Motor vehicle repair shop, minor means a business in which minor repair and service functions are performed on motor vehicles as defined herein, to include tire and battery sales and installation; oil, filter, and lubricant changes; engine tune-ups; motor vehicle parts and accessory sales as defined herein; window tinting and pin-striping; installation of stereo systems or alarm systems; and the performing of state inspections.

Motor vehicle sales/leasing, new means the sale and/or leasing of new motor vehicles including, as accessory uses on the same lot or tract, the sale of used motor vehicles and the repair, servicing and storage of motor vehicles.

Motor vehicle sales/leasing, used means the sale and/or leasing of used motor vehicles.

Motor vehicle service station means a building or premises, or any portion thereof, for the retail dispensing and sale of motor vehicle fuels, lubricants and automobile accessories including minor motor vehicle repair. This term shall also include convenience stores which sell motor vehicle fuels.

Motor vehicle storage lot means an approved parking surface used solely for the storage of motor vehicles in transit to a motor vehicle sales and service center or motor vehicle repair shop.

Movie theater means a building or portion of a building devoted primarily to the showing of movies or motion pictures and including the sale of concessions to theater patrons and excluding sexually oriented businesses.

Multitenant building means a single building on a single lot or tract containing more than one tenant or more than one principal use.

Multiuse project means a group of buildings on a single lot operating under a common ownership, control, name, identity or management.

Musical instrument sales and repair means an establishment engaged in the sale and repair of new and used musical instruments to the general public.

New project means an endeavor over which the city exerts its jurisdiction and for which one or more permit is required to initiate the development in accordance with city regulations.

Noncombustible construction means exterior walls constructed of materials that meet the noncombustibility tests or requirements of the Richardson Building Code and the Fire Code.

Nonconforming use means a use of a building, structure or land lawfully occupied at the time of the effective date of this appendix or amendments thereto, but which does not conform to the current use regulations of the zoning district in which it is situated.

Nonmasonry construction means exterior walls constructed of materials other than masonry construction that meet the requirements for exterior walls as defined by the Richardson Building Code.

Nonresidential means a use other than residential including, but not limited to, apartment, commercial, industrial, office, retail, institutional and a religious institution.

Nursery or greenhouse means an establishment for the retail sale of shrubs, trees, plants and related products to the consumer, including seeds, nursery products, potting soil, hardware, garden equipment and including outdoor storage and display of plants.

Nursing/convalescent home means a residential institution licensed by the State of Texas providing in-patient health care, personal care or rehabilitative services over a long period of time generally exceeding thirty days to persons chronically ill, aged or disabled who need on-going health supervision but not including hospitals. Nursing/convalescent home includes homes for the aged, and convalescent and rest homes.

Office means a room, studio, suite or group thereof used for administrative, executive, or management functions or for the conduct or transaction of a business, profession, service industry, occupation or government, provided no goods are offered for sale on the premises except the incidental sale of medical or optical goods in a medical or dental office. An office does not include or involve the manufacture, fabrication, production, processing, assembly, cleaning, testing, or storage for sale of materials, goods or products.

Office furniture, equipment, and supply store means a retail establishment engaged in the sale of office equipment and supplies, including, but not limited to, furniture, computers and business machines, stationery products and related items.

Outdoor storage means the placement in an unenclosed area in a nonresidential zoning district for a continuous period in excess of 24 hours of goods, materials, merchandise or vehicles, said storage being accessory to the principal use on the property, but in no case shall outdoor storage be considered a principal use.

Parking design manual means the city's parking design manual, as may be amended from time to time.

Parking lot, accessory means an approved parking surface, a building or a structure where motor vehicles may be stored for the purpose of temporary, daily or overnight off-street parking. An accessory parking lot supports the principal activity on the tract, lot or parcel of land.

Parking lot or garage, commercial off-street means an approved parking surface, building or structure, other than an accessory parking lot as described herein, where motor vehicles may be stored for the purpose of temporary, daily or overnight off-street parking for a fee, charge or permit.

Parking space means a motor vehicle parking area to accommodate one vehicle, together with its access drives and/or maneuvering space, constructed of an approved parking surface as defined herein, configured and sized in accordance with the parking lot design manual and other ordinances or regulations adopted by the City of Richardson.

Parkway means the area between the property line and the edge of the paving along the adjacent thoroughfare.

Patio means a paved outside area, usually uncovered and attached to a dwelling, adapted for recreational purposes and social gatherings.

Patio home means a single-family detached dwelling on a separate lot with open space on only three sides, with one side wall of the dwelling placed coincident with the side property line.

Pawnshop means a retail establishment engaged in the lending of money on the security of personal property pledged in the keeping of the pawnshop owner (pawnbroker) or the purchase of goods on the condition that the goods may be redeemed or repurchased by the seller for a fixed price within a fixed period, and the retail sale of such goods and personal property as used merchandise subject to the ordinances of the city.

Payday advance/loan business means an establishment that makes small consumer loans, usually backed by a postdated check or authorization to make an electronic debit against an existing financial account, where the check or debit is held for an agreed upon term, or until an applicant's next payday, and then cashed unless the customer repays the loan to reclaim such person's check.

Permit means a license, certificate, approval, registration, consent, permit, or other form of authorization required by law, rule, registration, order, or ordinance that a person must obtain to perform an action or initiate, continue, or complete a project for which the permit is sought.

Pet sales and grooming means a retail establishment offering small animals, fish and birds for sale as pets and including grooming services and the sale of associated pet supplies.

Photography or art studio means a business used as a place of work for a photographer or artist.

Plat (including a replat and/or amending plat) means a legal document that describes a lot by metes and bounds and dedicates rights-of-way and easements necessary for a development.

Porch means a covered entrance to a building.

Principal building means the building in which is conducted the principal use of the lot on which it is located.

Principal use means the primary or predominant use of any lot or building.

Print shop, major means an establishment specializing in long-run operations using a variety of printing presses. Long-run operations involve book publishing, die cutting, printing of catalogue sheets or newspapers, engraving, four-color printing, lithography and other similar processes.

Print shop, minor means an establishment specializing in short-run operations such as the copying of newsletters, flyers and resumes, using photocopying machines, as well as blueprinting, facsimile sending and receiving. Placement of orders for major printing jobs or long-run operations conducted off-premises is permitted.

Private amenity center means a private recreation facility for the exclusive use of private residents or neighborhood groups of a particular residential development and their guests.

Private club means an establishment defined as a private club under chapter 4 of the Code of Ordinances.

Private recreation club means an establishment defined as a private recreation club under chapter 4 of the Code of Ordinances.

Private street or alley means a private vehicular access shared by and serving two or more lots, which is not dedicated to the public as a street or alley and is not publicly maintained.

Project means an endeavor over which the city exerts its jurisdiction and for which one or more permits are required to initiate, continue or complete an endeavor.

Property owner means any individual(s), firm(s), corporation(s) or other legal entity having legal title to or sufficient proprietary interest in the property, or the property owner's representative that has express written authority to act on behalf of the property owner.

Public building means a building, structure or facility owned, leased, controlled, occupied, managed, primarily used and/or primarily occupied by the United States Government, the State of Texas, the city, an independent school district or political subdivision or agency of the State of Texas.

Radio or television station means a facility for the transmission of commercial programming by the radio or television media and which may contain facilities and equipment necessary for the production of such programming.

Radio, recording, or television studio means a facility for the production of radio or television programs, excluding transmission or broadcasting towers, antennae, or facilities

Rainwater harvesting system means any system used for the capture, storage, and distribution of untreated rainwater from a rooftop catchment surface or from precipitation captured directly from the sky to be used for outdoor landscape irrigation or foundation watering.

Rear yard. See "Setback, rear".

Reconstruction means the removal or replacement of sixty (60) percent of the exterior walls of a structure.

Religious institution means structures, related accessory buildings and parking facilities utilized for regular assembly for worship and those accessory uses which are customarily associated therewith.

Repair shop, household items means a business engaged primarily in the repair and service of household items, including appliances, electrical and electronic equipment, lawn equipment and bicycles, but excluding motor vehicle repair shop, major or minor.

Repair shop, personal items means an establishment primarily engaged in the provision of minor repair services to personal items, including, but not limited to, repair of shoes, jewelry and watches.

Research laboratories and facilities means a business engaged in research and new product development activities in the field of medicine or in high-technology intensive fields, including the on-site manufacture and assembly of high-technology prototypes, provided all activities and storage of equipment and materials take place within the principal building.

Residential means a use including residential, townhome, patio home and duplex.

Restaurant means an establishment engaged primarily in the preparation and sale of food and beverages to the public for on-site consumption, including outdoor dining areas. Take-out service is allowed as an incidental use; however, drive-through or curbside service is subject to the approval of a special permit in accordance with this ordinance.

Restaurant with curbside service means an establishment where food and/or beverage is delivered to a consumer who is in a motor vehicle or otherwise outside the building by a waiter, waitress or carhop, who is also outside the building, with the intent of said food being consumed on or off the premises.

Restaurant with drive-through service means an establishment where food and/or beverage is delivered to a consumer who is outside the building, said delivery to be accomplished by handing or passing the food and/or beverage through a window, or other opening in the building.

Retail sales of prepackaged food or beverages for off-premises consumption in a drive-up, drive-through or drive-in facility means an establishment that sells food, beverages or other consumable products for off-premises use or consumption to customers in motor vehicles. This term shall not apply to restaurants that provide a drive-up, drive-through or drive-in service.

Retail store or retail activities means an establishment engaged in selling goods or merchandise to the general public in small quantities for personal or household consumption and rendering services incidental to the sale of such goods.

Riding academy/public stables means a commercial establishment located on at least five contiguous acres of land engaged in the housing and boarding of horses, and offering instruction in riding, jumping, and showing of horses and providing horses for hire.

Roof architectural appendage means ornamentation or decorative features extending above the roof of a building.

School, parochial means a school under the sponsorship of a religious agency providing an elementary or secondary curriculum, excluding a technical training school.

School, private means a school under the sponsorship of a private agency or corporation other than a public or religious agency, having a curriculum generally equivalent to public elementary or secondary schools.

School, public means a school under the sponsorship of a public agency providing elementary or secondary curriculum, excluding a technical training school.

Self-service warehouse means a building or group of buildings containing separate individual self-storage units for rent or lease restricted solely to the temporary storage of items, but not including a residence for an on-premises caretaker. The conduct of sales, business or any activity other than storage within the individual storage units, is not allowed.

Self-service warehouse (secondary use) means a use within an enclosed building, not exceeding fifty percent (50%) of the area of the principal building, and in no instance exceeding twenty thousand (20,000) square feet, consisting of separate individual self storage units for rent or lease restricted solely to the temporary storage of items without motor vehicle/equipment rental or leasing, outside storage or an on-premises caretaker's residence. The conduct of sales, business or any other activity other than storage within the individual storage units is not allowed.

Servant's quarters means an accessory building located on the same lot as the principal building or portion of the principal building in a residential zoning district used and occupied as living quarters for persons employed on the premises by the occupant of the premises, on a full-time basis as domestic help, such as a maid, gardener, chauffeur, cook and not rented or otherwise used as a separate dwelling and which shall not have kitchen facilities or separate utility connections.

Setback means the minimum required distance between a structure and the lot lines of the lot on which it is located.

Setback, front means the setback extending the full width of the lot between side lot lines and measuring the minimum required distance between the front lot line and the closest point allowed for any structure.

Setback, rear means the setback extending the full width of the lot between side lot lines and measuring the minimum required distance between the rear lot line and the closest point allowed for any structure.

Setback, side means the setback extending from the required front setback line to the required rear setback line and measuring the minimum required distance between the side lot line and the closest point allowed for any structure.

Sexually oriented business means an establishment as defined in section 12-161 of the Code of Ordinances, as amended.

Side yard. See "Setback, side".

Single-family attached dwelling means a dwelling attached to another dwelling at one or more sides by a party wall or abutting separate wall and which is designed for occupancy by one family and located on a separate lot.

Single-family detached dwelling means a structure containing one dwelling unit, not attached to any other dwelling, entirely surrounded by open space on the same lot and designed exclusively for the use and occupancy of one family.

Single-tenant building means a single building, on a separate lot or tract, containing only one tenant and only one principal use.

Smoking establishment means a business establishment that is dedicated, in whole or in part, to the smoking of tobacco or other substances and includes any establishment that allows both (1) the payment of consideration by a customer to the establishment in exchange for on-site delivery of tobacco, tobacco accessories or similar substances and products to the customer; and (2) the onsite smoking of tobacco or other substances. This definition shall be construed to include establishments known variously as retail tobacco stores, cigar lounges, hookah cafes, tobacco clubs, tobacco bars, and similar establishments, but shall not include an establishment that derives 50 percent or more of its gross revenue on a quarterly basis (i.e., three months) from the sale of alcoholic beverages for on-premise consumption.

Sporting goods store means an establishment engaged in the retail sale of sporting goods and related merchandise to the general public.

Standard construction details mean the city's standard construction details, as adopted by the city, and as amended from time to time.

Storm drainage design manual means the city's storm drainage design manual, as adopted by the city, and as amended from time to time.

Story means that portion of a building included between the surface of any floor and the surface of the next floor above it, or if there is no floor above it, then the space between such floor and the ceiling above. A basement shall be counted as a story if used as a dwelling or for business purposes. A cellar shall not be counted as a story for the purpose of height measurement. An attic space shall not be counted as a story for height measurement unless improved to a habitable status.

Street means a dedicated public way for vehicular traffic, whether designated as a street, highway, thoroughfare, throughway, road, avenue, boulevard, private place, or however otherwise designated, other than an alley or driveway.

Structure means anything constructed or erected, the use of which requires permanent location on the ground, or which is attached to something having a fixed location on the ground.

Stucco means an exterior plaster material composed primarily of cement and sand applied in a plastic state to form a hard covering for exterior walls and installed in strict conformance with the applicable requirements of the Richardson Building Code. Stucco or exterior plaster is not considered masonry construction.

Subdivision means the division of land situated within the corporate limits, or within the city's extraterritorial jurisdiction, into two or more parts, or the identification of a single tract, for the purpose of laying out land or any addition to the city, or for laying out lots, streets, alleys, squares, parks or other parts intended to be dedicated to public use or for the use of purchasers or property owners of lots fronting on or adjacent to the streets, alleys, squares, parks, or other parts for the purpose whether immediate or future, of creating building sites. Subdivision includes re-subdivision, reconfiguration or

consolidation of land, but it does not include the division of land into parts greater than five acres, where each part has access to a street and no public improvement is required or dedicated.

Substandard street means an existing street that does not comply with the minimum specifications in the master transportation plan and/or city construction standards.

Tailor shop means an establishment engaged in custom making or altering of men's and women's clothing.

Technical training school means a facility that provides on-site training in business, commercial and/or trade skills, typical uses to include, but shall not be limited to accounting, data processing, court reporting, and computer repair and operation.

Temporary open air market means a temporary outdoor market place, on private property where individual vendors offer produce, food, or other products are distributed, offered for sale, or sold directly to consumers by the persons that have raised, grown, made, crafted, processed, or produced the products, approved foods such as fruits, eggs, vegetables, pasteurized dairy products and honey, and other allowed foods. Temporary open air market does not include a flea market or other gatherings or markets offering merchandise, personal effects, tools, or outdoor retail sale or promotion subject to Article IV of Chapter 12 of the Code of Ordinance.

Tenant means any person or entity occupying or having a leasehold interest in any land or building, or portion thereof.

Townhome means a single-family dwelling in a row of at least three attached units, each on its own platted lot and having its own front and rear access to the outside. No unit shall be located over another unit and there shall be no visible separation between walls or roofs of adjoining units. Each unit shall be separated from other units by one or more vertical common firewalls.

Toy or hobby shop means an establishment engaged in the retail sale of children's toys, merchandise used for hobbies, arts and crafts, and may include incidental hobby or craft classes.

Veterinary office means an establishment where domestic animals and household pets are admitted for examination for medical treatment and are cared for during the time of such treatment. Boarding of animals in connection with medical treatment shall be permitted in conjunction with the primary use of the facility as a veterinary office. Overnight boarding of animals shall be permitted on a short-term basis, and must be incidental to the veterinary activities. All boarding shall take place within the confines of the building containing the veterinary office.

Video redemption machine means a skill or pleasure coin-operated machine that is designed, made, and adapted solely for bona fide amusement purposes, and by operation of chance or a combination of skill and chance affords the user, in addition to any right of replay, an opportunity to receive exclusively noncash merchandise prizes, toys, or novelties, or a representation of value redeemable for those items, that have a wholesale value from a single play of the machine of not more than ten times the amount charged to play the machine or \$5.00, whichever is less.

Video rental store means an establishment engaged in the retail sale and rental of videotapes, CD-ROMs, laser discs, DVDs, electronic games, but excluding sexually oriented businesses.

Warehouse means a building or portion thereof used primarily for the storage and distribution of manufactured products, supplies, and equipment, but excluding the storage and distribution of goods and materials that are flammable, hazardous or explosive.

Wholesale establishment means a business primarily engaged in the sale and/or distribution of merchandise to retailers, industrial, commercial, institutional, or professional business users, or to other wholesalers.

Wrecker service means a towing service and an impoundment yard for inoperable motor vehicles waiting to be claimed by the owner or awaiting repair.

Yard means an open space on the same lot with a building, unoccupied and unobstructed by any portion of a structure from the ground upwards.

(Ord. No. 514-A, § 1, 6-8-67; Ord. No. 603-A, § 1, 12-30-68; Ord. No. 836-A, §§ 1, 2, 3-26-73; Ord. No. 914-A, § 1, 8-12-74; Ord. No. 916-A, § 1, 8-19-74; Ord. No. 948-A, § 3, 3-31-75; Ord. No. 986-A, § 1, 12-30-75; Ord. No. 1001-A, § 1, 2-24-76; Ord. No. 1077-A, § 1, 5-23-77; Ord. No. 2033-A, 6-19-78; Ord. No. 2226-A, § 1(1), 12-22-80; Ord. No. 2418-A, § 1, 4-16-84; Ord. No. 2665-A, § 1, 6-13-88; Ord. No. 2715-A, § 1, 2-13-89; Ord. No. 2728-A, § 1, 5-22-89; Ord. No. 2816-A, § 1, 1-14-91; Ord. No. 3009-A, § 1A, 2-13-95; Ord. No. 3063-A, § 1, 2-26-96; Ord. No. 3172-A, § 1, 4-13-98; Ord. No. 3377-A, § 1, 1-14-02; Ord. No. 3412-A, § 1, 1-27-03; Ord. No. 3531, §§ 1, 2, 11-28-05; Ord. No. 3581, § 1, 11-13-06; Ord. No. 3598, § 1, 2-26-07; Ord. No. 3593, § 1, 4-9-07; Ord. No. 3685, § 1, 11-12-07; Ord. No. 3692, § 1, 1-14-08; Ord. No. 3715, § 1, 7-14-08; Ord. No. 3730, § 1, 11-10-08; Ord. No. 3766, § 1, 3-22-10 ; Ord. No. 3768, § 1, 3-22-10; Ord. No. 3807, § 1, 2-14-11; Ord. No. 3809, § 1, 2-28-11; Ord. No. 3848, § 1, 12-19-11; Ord. No. 4013, § 1, 7-22-13; Ord. No. 4033, § 1, 11-25-13; Ord. No. 4084, § 1, 11-10-14; Ord. 4150, § 1, 2-8-16; Ord. 4330, § 1, 2-10-20)

Sec. 3. General provisions.

Except as hereinafter provided, no building shall be constructed, reconstructed, erected, converted, enlarged or structurally altered nor any building or land used which does not comply with all the regulations established by this appendix in the district in which such building or land is located and any other applicable codes and ordinances.

Except as hereinafter provided, no lot area shall be so reduced or diminished that the setbacks or other open spaces shall be smaller than herein prescribed.

Except as hereinafter provided, no setback or other open space to be used in connection with any building for the purpose of complying with the provisions of these regulations shall be considered as providing a setback or open space for any other building, nor shall a setback or other open space on adjoining property be considered as providing a setback or open space on a lot wherein a building is to be erected.

Except as hereinafter provided, every building hereafter erected or structurally altered shall be located on a lot as herein defined and in no case shall there be more than one principal building and its accessory buildings on one lot except as specifically provided herein for commercial and industrial districts.

Building lines in subdivisions previously platted and accepted by the City of Richardson prior to the adoption of this ordinance shall be controlled by such subdivision plats and not by the building line requirements of this ordinance.

The percentage lot coverage shall be that defined under each specific zoning district.

(Ord. No. 823-A, § 1, 12-18-72; Ord. No. 948-A, § 4, 3-31-75; Ord. No. 3377-A, § 1, 1-14-02)

Sec. 3-B. Interpretation of zoning district boundaries.

In all instances the official zoning map of the City of Richardson (hereafter called the “zoning map”) shall be used to determine the district classification of property. In cases of uncertainty with respect to the exact location of boundary lines as shown on the zoning map, the following rules shall govern:

- (1) Where district boundaries are indicated as approximately following the centerlines of streets, alleys, highways or railroad rights-of-way, such centerlines shall be construed to be such boundaries.
- (2) Where district boundaries are indicated as approximately following platted lot lines, said boundaries shall be construed as following said platted lot lines.
- (3) Whenever any street, alley or other public way is vacated or abandoned, the district classification of the property to which the vacated portions of land accrue shall become the classification of the vacated land.

(Ord. No. 2376-A, § 1, 10-17-83)

Sec. 4. Auto wrecking yards.

No property located within the corporate limits of the City of Richardson shall be used and no building shall be erected for or converted to be used as an auto wrecking yard, junkyard, salvage storage, scrap metal storage yard or wrecking material yard.

(Ord. No. 147-A, 3-29-60)

Sec. 5. Swimming pools.

Swimming pools may be located on any residential district lot or any duplex district lot as follows: swimming pools, spas and related equipment may be located anywhere behind the front building line and a minimum distance of three feet from any other property line. Swimming pools or spas may not be located in any area which cannot be fenced in accordance with the city fence regulations. Any accessory building to the pool or spa shall be regulated as is prescribed for detached buildings.

(Ord. No. 948-A, § 5, 3-31-75; Ord. No. 986-A, § 2, 12-30-75; Ord. No. 2816-A, § 1, 1-14-91)

Sec. 6. Reserved.

Editor’s note: Ord. No. 3685, § 1, adopted Nov. 12, 2007, repealed § 6, which pertained to open storage and derived from Ord. No. 2816-A, § 1, adopted Jan. 14, 1991; and Ord. No. 3377-A, § 1, adopted Jan. 14, 2002.

Sec. 7. Parking.

(a)–(c) Reserved.

(d) **[Parking facilities.]** Any new construction of parking facilities shall comply with the paving provisions of this section and the paving requirements found in chapter 21, Subdivision and Development, of the Code of Ordinances, shall apply.

(e)–(g) Reserved.

(Ord. No. 2816-A, § 1, 1-14-91; Ord. No. 2878-A, § 5, 5-11-92; Ord. No. 3080-A, § 1, 7-22-96; Ord. No. 3531, § 2, 11-28-05; Ord. No. 3598, § 1, 3-26-07)

End of Article I

Article II. Zoning Restrictions Generally

Sec. 1. Required.

The City of Richardson, Texas, is hereby divided into 28 types of districts. The use, height and area regulations are uniform within each of the 27 districts below. These districts shall be known as:

- R-2000-M—Residential District
- R-1800-M—Residential District
- R-1500-M—Residential District
- R-1250-M—Residential District
- R-1100-M—Residential District
- R-1000-M—Residential District
- R-950-M—Residential District
- R-850-M—Residential District
- R-850-F—Residential District
- RA-1100-M—Residential District
- RP-1500-M—Patio Home District
- D-1400-M—Duplex District
- D-2400-M—Duplex District
- D-3000-M—Duplex District
- A-1000-M—Apartment District
- A-950-M—Apartment District
- A-850-F—Apartment District
- LR-M(1)—Local Retail District
- LR-M(2)—Local Retail District
- C-M—Commercial District
- O-M—Office District
- I-M(1)—Industrial District
- I-M(2)—Industrial District
- IP-M(1)—Industrial Park District
- I-FP(1)—Industrial District
- I-FP(2)—Industrial District
- TO-M—Technical Office District

In addition, a PD planned development district shall be provided, whereby a list of permitted uses is enumerated, and the height and area regulations shall be specified for each individual PD tract within the ordinance which governs the property.

(Ord. No. 644-A, § 1, 12-22-69; Ord. No. 839-A, § 1, 4-9-73; Ord. No. 948-A, § 21, 3-31-75; Ord. No. 2376-A, § 1, 10-17-83; Ord. No. 2816-A, § 2, 1-14-91)

Sec. 2. Zoning map.

The boundaries of these districts are indicated upon the zoning map of the City of Richardson which is on file in the office of the city secretary and made a part of this ordinance.

Sec. 3. Use.

No land shall be used for and no building shall be erected for or converted to any use other than provided in the regulations prescribed for the district in which it is located, except as hereinafter provided.

End of Article II

Article III. Newly Annexed Territory

Sec. 1. Temporary classification—Designated.

All territory annexed to the City of Richardson hereafter and any parcel of land not permanently zoned upon the date of passage of this ordinance shall be temporarily classified for R-1500-M residential district use purposes only until permanently zoned by the governing body of the City of Richardson. The city planning commission shall, as soon as practicable after annexation of any of the territory to the City of Richardson, institute proceedings on its own motion to give the newly annexed territory a permanent zoning, and the procedure to be followed shall be the same as is provided by law for the adoption of original zoning regulations.

(Ord. No. 948-A, § 21, 3-31-75)

Sec. 2. Same—Permits.

In an area temporarily classified for R-1500-M residential purposes only, no permit for the construction of a building other than authorized under such use district regulations shall be issued until such permit has been specifically authorized by the governing body. Permits for the construction of buildings in a newly annexed territory prior to permanent zoning may be authorized by the governing body under the following conditions. An application for any use shall be made to the city secretary, said application to show the use contemplated, a plat showing the size of the lot or tract of land being used, and the location of and the size and type of buildings to be constructed; and if such application is for other than an R-1500-M use, it shall be referred by the city secretary to the city planning commission for consideration and its recommendation to the governing body, after giving due consideration to the type of permanent zoning to be applied to the area in which the application is located. Whenever such recommendation is filed with the governing body, it shall be advisory only, and the governing body may grant or deny it as the facts may justify.

End of Article III

Article IV. R-1500-M Residential District Regulations

Sec. 1. Use regulations.

In the R-1500-M Residential District, no land shall be used and no buildings shall be erected for or converted to any use other than:

- (a) Single-family detached dwellings in compliance with all of the provisions and area regulations of this district.
- (b) Accessory building:
 - (1) Garage, detached.
 - (2) Carport.
 - (3) Other accessory buildings as defined herein.
- (c) Church.
- (d) Construction field office.
- (e) Farming.
- (f) Gardening.
- (g) Home occupation.
- (h) Public building.
- (i) Rental rooms in a single-family dwelling, maximum of two individual renters or tenants.
- (j) Servants' quarters.
- (k) School, parochial when on the same lot as the church of the sponsoring religious agency.
- (l) Antenna, commercial, subject to the supplemental regulations of article XXII-E.
- (m) Antenna, freestanding, subject to the supplemental regulations of article XXII-E.
- (n) Antenna, mounted, subject to the supplemental regulations of article XXII-E.
- (o) Rainwater harvesting system, subject to the regulations in Chapter 6 of the Code of Ordinances.

(Ord. No. 871-A, § 1, 11-19-73; Ord. No. 914-A, § 2, 8-12-74; Ord. No. 948-A, § 6, 3-31-75; Ord. No. 989-A, § 1, 12-30-75; Ord. No. 1093-A, § 1, 10-31-77; Ord. No. 2816-A, § 3, 1-14-91; Ord. No. 3063-A, § 1, 2-26-96; Ord. No. 3377-A, § 1, 1-14-02; Ord. No. 3809, § 2, 2-28-11)

Sec. 2. Building regulations.

- (a) *Minimum size.* The minimum area of the principal building shall be 1,500 square feet, exclusive of garages, breezeways and servants' quarters.
- (b) Type of materials.
 - (1) *Principal building.* For property platted after January 27, 2003, the effective date of adoption of Article XXII-F, or for any single-family residential structure which is reconstructed, regardless of the date the property was platted, the principal building shall be subject to the standards of Article XXII-F Residential Exterior Construction Standards. For property platted on or before January 27, 2003, the exterior walls for the principal building,

excluding windows and doors, shall be constructed of a minimum 75 percent masonry construction below the first floor ceiling plate line, provided, however, that chimneys for newly constructed single-family dwellings or additions to existing dwellings shall be of 100 percent masonry construction. No one wall may be less than 50 percent masonry construction unless said wall is on a porch, patio, courtyard, or breezeway, in which event, said wall may be of nonmasonry construction.

- (2) *Accessory buildings.* For accessory buildings in excess of 150 square feet, including, but not limited to, detached garages or servants' quarters, each exterior wall shall be constructed of a minimum of 35 percent masonry construction. Accessory buildings of 150 square feet or less may be of non-masonry construction or may be of all metal with baked-on or prepainted surface. Detached garages built to replace garages which are enclosed or converted to living space as required herein shall be constructed of brick, stone, cementitious materials or a combination thereof in proportions similar to those on the principal building and the detached garage shall be architecturally compatible with the principal building as determined by the chief building official or designee.
- (3) *Greenhouses.* A greenhouse may be constructed of material approved by the chief building official provided the structure is used exclusively as a greenhouse and maintained as such. In the event a greenhouse is converted to another use, it must be made to comply with the preceding paragraph.
- (4) *Nonresidential structures.* Structures other than dwelling units, including, but not limited to, churches, schools, childcare facilities and hospitals, shall comply with the building regulations of the LR-M(1) District.

(Ord. No. 914-A, § 3, 8-12-74; Ord. No. 2816-A, § 3, 1-14-91; Ord. No. 3267-A, § 1, 12-13-99; Ord. No. 3377-A, § 1, 1-14-02; Ord. No. 3412-A, § 2, 1-27-03; Ord. No. 3448, § 1, 1-26-04)

Sec. 3. Height regulations.

- (a) *Principal building.* No principal building shall exceed two stories in height. The first story shall be limited to 25 feet in height. The second story shall not exceed 15 feet in height.
- (b) *Accessory buildings.* Accessory buildings shall be a maximum of one story in height. Accessory buildings of 150 square feet or less shall not exceed 12 feet in height. Accessory buildings of more than 150 square feet shall not exceed 25 feet in height.

(Ord. No. 2816-A, § 3, 1-14-91; Ord. No. 3377-A, § 1, 1-14-02)

Sec. 4. Area regulations.

- (a) *Area of the lot.* The minimum area of the lot shall be 9,000 square feet.
- (b) *Width of the lot.* The minimum width of the lot shall be 72 feet.
- (c) *Depth of the lot.* The minimum depth of the lot shall be 125 feet. Lots located on cul-de-sac circles may be less than 125 feet in depth provided one side of the lot is at least 125 feet in depth, and provided the lot meets width and area requirements.

- (d) Lot coverage.
- (1) The lot coverage of all buildings shall not exceed 40 percent of the area of the lot, estate or other land on which the same is situated.
 - (2) The total area of detached structures, including garages and accessory buildings, shall not occupy more than eight percent of the lot area, nor in any event have a floor area in excess of 40 percent of the size of the principal residential dwelling.
 - (3) The cumulative area of any driveway plus any impermeable surface area located between the front property line and any front building wall shall not exceed 50 percent of the area between the front property line and any front building wall.
- (e) Front setback.
- (1) There shall be a front setback having a minimum depth of 30 feet. Unenclosed porches, fireplaces, and other architectural appendages may project into the required front setback for a distance not to exceed five feet.
 - (2) Where lots have double frontage running through from one street to another, the required front setback shall be provided on both streets.
 - (3) *Exception to front setback requirement.* Along streets already having a uniform building line established by a subdivision plat, new structures shall conform to existing building lines between intersecting streets. Where building lines have not been platted and there is a variance in the established building setbacks from the front lot line in the same block, and on the same side of the street as the lot to be built on, the building line of the new building shall conform to that of the building to its right when facing the street. If such new building is to be constructed on a corner lot, the front building line shall conform to that of the building nearest thereto on the same side of the street in the same block; however, these regulations shall not be construed as requiring a building line of more than 50 feet from the front lot line.
- (f) Side setback.
- (1) There shall be a side setback on each side of the lot as provided in this section without projections or appendages except as allowed herein, except the side setback on a corner lot adjacent to a side street shall not be less than 20 feet. The minimum required side setback is:
 - a. Where lots are created or combined so that the resulting lot is less than 80 feet in width, the minimum side setback shall be seven feet.
 - b. Where lots are created or combined so that the resulting lot is 80 feet or more, but less than 120 feet in width, the minimum side setback shall be ten feet.
 - c. Where lots are created or combined so that the resulting lot is 120 feet or more in width, the minimum side setback shall be 15 feet.
 - d. The reconstruction of a single-family dwelling on an existing, platted lot of record may utilize the side setback established for the previous dwelling on that lot. However, in no instance shall the side setback be less than seven feet in width, nor less than the side setback of the previous dwelling.

- (2) The ordinary projections of a roof eave or cornice may extend into the required side setback a maximum of two feet. A fireplace, windowsill, box or bay window, or other architectural features not more than ten feet in width may extend into the required side setback a maximum of two feet.
 - (3) A detached garage, detached carport, attached carport or any other accessory building shall meet the side setback required for the principal building, except in the required rear setback adjacent to an interior side lot line, a minimum three-foot setback shall be provided. No portion of the garage, carport, or other accessory structure shall extend into the required side setback when located within the required rear setback area.
 - (4) Swimming pool equipment may be located in the required side setback a minimum of three feet from any side lot line. Additional requirements relative to the location of swimming pools and pool equipment are stated in article I, section 5.
 - (5) No setback shall be required from an interior side lot line for air conditioning equipment or an uncovered porch or patio.
- (g) *Rear setback.* There shall be a rear setback having a depth of not less than 25 feet, except:
- (1) The ordinary projections of a roof eave or cornice may extend into the required rear setback a maximum of two feet. A fireplace, windowsill, box or bay window, and other architectural features not more than ten feet in width may extend into the required rear setback a maximum of two feet.
 - (2) Where a detached garage, detached carport, attached carport, or any other accessory building extends into the rear setback area, a minimum setback of three feet shall be provided from the side lot line and a minimum setback of three feet shall be provided from the rear lot line or 18 inches if the rear lot line is adjacent to an alley.
 - (3) Swimming pool equipment may be located in the rear setback a minimum distance of three feet from the rear lot line or 18 inches if adjacent to an alley. Additional requirements relative to the location of swimming pools and pool equipment are stated in article I, section 5.
 - (4) No rear setback shall be required for air conditioning equipment or an uncovered porch or patio.
- (h) *Parking regulations.*
- (1) Two off-street parking spaces, accessible from a driveway constructed of an approved parking surface, shall be provided on the lot in an enclosed garage structure behind the front building line to accommodate two motor vehicles for each dwelling unit. The garage may be either attached to or detached from the principal building.
 - (2) Adequate paved area must be provided for maneuvering of the vehicles into the enclosed garage structure. Alley pavement may be used as part of the required paved area for maneuvering as determined by the building official, provided:

- a. Where the parking space is nine feet in width and 18 feet in length, the pavement for maneuvering shall be a minimum 18 feet in width and 24 feet in length, measured perpendicular to the entry opening of a garage or the supporting member of a carport or other motor vehicle storage structure, and may include the alley pavement adjacent to the lot.
 - b. As an alternative, two off-street parking spaces, each a minimum of 12 feet in width and 18 feet in length, may be provided and the pavement for maneuvering shall be a minimum of 24 feet in width and 18.5 feet in length, measured perpendicular to the entry opening of a garage or the supporting member of a carport or other motor vehicle storage structure, and may include the alley pavement adjacent to the lot.
- (3) Where a parking space is entered from a side street, the parking space shall be no closer than 20 feet from the side lot line adjacent to the street.
- (4) Where driveways or off-street parking spaces are located in the front yard after enclosure or conversion of a garage or carport, the driveway and/or the off-street parking spaces shall either be removed or reconfigured to provide access to the new required two off-street parking spaces within the enclosed garage structure. No head-in or dead-end driveways or parking spaces shall be permitted in the front yard.

(Ord. No. 243-A, 10-24-61; Ord. No. 742-A, § 1, 11-22-71; Ord. No. 823-A, § 2, 12-18-72; Ord. No. 948-A, § 7, 3-31-75; Ord. No. 2816-A, § 3, 1-14-91; Ord. No. 3377-A, § 1, 1-14-02; Ord. No. 3461, § 2, 4-26-04; Ord. No. 3448, § 1, 1-26-04; Ord. No. 3540, § 1, 1-9-06; Ord. No. 3730, §§ 2, 3, 11-10-08)

End of Article IV

Article IV-A.

R-2000-M Residential District Regulations

Sec. 1. Use regulations.

In the R-2000-M Residential District, no land shall be used and no buildings shall be erected for or converted to any use other than:

- (a) Single-family detached dwellings in compliance with all of the provisions and area regulations of this district.
 - (b) Accessory building:
 - (1) Garage, detached.
 - (2) Carport.
 - (3) Other accessory buildings as defined herein.
 - (c) Church.
 - (d) Construction field office.
 - (e) Farming.
 - (f) Gardening.
 - (g) Home occupation.
 - (h) Public building.
 - (i) Rental rooms in a single-family dwelling, maximum of two individual renters or tenants.
 - (j) Servants' quarters.
 - (k) School, parochial when on the same lot as the church of the sponsoring religious agency.
 - (l) Antenna, commercial, subject to the supplemental regulations of article XXII-E.
 - (m) Antenna, freestanding, subject to the supplemental regulations of article XXII-E.
 - (n) Antenna, mounted, subject to the supplemental regulations of article XXII-E.
 - (o) Rainwater harvesting system, subject to the regulations in Chapter 6 of the Code of Ordinances.
- (Ord. No. 3377-A, § 1, 1-14-02; Ord. No. 3809, § 3, 2-28-11)

Sec. 2. Building regulations.

- (a) *Minimum size.* The minimum area of the principal building shall be 2,000 square feet, exclusive of garages, breezeways and servants' quarters.
- (b) Type of materials.
 - (1) *Principal building.* For property platted after January 27, 2003, the effective date of adoption of Article XXII-F, or for any single-family residential structure which is reconstructed, regardless of the date the property was platted, the principal building shall be subject to the standards of Article XXII-F Residential Exterior Construction Standards. For property platted on or before January 27, 2003, the exterior walls for the principal building, excluding windows and doors, shall be constructed of a minimum 75 percent masonry construction below the first floor ceiling plate line, provided, however, that chimneys for

newly constructed single-family dwellings or additions to existing dwellings shall be of 100 percent masonry construction. No one wall may be less than 50 percent masonry construction unless said wall is on a porch, patio, courtyard, or breezeway, in which event, said wall may be of nonmasonry construction.

- (2) *Accessory buildings.* For accessory buildings in excess of 150 square feet, including, but not limited to, detached garages or servants' quarters, each exterior wall shall be constructed of a minimum of 35 percent masonry construction. Accessory buildings of 150 square feet or less may be of nonmasonry construction or may be of all metal with baked-on or prepainted surface. Detached garages built to replace garages which are enclosed or converted to living space as required herein shall be constructed of brick, stone, cementitious materials or a combination thereof in proportions similar to those on the principal building and the detached garage shall be architecturally compatible with the principal building as determined by the chief building official or designee.
- (3) *Greenhouses.* A greenhouse may be constructed of material approved by the chief building official provided the structure is used exclusively as a greenhouse and maintained as such. In the event a greenhouse is converted to another use, it must be made to comply with the preceding paragraph.
- (4) *Nonresidential structures.* Structures other than dwelling units, including, but not limited to, churches, schools, childcare facilities and hospitals, shall comply with the building regulations of the LR-M(1) district.

(Ord. No. 914-A, § 3, 8-12-74; Ord. No. 2816-A, § 4, 1-14-91; Ord. No. 2881-A, § 1, 5-11-92; Ord. No. 3267-A, § 1, 12-13-99; Ord. No. 3377-A, § 1, 1-14-02; Ord. No. 3412-A, § 2, 1-27-03; Ord. No. 3448, § 1, 1-26-04)

Sec. 3. Height regulations.

- (a) *Principal building.* No principal building shall exceed two stories in height. The first story shall be limited to 25 feet in height. The second story shall not exceed 15 feet in height.
- (b) *Accessory buildings.* Accessory buildings shall be a maximum of one story in height. Accessory buildings of 150 square feet or less shall not exceed 12 feet in height. Accessory buildings of more than 150 square feet shall not exceed 25 feet in height.

(Ord. No. 2881-A, § 1, 5-11-92; Ord. No. 3377-A, § 1, 1-14-02)

Sec. 4. Area regulations.

- (a) *Area of the lot.* The minimum area of the lot shall be 14,000 square feet.
- (b) *Width of the lot.* The minimum width of the lot shall be 100 feet.
- (c) *Depth of the lot.* The minimum depth of the lot shall be 125 feet. Lots located on cul-de-sac circles may be less than 125 feet in depth provided one side of the lot is at least 125 feet in depth, and provided the lot meets width and area requirements.

- (d) Lot coverage.
- (1) The lot coverage of all buildings shall not exceed 45 percent of the area of the lot, estate, or other land on which the same is situated.
 - (2) The total area of detached structures, including garages and accessory buildings, shall not occupy more than eight percent of the lot area, nor in any event have a floor area in excess of 40 percent of the size of the principal residential dwelling.
 - (3) The cumulative area of any driveway plus any impermeable surface area located between the front property line and any front building wall shall not exceed 50 percent of the area between the front property line and any front building wall.
- (e) Front setback.
- (1) There shall be a front setback having a minimum depth of 30 feet. Unenclosed porches, fireplaces, and other architectural appendages may project into the required front setback for a distance not to exceed five feet.
 - (2) Where lots have double frontage running through from one street to another, the required front setback shall be provided on both streets.
 - (3) *Exception to front setback requirement.* Along streets already having a uniform building line established by a subdivision plat, new structures shall conform to existing building lines between intersecting streets. Where building lines have not been platted and there is a variance in the established building setbacks from the front lot line in the same block, and on the same side of the street as the lot to be built on, the building line of the new building shall conform to that of the building to its right when facing the street. If such new building is to be constructed on a corner lot, the front building line shall conform to that of the building nearest thereto on the same side of the street in the same block; however, these regulations shall not be construed as requiring a building line of more than 50 feet from the front lot line.
- (f) Side setback.
- (1) There shall be a side setback on each side of the lot as provided in this section without projections or appendages except as allowed herein, except the side setback on a corner lot adjacent to a side street shall not be less than 20 feet. The minimum required side setback is:
 - a. Where lots are created or combined so that the resulting lot is less than 80 feet in width, the minimum side setback shall be seven feet.
 - b. Where lots are created or combined so that the resulting lot is 80 feet or more, but less than 120 feet in width, the minimum side setback shall be ten feet.
 - c. Where lots are created or combined so that the resulting lot is 120 feet or more in width, the minimum side setback shall be 15 feet.
 - d. The reconstruction of a single-family dwelling on an existing, platted lot of record may utilize the side setback established for the previous dwelling on that lot. However, in no instance shall the side setback be less than seven feet in width, nor less than the side setback of the previous dwelling.

- (2) The ordinary projections of a roof eave or cornice may extend into the required side setback a maximum of two feet. A fireplace, windowsill, box or bay window, or other architectural features not more than ten feet in width may extend into the required side setback a maximum of two feet.
 - (3) A detached garage, detached carport, attached carport or any other accessory building shall meet the side setback required for the principal building, except in the required rear setback adjacent to an interior side lot line, a minimum three-foot setback shall be provided. No portion of the garage, carport, or other accessory structure shall extend into the required side setback when located within the required rear setback area.
 - (4) Swimming pool equipment may be located in the required side setback a minimum of three feet from any side lot line. Additional requirements relative to the location of swimming pools and pool equipment are stated in article I, section 5.
 - (5) No setback shall be required from an interior side lot line for air conditioning equipment or an uncovered porch or patio.
- (g) *Rear setback.* There shall be a rear setback having a depth of not less than 25 feet, except:
- (1) The ordinary projections of a roof eave or cornice may extend into the required rear setback a maximum of two feet. A fireplace, windowsill, box or bay window, and other architectural features not more than ten feet in width may extend into the required rear setback a maximum of two feet.
 - (2) Where a detached garage, detached carport, attached carport or any other accessory building extends into the rear setback area, a minimum setback of three feet shall be provided from the side lot line and a minimum setback of three feet shall be provided from the rear lot line or 18 inches if the rear lot line is adjacent to an alley.
 - (3) Swimming pool equipment may be located in the rear setback a minimum distance of three feet from the rear lot line or 18 inches if adjacent to an alley. Additional requirements relative to the location of swimming pools and pool equipment are stated in article I, section 5.
 - (4) No rear setback shall be required for air conditioning equipment or an uncovered porch or patio.
- (h) *Parking regulations.*
- (1) Two off-street parking spaces, accessible from a driveway constructed of an approved parking surface, shall be provided on the lot in an enclosed garage structure behind the front building line to accommodate two motor vehicles for each dwelling unit. The garage may be either attached to or detached from the principal building.
 - (2) Adequate paved area must be provided for maneuvering of the vehicles into the enclosed garage structure. Alley pavement may be used as part of the required paved area for maneuvering as determined by the building official, provided:

- a. Where the parking space is nine feet in width and 18 feet in length, the pavement for maneuvering shall be a minimum 18 feet in width and 24 feet in length, measured perpendicular to the entry opening of a garage or the supporting member of a carport or other motor vehicle storage structure, and may include the alley pavement adjacent to the lot.
 - b. As an alternative, two off-street parking spaces, each a minimum of 12 feet in width and 18 feet in length, may be provided and the pavement for maneuvering shall be a minimum of 24 feet in width and 18.5 feet in length, measured perpendicular to the entry opening of a garage or the supporting member of a carport or other motor vehicle storage structure, and may include the alley pavement adjacent to the lot.
- (3) Where a parking space is entered from a side street, the parking space shall be no closer than 20 feet from the side lot line adjacent to the street.
 - (4) Where driveways or off-street parking spaces are located in the front yard after enclosure or conversion of a garage or carport, the driveway and/or the off-street parking spaces shall either be removed or reconfigured to provide access to the new required two off-street parking spaces within the enclosed garage structure. No head-in or dead-end driveways or parking spaces shall be permitted in the front yard.

(Ord. No. 948-A, § 8, 3-31-75; Ord. No. 2881-A, § 1, 5-11-92; Ord. No. 3377-A, § 1, 1-14-02; Ord. No. 3448, § 1, 1-26-04; Ord. No. 3461, § 3, 4-26-04; Ord. No. 3540, § 1, 1-9-06; Ord. No. 3730, §§ 4, 5, 11-10-08)

End of Article IV-A

Article IV-B.

R-1800-M Residential District Regulations

Sec. 1. Use regulations.

In the R-1800-M Residential District, no land shall be used and no buildings shall be erected for or converted to any use other than:

- (a) Single-family detached dwellings in compliance with all of the provisions and area regulations of this district.
 - (b) Accessory building:
 - (1) Garage, detached.
 - (2) Carport.
 - (3) Other accessory buildings as defined herein.
 - (c) Church.
 - (d) Construction field office.
 - (e) Farming.
 - (f) Gardening.
 - (g) Home occupation.
 - (h) Public building.
 - (i) Rental rooms in a single-family dwelling, maximum of two individual renters or tenants.
 - (j) Servants' quarters.
 - (k) School, parochial when on the same lot as the church of the sponsoring religious agency.
 - (l) Antenna, commercial, subject to the supplemental regulations of article XXII-E.
 - (m) Antenna, freestanding, subject to the supplemental regulations of article XXII-E.
 - (n) Antenna, mounted, subject to the supplemental regulations of article XXII-E.
 - (o) Rainwater harvesting system, subject to the regulations in Chapter 6 of the Code of Ordinances.
- (Ord. No. 3377-A, § 1, 1-14-02; Ord. No. 3809, § 4, 2-28-11)

Sec. 2. Building regulations.

- (a) *Minimum size.* The minimum area of the principal building shall be 1,800 square feet, exclusive of garages, breezeways and servants' quarters.
- (b) Type of materials.
 - (1) *Principal building.* For property platted after January 27, 2003, the effective date of adoption of Article XXII-F, or for any single-family residential structure which is reconstructed, regardless of the date the property was platted, the principal building shall be subject to the standards of Article XXII-F Residential Exterior Construction Standards. For property platted on or before January 27, 2003, the exterior walls for the principal building, excluding windows and doors, shall be constructed of a minimum 75 percent masonry construction below the first floor ceiling plate line, provided, however, that chimneys for

newly constructed single-family dwellings or additions to existing dwellings shall be of 100 percent masonry construction. No one wall may be less than 50 percent masonry construction unless said wall is on a porch, patio, courtyard, or breezeway, in which event, said wall may be of nonmasonry construction.

- (2) *Accessory buildings.* For accessory buildings in excess of 150 square feet, including, but not limited to, detached garages or servants' quarters, each exterior wall shall be constructed of a minimum of 35 percent masonry construction. Accessory buildings of 150 square feet or less may be of non-masonry construction or may be of all metal with baked-on or pre-painted surface. Detached garages built to replace garages which are enclosed or converted to living space as required herein shall be constructed of brick, stone, cementitious materials or a combination thereof in proportions similar to those on the principal building and the detached garage shall be architecturally compatible with the principal building as determined by the chief building official or designee.
- (3) *Greenhouses.* A greenhouse may be constructed of material approved by the chief building official provided the structure is used exclusively as a greenhouse and maintained as such. In the event a greenhouse is converted to another use, it must be made to comply with the preceding paragraph.
- (4) *Nonresidential structures.* Structures other than dwelling units, including, but not limited to, churches, schools, childcare facilities and hospitals, shall comply with the building regulations of the LR-M(1) District.

(Ord. No. 914-A, § 3, 8-12-74; Ord. No. 2816-A, § 5, 1-14-91; Ord. No. 2881-A, § 1, 5-11-92; Ord. No. 3267-A, § 1, 12-13-99; Ord. No. 3377-A, § 1, 1-14-02; Ord. No. 3412-A, § 2, 1-27-03; Ord. No. 3448, § 1, 1-26-04)

Sec. 3. Height regulations.

- (a) *Principal building.* No principal building shall exceed two stories in height. The first story shall be limited to 25 feet in height. The second story shall not exceed 15 feet in height.
- (b) *Accessory buildings.* Accessory buildings shall be a maximum of one story in height. Accessory buildings of 150 square feet or less shall not exceed 12 feet in height. Accessory buildings of more than 150 square feet shall not exceed 25 feet in height.

(Ord. No. 2881-A, § 1, 5-11-92; Ord. No. 3377-A, § 1, 1-14-02)

Sec. 4. Area regulations.

- (a) *Area of the lot.* The minimum area of the lot shall be 12,000 square feet.
- (b) *Width of the lot.* The minimum width of the lot shall be 90 feet.
- (c) *Depth of the lot.* The minimum depth of the lot shall be 125 feet. Lots located on cul-de-sac circles may be less than 125 feet in depth provided one side of the lot is at least 125 feet in depth, and provided the lot meets width and area requirements.

- (d) Lot coverage.
- (1) The lot coverage of all buildings shall not exceed 45 percent of the area of the lot, estate, or other land on which the same is situated.
 - (2) The total area of detached structures, including garages and accessory buildings, shall not occupy more than eight percent of the lot area, nor in any event have a floor area in excess of 40 percent of the size of the principal residential dwelling.
 - (3) The cumulative area of any driveway plus any impermeable surface area located between the front property line and any front building wall shall not exceed 50 percent of the area between the front property line and any front building wall.
- (e) Front setback.
- (1) There shall be a front setback having a minimum depth of 30 feet. Unenclosed porches, fireplaces, and other architectural appendages may project into the required front setback for a distance not to exceed five feet.
 - (2) Where lots have double frontage running through from one street to another, the required front setback shall be provided on both streets.
 - (3) *Exception to front setback requirement.* Along streets already having a uniform building line established by a subdivision plat, new structures shall conform to existing building lines between intersecting streets. Where building lines have not been platted and there is a variance in the established building setbacks from the front lot line in the same block, and on the same side of the street as the lot to be built on, the building line of the new building shall conform to that of the building to its right when facing the street. If such new building is to be constructed on a corner lot, the front building line shall conform to that of the building nearest thereto on the same side of the street in the same block; however, these regulations shall not be construed as requiring a building line of more than 50 feet from the front lot line.
- (f) Side setback.
- (1) There shall be a side setback on each side of the lot as provided in this section without projections or appendages except as allowed herein, except the side setback on a corner lot adjacent to a side street shall not be less than 20 feet. The minimum required side setback is:
 - a. Where lots are created or combined so that the resulting lot is less than 80 feet in width, the minimum side setback shall be seven feet.
 - b. Where lots are created or combined so that the resulting lot is 80 feet or more, but less than 120 feet in width, the minimum side setback shall be ten feet.
 - c. Where lots are created or combined so that the resulting lot is 120 feet or more in width, the minimum side setback shall be 15 feet.
 - d. The reconstruction of a single-family dwelling on an existing, platted lot of record may utilize the side setback established for the previous dwelling on that lot. However, in no instance shall the side setback be less than seven feet in width, nor less than the side setback of the previous dwelling.

- (2) The ordinary projections of a roof eave or cornice may extend into the required side setback a maximum of two feet. A fireplace, windowsill, box or bay window, or other architectural features not more than ten feet in width may extend into the required side setback a maximum of two feet.
 - (3) A detached garage, detached carport, attached carport or any other accessory building shall meet the side setback required for the principal building, except in the required rear setback adjacent to an interior side lot line, a minimum three-foot setback shall be provided. No portion of the garage, carport, or other accessory structure shall extend into the required side setback when located within the required rear setback area.
 - (4) Swimming pool equipment may be located in the required side setback a minimum of three feet from any side lot line. Additional requirements relative to the location of swimming pools and pool equipment are stated in article I, section 5.
 - (5) No setback shall be required from an interior side lot line for air conditioning equipment or an uncovered porch or patio.
- (g) *Rear setback.* There shall be a rear setback having a depth of not less than 25 feet, except:
- (1) The ordinary projections of a roof eave or cornice may extend into the required rear setback a maximum of two feet. A fireplace, windowsill, box or bay window, and other architectural features not more than ten feet in width may extend into the required rear setback a maximum of two feet.
 - (2) Where a detached garage, detached carport, attached carport or any other accessory building extends into the rear setback area, a minimum setback of three feet shall be provided from the side lot line and a minimum setback of three feet shall be provided from the rear lot line or 18 inches if the rear lot line is adjacent to an alley.
 - (3) Swimming pool equipment may be located in the rear setback a minimum distance of three feet from the rear lot line or 18 inches if adjacent to an alley. Additional requirements relative to the location of swimming pools and pool equipment are stated in article I, section 5.
 - (4) No rear setback shall be required for air conditioning equipment or an uncovered porch or patio.
- (h) *Parking regulations.*
- (1) Two off-street parking spaces, accessible from a driveway constructed of an approved parking surface, shall be provided on the lot in an enclosed garage structure behind the front building line to accommodate two motor vehicles for each dwelling unit. The garage may be either attached to or detached from the principal building.
 - (2) Adequate paved area must be provided for maneuvering of the vehicles into the enclosed garage structure. Alley pavement may be used as part of the required paved area for maneuvering as determined by the building official, provided:
 - a. Where the parking space is nine feet in width and 18 feet in length, the pavement for maneuvering shall be a minimum 18 feet in width and 24 feet in length, measured perpendicular to the entry opening of a garage or the supporting member of a carport or other motor vehicle storage structure, and may include the alley pavement adjacent to the lot.

- b. As an alternative, two off-street parking spaces, each a minimum of 12 feet in width and 18 feet in length, may be provided and the pavement for maneuvering shall be a minimum of 24 feet in width and 18.5 feet in length, measured perpendicular to the entry opening of a garage or the supporting member of a carport or other motor vehicle storage structure, and may include the alley pavement adjacent to the lot.
- (3) Where a parking space is entered from a side street, the parking space shall be no closer than 20 feet from the side lot line adjacent to the street.
- (4) Where driveways or off-street parking spaces are located in the front yard after enclosure or conversion of a garage or carport, the driveway and/or the off-street parking spaces shall either be removed or reconfigured to provide access to the new required two off-street parking spaces within the enclosed garage structure. No head-in or dead-end driveways or parking spaces shall be permitted in the front yard.

(Ord. No. 948-A, § 9, 3-31-75; Ord. No. 2881-A, § 1, 5-11-92; Ord. No. 3377-A, § 1, 1-14-02; Ord. No. 3448, § 1, 1-26-04; Ord. No. 3461, § 4, 4-26-04; Ord. No. 3540, § 1, 1-9-06; Ord. No. 3730, §§ 6, 7, 11-10-08)

End of Article IV-B

**Article V.
Reserved***

**Editor's note: Ord. No. 948-A, § 20, adopted March 30, 1975, amended the zoning ordinance by repealing former art. V, R-1250-F Residential District Regulations, in its entirety. Former art. V was derived from the original comprehensive zoning ordinance of 1956.*

End of Article V

Article VI. R-1250-M Residential District Regulations

Sec. 1. Use regulations.

In the R-1250-M Residential District, no land shall be used and no buildings shall be erected for or converted to any use other than:

- (a) Single-family detached dwellings in compliance with all of the provisions and area regulations of this district.
- (b) Accessory building:
 - (1) Garage, detached.
 - (2) Carport.
 - (3) Other accessory buildings as defined herein.
- (c) Church.
- (d) Construction field office.
- (e) Farming.
- (f) Gardening.
- (g) Home occupation.
- (h) Public building.
- (i) Rental rooms in a single-family dwelling, maximum of two individual renters or tenants.
- (j) Servants' quarters.
- (k) School, parochial when on the same lot as the church of the sponsoring religious agency.
- (l) Antenna, commercial, subject to the supplemental regulations of article XXII-E.
- (m) Antenna, freestanding, subject to the supplemental regulations of article XXII-E.
- (n) Antenna, mounted, subject to the supplemental regulations of article XXII-E.
- (o) Rainwater harvesting system, subject to the regulations in Chapter 6 of the Code of Ordinances.
(Ord. No. 3377-A, § 1, 1-14-02; Ord. No. 3809, § 5, 2-28-11)

Sec. 2. Building regulations.

- (a) *Minimum size.* The minimum area of the principal building shall be 1,250 square feet, exclusive of garages, breezeways, and servants' quarters.
- (b) Type of materials.
 - (1) *Principal building.* For property platted after January 27, 2003, the effective date of adoption of Article XXII-F, or for any single-family residential structure which is reconstructed, regardless of the date the property was platted, the principal building shall be subject to the standards of Article XXII-F Residential Exterior Construction Standards. For property platted on or before January 27, 2003, the exterior walls for the principal building, excluding windows and doors, shall be constructed of a minimum 75 percent masonry construction below the first floor ceiling plate line, provided, however, that chimneys for

newly constructed single-family dwellings or additions to existing dwellings shall be of 100 percent masonry construction. No one wall may be less than 50 percent masonry construction unless said wall is on a porch, patio, courtyard, or breezeway, in which event, said wall may be of nonmasonry construction.

- (2) *Accessory buildings.* For accessory buildings in excess of 150 square feet, including, but not limited to, detached garages or servants' quarters, each exterior wall shall be constructed of a minimum of 35 percent masonry construction. Accessory buildings of 150 square feet or less may be of nonmasonry construction or may be of all metal with baked-on or prepainted surface. Detached garages built to replace garages which are enclosed or converted to living space as required herein shall be constructed of brick, stone, cementitious materials or a combination thereof in proportions similar to those on the principal building and the detached garage shall be architecturally compatible with the principal building as determined by the chief building official or designee.
- (3) *Greenhouses.* A greenhouse may be constructed of material approved by the chief building official provided the structure is used exclusively as a greenhouse and maintained as such. In the event a greenhouse is converted to another use, it must be made to comply with the preceding paragraph.
- (4) *Nonresidential structures.* Structures other than dwelling units, including, but not limited to, churches, schools, childcare facilities and hospitals, shall comply with the building regulations of the LR-M(1) District.

(Ord. No. 914-A, § 3, 8-12-74; Ord. No. 2816-A, § 6, 1-14-91; Ord. No. 2881-A, § 1, 5-11-92; Ord. No. 3267-A, § 1, 12-13-99; Ord. No. 3377-A, § 1, 1-14-02; Ord. No. 3412-A, § 2, 1-27-03; Ord. No. 3448, § 1, 1-26-04)

Sec. 3. Height regulations.

- (a) *Principal building.* No principal building shall exceed two stories in height. The first story shall be limited to 25 feet in height. The second story shall not exceed 15 feet in height.
- (b) *Accessory buildings.* Accessory buildings shall be a maximum of one story in height. Accessory buildings of 150 square feet or less shall not exceed 12 feet in height. Accessory buildings of more than 150 square feet shall not exceed 25 feet in height.

(Ord. No. 2881-A, § 1, 5-11-92; Ord. No. 3377-A, § 1, 1-14-02)

Sec. 4. Area regulations.

- (a) *Area of the lot.* The minimum area of the lot shall be 8,500 square feet.
- (b) *Width of the lot.* The minimum width of the lot shall be 68 feet.
- (c) *Depth of the lot.* The minimum depth of the lot shall be 125 feet. Lots located on cul-de-sac circles may be less than 125 feet in depth provided one side of the lot is at least 125 feet in depth, and provided the lot meets width and area requirements.

- (d) Lot coverage.
- (1) The lot coverage of all buildings shall not exceed 32 percent of the area of the lot, estate, or other land on which the same is situated. Percentage of lot coverage in this district shall not be affected by this ordinance in subdivisions which have been zoned, platted, and accepted and filed for record prior to March 31, 1975. The lot coverage shall remain at 35 percent for all lots in such platted subdivisions
 - (2) The total area of detached structures, including garages and accessory buildings, shall not occupy more than eight percent of the lot area, nor in any event have a floor area in excess of 40 percent of the size of the principal residential dwelling.
 - (3) The cumulative area of any driveway plus any impermeable surface area located between the front property line and any front building wall shall not exceed 50 percent of the area between the front property line and any front building wall.
- (e) Front setback.
- (1) There shall be a front setback having a minimum depth of 30 feet. Unenclosed porches, fireplaces, and other architectural appendages may project into the required front setback for a distance not to exceed five feet.
 - (2) Where lots have double frontage running through from one street to another, the required front setback shall be provided on both streets.
 - (3) *Exception to front setback requirement.* Along streets already having a uniform building line established by a subdivision plat, new structures shall conform to existing building lines between intersecting streets. Where building lines have not been platted and there is a variance in the established building setbacks from the front lot line in the same block, and on the same side of the street as the lot to be built on, the building line of the new building shall conform to that of the building to its right when facing the street. If such new building is to be constructed on a corner lot, the front building line shall conform to that of the building nearest thereto on the same side of the street in the same block; however, these regulations shall not be construed as requiring a building line of more than 50 feet from the front lot line.
- (f) Side setback.
- (1) There shall be a side setback on each side of the lot as provided in this section without projections or appendages except as allowed herein, except the side setback on a corner lot adjacent to a side street shall not be less than 20 feet. The minimum required side setback is:
 - a. Where lots are created or combined so that the resulting lot is less than 80 feet in width, the minimum side setback shall be seven feet.
 - b. Where lots are created or combined so that the resulting lot is 80 feet or more, but less than 120 feet in width, the minimum side setback shall be ten feet.
 - c. Where lots are created or combined so that the resulting lot is 120 feet or more in width, the minimum side setback shall be 15 feet.
 - d. The reconstruction of a single-family dwelling on an existing, platted lot of record may utilize the side setback established for the previous dwelling on that lot. However, in

no instance shall the side setback be less than seven feet in width, nor less than the side setback of the previous dwelling.

- (2) The ordinary projections of a roof eave or cornice may extend into the required side setback a maximum of two feet. A fireplace, windowsill, box or bay window, or other architectural features not more than ten feet in width may extend into the required side setback a maximum of two feet.
 - (3) A detached garage, detached carport, attached carport or any other accessory building shall meet the side setback required for the principal building, except in the required rear setback adjacent to an interior side lot line, a minimum three-foot setback shall be provided. No portion of the garage, carport, or other accessory structure shall extend into the required side setback when located within the required rear setback area.
 - (4) Swimming pool equipment may be located in the required side setback a minimum of three feet from any side lot line. Additional requirements relative to the location of swimming pools and pool equipment are stated in article I, section 5.
 - (5) No setback shall be required from an interior side lot line for air conditioning equipment or an uncovered porch or patio.
- (g) *Rear setback.* There shall be a rear setback having a depth of not less than 25 feet, except:
- (1) The ordinary projections of a roof eave or cornice may extend into the required rear setback a maximum of two feet. A fireplace, windowsill, box or bay window, and other architectural features not more than ten feet in width may extend into the required rear setback a maximum of two feet.
 - (2) Where a detached garage, detached carport, attached carport or any other accessory building extends into the rear setback area, a minimum setback of three feet shall be provided from the side lot line and a minimum setback of three feet shall be provided from the rear lot line or 18 inches if the rear lot line is adjacent to an alley.
 - (3) Swimming pool equipment may be located in the rear setback a minimum distance of three feet from the rear lot line or 18 inches if adjacent to an alley. Additional requirements relative to the location of swimming pools and pool equipment are stated in article I, section 5.
 - (4) No rear setback shall be required for air conditioning equipment or an uncovered porch or patio.
- (h) *Parking regulations.*
- (1) Two off-street parking spaces, accessible from a driveway constructed of an approved parking surface, shall be provided on the lot in an enclosed garage structure behind the front building line to accommodate two motor vehicles for each dwelling unit. The garage may be either attached to or detached from the principal building.
 - (2) Adequate paved area must be provided for maneuvering of the vehicles into the enclosed garage structure. Alley pavement may be used as part of the required paved area for maneuvering as determined by the building official, provided:
 - a. Where the parking space is nine feet in width and 18 feet in length, the pavement for maneuvering shall be a minimum 18 feet in width and 24 feet in length, measured perpendicular to the entry opening of a garage or the supporting member of a carport

or other motor vehicle storage structure, and may include the alley pavement adjacent to the lot.

- b. As an alternative, two off-street parking spaces, each a minimum of 12 feet in width and 18 feet in length, may be provided and the pavement for maneuvering shall be a minimum of 24 feet in width and 18.5 feet in length, measured perpendicular to the entry opening of a garage or the supporting member of a carport or other motor vehicle storage structure, and may include the alley pavement adjacent to the lot.
- (3) Where a parking space is entered from a side street, the parking space shall be no closer than 20 feet from the side lot line adjacent to the street.
- (4) Where driveways or off-street parking spaces are located in the front yard after enclosure or conversion of a garage or carport, the driveway and/or the off-street parking spaces shall either be removed or reconfigured to provide access to the new required two off-street parking spaces within the enclosed garage structure. No head-in or dead-end driveways or parking spaces shall be permitted in the front yard.

(Ord. No. 948-A, § 10, 3-31-75; Ord. No. 2881-A, § 1, 5-11-92; Ord. No. 3377-A, § 1, 1-14-02; Ord. No. 3448, § 1, 1-26-04; Ord. No. 3461, § 5, 4-26-04; Ord. No. 3540, § 1, 1-9-06; Ord. No. 3730, §§ 8, 9, 11-10-08)

End of Article VI

Article VII.

R-1100-M Residential District Regulations

Sec. 1. Use regulations.

In the R-1100-M Residential District, no land shall be used and no buildings shall be erected for or converted to any use other than:

- (a) Single-family detached dwellings in compliance with all of the provisions and area regulations of this district.
 - (b) Accessory buildings:
 - (1) Garage, detached.
 - (2) Carport.
 - (3) Other accessory buildings as defined herein.
 - (c) Church.
 - (d) Construction field office.
 - (e) Farming.
 - (f) Gardening.
 - (g) Home occupation.
 - (h) Public building.
 - (i) Rental rooms in a single-family dwelling, maximum of two individual renters or tenants.
 - (j) Servants' quarters.
 - (k) School, parochial when on the same lot as the church of the sponsoring religious agency.
 - (l) Antenna, commercial, subject to the supplemental regulations of article XXII-E.
 - (m) Antenna, freestanding, subject to the supplemental regulations of article XXII-E.
 - (n) Antenna, mounted, subject to the supplemental regulations of article XXII-E.
 - (o) Rainwater harvesting system, subject to the regulations in Chapter 6 of the Code of Ordinances.
- (Ord. No. 3377-A, § 1, 1-14-02; Ord. No. 3809, § 6, 2-28-11)

Sec. 2. Building regulations.

- (a) *Minimum size.* The minimum area in the principal building shall be 1,100 square feet, exclusive of breezeways, garages and servants' quarters.
- (b) Type of materials.
 - (1) *Principal building.* For property platted after January 27, 2003, the effective date of adoption of Article XXII-F, or for any single-family residential structure which is reconstructed, regardless of the date the property was platted, the principal building shall be subject to the standards of Article XXII-F Residential Exterior Construction Standards. For property platted on or before January 27, 2003, the exterior walls for the principal building, excluding windows and doors, shall be constructed of a minimum 75 percent masonry construction below the first floor ceiling plate line, provided, however, that chimneys for

newly constructed single-family dwellings or additions to existing dwellings shall be of 100 percent masonry construction. No one wall may be less than 50 percent masonry construction unless said wall is on a porch, patio, courtyard, or breezeway, in which event, said wall may be of nonmasonry construction.

- (2) *Accessory buildings.* For accessory buildings in excess of 150 square feet, including, but not limited to, detached garages or servants' quarters, each exterior wall shall be constructed of a minimum of 35 percent masonry construction. Accessory buildings of 150 square feet or less may be of nonmasonry construction or may be of all metal with baked-on or prepainted surface. Detached garages built to replace garages which are enclosed or converted to living space as required herein shall be constructed of brick, stone, cementitious materials or a combination thereof in proportions similar to those on the principal building and the detached garage shall be architecturally compatible with the principal building as determined by the chief building official or designee.
- (3) *Greenhouses.* A greenhouse may be constructed of material approved by the chief building official provided the structure is used exclusively as a greenhouse and maintained as such. In the event a greenhouse is converted to another use, it must be made to comply with the preceding paragraph.
- (4) *Nonresidential structures.* Structures other than dwelling units, including, but not limited to, churches, schools, childcare facilities and hospitals, shall comply with the building regulations of the LR-M(1) District.

(Ord. No. 914-A, § 3, 8-12-74; Ord. No. 2816-A, § 7, 1-14-91; Ord. No. 2881-A, § 1, 5-11-92; Ord. No. 3267-A, § 1, 12-13-99; Ord. No. 3377-A, § 1, 1-14-02; Ord. No. 3412-A, § 2, 1-27-03; Ord. No. 3448, § 1, 1-26-04)

Sec. 3. Height regulations.

- (a) *Principal building.* No principal building shall exceed two stories in height. The first story shall be limited to 25 feet in height. The second story shall not exceed 15 feet in height.
- (b) *Accessory buildings.* Accessory buildings shall be a maximum of one story in height. Accessory buildings of 150 square feet or less shall not exceed 12 feet in height. Accessory buildings of more than 150 square feet shall not exceed 25 feet in height.

(Ord. No. 2881-A, § 1, 5-11-92; Ord. No. 3377-A, § 1, 1-14-02)

Sec. 4. Area regulations.

- (a) *Area of the lot.* The minimum area of the lot shall be 8,000 square feet.
- (b) *Width of the lot.* The minimum width of the lot shall be 64 feet.
- (c) *Depth of the lot.* The minimum depth of the lot shall be 125 feet. Lots located on cul-de-sac circles may be less than 125 feet in depth provided one side of the lot is at least 125 feet in depth, and provided the lot meets width and area requirements.

- (d) Lot coverage.
- (1) The lot coverage of all buildings shall not exceed 30 percent of the area of the lot, estate, or other land on which the same is situated. Percentage of lot coverage in this district shall not be affected by this ordinance in subdivisions which have been zoned, platted, and accepted and filed for record prior to March 31, 1975. The lot coverage shall remain at 35 percent for all lots in such platted subdivisions
 - (2) The total area of detached structures, including garages and accessory buildings, shall not occupy more than eight percent of the lot area, nor in any event have a floor area in excess of 40 percent of the size of the principal residential dwelling.
 - (3) The cumulative area of any driveway plus any impermeable surface area located between the front property line and any front building wall shall not exceed 50 percent of the area between the front property line and any front building wall.
- (e) Front setback.
- (1) There shall be a front setback having a minimum depth of 30 feet. Unenclosed porches, fireplaces, and other architectural appendages may project into the required front setback for a distance not to exceed five feet.
 - (2) Where lots have double frontage running through from one street to another, the required front setback shall be provided on both streets.
 - (3) *Exception to front setback requirement.* Along streets already having a uniform building line established by a subdivision plat, new structures shall conform to existing building lines between intersecting streets. Where building lines have not been platted and there is a variance in the established building setbacks from the front lot line in the same block, and on the same side of the street as the lot to be built on, the building line of the new building shall conform to that of the building to its right when facing the street. If such new building is to be constructed on a corner lot, the front building line shall conform to that of the building nearest thereto on the same side of the street in the same block; however, these regulations shall not be construed as requiring a building line of more than 50 feet from the front lot line.
- (f) Side setback.
- (1) There shall be a side setback on each side of the lot as provided in this section without projections or appendages except as allowed herein, except the side setback on a corner lot adjacent to a side street shall not be less than 20 feet. The minimum required side setback is:
 - a. Where lots are created or combined so that the resulting lot is less than 80 feet in width, the minimum side setback shall be seven feet.
 - b. Where lots are created or combined so that the resulting lot is 80 feet or more, but less than 120 feet in width, the minimum side setback shall be ten feet.
 - c. Where lots are created or combined so that the resulting lot is 120 feet or more in width, the minimum side setback shall be 15 feet.

- d. The reconstruction of a single-family dwelling on an existing, platted lot of record may utilize the side setback established for the previous dwelling on that lot. However, in no instance shall the side setback be less than seven feet in width, nor less than the side setback of the previous dwelling.
- (2) The ordinary projections of a roof eave or cornice may extend into the required side setback a maximum of two feet. A fireplace, windowsill, box or bay window, or other architectural features not more than ten feet in width may extend into the required side setback a maximum of two feet.
- (3) A detached garage, detached carport, attached carport or any other accessory building shall meet the side setback required for the principal building, except in the required rear setback adjacent to an interior side lot line, a minimum three-foot setback shall be provided. No portion of the garage, carport, or other accessory structure shall extend into the required side setback when located within the required rear setback area.
- (4) Swimming pool equipment may be located in the required side setback a minimum of three feet from any side lot line. Additional requirements relative to the location of swimming pools and pool equipment are stated in article I, section 5.
- (5) No setback shall be required from an interior side lot line for air conditioning equipment or an uncovered porch or patio.
- (g) *Rear setback.* There shall be a rear setback having a depth of not less than 25 feet, except:
 - (1) The ordinary projections of a roof eave or cornice may extend into the required rear setback a maximum of two feet. A fireplace, windowsill, box or bay window, and other architectural features not more than ten feet in width may extend into the required rear setback a maximum of two feet.
 - (2) Where a detached garage, detached carport, attached carport or any other accessory building extends into the rear setback area, a minimum setback of three feet shall be provided from the side lot line and a minimum setback of three feet shall be provided from the rear lot line or 18 inches if the rear lot line is adjacent to an alley.
 - (3) Swimming pool equipment may be located in the rear setback a minimum distance of three feet from the rear lot line or 18 inches if adjacent to an alley. Additional requirements relative to the location of swimming pools and pool equipment are stated in article I, section 5.
 - (4) No rear setback shall be required for air conditioning equipment or an uncovered porch or patio.
- (h) *Parking regulations.*
 - (1) Two off-street parking spaces, accessible from a driveway constructed of an approved parking surface, shall be provided on the lot in an enclosed garage structure behind the front building line to accommodate two motor vehicles for each dwelling unit. The garage may be either attached to or detached from the principal building.
 - (2) Adequate paved area must be provided for maneuvering of the vehicles into the enclosed garage structure. Alley pavement may be used as part of the required paved area for maneuvering as determined by the building official, provided:

- a. Where the parking space is nine feet in width and 18 feet in length, the pavement for maneuvering shall be a minimum 18 feet in width and 24 feet in length, measured perpendicular to the entry opening of a garage or the supporting member of a carport or other motor vehicle storage structure, and may include the alley pavement adjacent to the lot.
 - b. As an alternative, two off-street parking spaces, each a minimum of 12 feet in width and 18 feet in length, may be provided and the pavement for maneuvering shall be a minimum of 24 feet in width and 18.5 feet in length, measured perpendicular to the entry opening of a garage or the supporting member of a carport or other motor vehicle storage structure, and may include the alley pavement adjacent to the lot.
- (3) Where a parking space is entered from a side street, the parking space shall be no closer than 20 feet from the side lot line adjacent to the street.
- (4) Where driveways or off-street parking spaces are located in the front yard after enclosure or conversion of a garage or carport, the driveway and/or the off-street parking spaces shall either be removed or reconfigured to provide access to the new required two off-street parking spaces within the enclosed garage structure. No head-in or dead-end driveways or parking spaces shall be permitted in the front yard.

(Ord. No. 243-A, 10-24-61; Ord. No. 742-A, § 1, 11-22-71; Ord. No. 823-A, § 2, 12-18-72; Ord. No. 948-A, § 11, 3-31-75; Ord. No. 2881-A, § 1, 5-11-92; Ord. No. 3377-A, § 1, 1-14-02; Ord. No. 3448, § 1, 1-26-04; Ord. No. 3461, § 6, 4-26-04; Ord. No. 3540, § 1, 1-9-06; Ord. No. 3730, §§ 10, 11, 11-10-08)

End of Article VII

Article VIII.

R-1000-M Residential District Regulations

Sec. 1. Use regulations.

In the R-1000-M Residential District, no land shall be used and no buildings shall be erected for or converted to any use other than:

- (a) Single-family detached dwellings in compliance with all of the provisions and area regulations of this district.
 - (b) Accessory buildings:
 - (1) Garage, detached.
 - (2) Carport.
 - (3) Other accessory buildings as defined herein.
 - (c) Church.
 - (d) Construction field office.
 - (e) Farming.
 - (f) Gardening.
 - (g) Home occupation.
 - (h) Public building.
 - (i) Rental rooms in a single-family dwelling, maximum of two individual renters or tenants.
 - (j) Servants' quarters.
 - (k) School, parochial when on the same lot as the church of the sponsoring religious agency.
 - (l) Antenna, commercial, subject to the supplemental regulations of article XXII-E.
 - (m) Antenna, freestanding, subject to the supplemental regulations of article XXII-E.
 - (n) Antenna, mounted, subject to the supplemental regulations of article XXII-E.
 - (o) Rainwater harvesting system, subject to the regulations in Chapter 6 of the Code of Ordinances.
- (Ord. No. 3377-A, § 1, 1-14-02; Ord. No. 3809, § 7, 2-28-11)

Sec. 2. Building regulations.

- (a) *Minimum size.* The minimum area of the principal building shall be 1,000 square feet, exclusive of garages, breezeways, and servants' quarters.
- (b) Type of materials.
 - (1) *Principal building.* For property platted after January 27, 2003, the effective date of adoption of Article XXII-F, or for any single-family residential structure which is reconstructed, regardless of the date the property was platted, the principal building shall be subject to the standards of Article XXII-F Residential Exterior Construction Standards. For property platted on or before January 27, 2003, the exterior walls for the principal building, excluding windows and doors, shall be constructed of a minimum 75 percent masonry construction below the first floor ceiling plate line, provided, however, that chimneys for

newly constructed single-family dwellings or additions to existing dwellings shall be of 100 percent masonry construction. No one wall may be less than 50 percent masonry construction unless said wall is on a porch, patio, courtyard, or breezeway, in which event, said wall may be of nonmasonry construction.

- (2) *Accessory buildings.* For accessory buildings in excess of 150 square feet, including, but not limited to, detached garages or servants' quarters, each exterior wall shall be constructed of a minimum of 35 percent masonry construction. Accessory buildings of 150 square feet or less may be of nonmasonry construction or may be of all metal with baked-on or prepainted surface. Detached garages built to replace garages which are enclosed or converted to living space as required herein shall be constructed of brick, stone, cementitious materials or a combination thereof in proportions similar to those on the principal building and the detached garage shall be architecturally compatible with the principal building as determined by the chief building official or designee.
- (3) *Greenhouses.* A greenhouse may be constructed of material approved by the chief building official provided the structure is used exclusively as a greenhouse and maintained as such. In the event a greenhouse is converted to another use, it must be made to comply with the preceding paragraph.
- (4) *Nonresidential structures.* Structures other than dwelling units, including, but not limited to, churches, schools, childcare facilities and hospitals, shall comply with the building regulations of the LR-M(1) District.

(Ord. No. 914-A, § 3, 8-12-74; Ord. No. 2816-A, § 8, 1-14-91; Ord. No. 2881-A, § 1, 5-11-92; Ord. No. 3267-A, § 1, 12-13-99; Ord. No. 3377-A, § 1, 1-14-02; Ord. No. 3412-A, § 2, 1-27-03; Ord. No. 3448, § 1, 1-26-04)

Sec. 3. Height regulations.

- (a) *Principal building.* No principal building shall exceed two stories in height. The first story shall be limited to 25 feet in height. The second story shall not exceed 15 feet in height.
- (b) *Accessory buildings.* Accessory buildings shall be a maximum of one story in height. Accessory buildings of 150 square feet or less shall not exceed 12 feet in height. Accessory buildings of more than 150 square feet shall not exceed 25 feet in height.

(Ord. No. 2881-A, § 1, 5-11-92; Ord. No. 3377-A, § 1, 1-14-02)

Sec. 4. Area regulations.

- (a) *Area of the lot.* The minimum area of the lot shall be 8,000 square feet.
- (b) *Width of the lot.* The minimum width of the lot shall be 64 feet.
- (c) *Depth of the lot.* The minimum depth of the lot shall be 125 feet. Lots located on cul-de-sac circles may be less than 125 feet in depth provided one side of the lot is at least 125 feet in depth, and provided the lot meets width and area requirements.

- (d) Lot coverage.
- (1) The lot coverage of all buildings shall not exceed 30 percent of the area of the lot, estate, or other land on which the same is situated.
 - (2) The total area of detached structures, including garages and accessory buildings, shall not occupy more than eight percent of the lot area, nor in any event have a floor area in excess of 40 percent of the size of the principal residential dwelling.
 - (3) The cumulative area of any driveway plus any impermeable surface area located between the front property line and any front building wall shall not exceed 50 percent of the area between the front property line and any front building wall.
- (e) Front setback.
- (1) There shall be a front setback having a minimum depth of 30 feet. Unenclosed porches, fireplaces, and other architectural appendages may project into the required front setback for a distance not to exceed five feet.
 - (2) Where lots have double frontage running through from one street to another, the required front setback shall be provided on both streets.
 - (3) *Exception to front setback requirement.* Along streets already having a uniform building line established by a subdivision plat, new structures shall conform to existing building lines between intersecting streets. Where building lines have not been platted and there is a variance in the established building setbacks from the front lot line in the same block, and on the same side of the street as the lot to be built on, the building line of the new building shall conform to that of the building to its right when facing the street. If such new building is to be constructed on a corner lot, the front building line shall conform to that of the building nearest thereto on the same side of the street in the same block; however, these regulations shall not be construed as requiring a building line of more than 50 feet from the front lot line.
- (f) Side setback.
- (1) There shall be a side setback on each side of the lot as provided in this section without projections or appendages except as allowed herein, except the side setback on a corner lot adjacent to a side street shall not be less than 20 feet. The minimum required side setback is:
 - a. Where lots are created or combined so that the resulting lot is less than 80 feet in width, the minimum side setback shall be seven feet.
 - b. Where lots are created or combined so that the resulting lot is 80 feet or more, but less than 120 feet in width, the minimum side setback shall be ten feet.
 - c. Where lots are created or combined so that the resulting lot is 120 feet or more in width, the minimum side setback shall be 15 feet.
 - d. The reconstruction of a single-family dwelling on an existing, platted lot of record may utilize the side setback established for the previous dwelling on that lot. However, in no instance shall the side setback be less than seven feet in width, nor less than the side setback of the previous dwelling.

- (2) The ordinary projections of a roof eave or cornice may extend into the required side setback a maximum of two feet. A fireplace, windowsill, box or bay window, or other architectural features not more than ten feet in width may extend into the required side setback a maximum of two feet.
 - (3) A detached garage, detached carport, attached carport or any other accessory building shall meet the side setback required for the principal building, except in the required rear setback adjacent to an interior side lot line, a minimum three-foot setback shall be provided. No portion of the garage, carport, or other accessory structure shall extend into the required side setback when located within the required rear setback area.
 - (4) Swimming pool equipment may be located in the required side setback a minimum of three feet from any side lot line. Additional requirements relative to the location of swimming pools and pool equipment are stated in article I, section 5.
 - (5) No setback shall be required from an interior side lot line for air conditioning equipment or an uncovered porch or patio.
- (g) *Rear setback.* There shall be a rear setback having a depth of not less than 25 feet, except:
- (1) The ordinary projections of a roof eave or cornice may extend into the required rear setback a maximum of two feet. A fireplace, windowsill, box or bay window, and other architectural features not more than ten feet in width may extend into the required rear setback a maximum of two feet.
 - (2) Where a detached garage, detached carport, attached carport or any other accessory building extends into the rear setback area, a minimum setback of three feet shall be provided from the side lot line and a minimum setback of three feet shall be provided from the rear lot line or 18 inches if the rear lot line is adjacent to an alley.
 - (3) Swimming pool equipment may be located in the rear setback a minimum distance of three feet from the rear lot line or 18 inches if adjacent to an alley. Additional requirements relative to the location of swimming pools and pool equipment are stated in article I, section 5.
 - (4) Reserved.
 - (5) No rear setback shall be required for air conditioning equipment or an uncovered porch or patio.
- (h) *Parking regulations.*
- (1) Two off-street parking spaces, accessible from a driveway constructed of an approved parking surface, shall be provided on the lot in an enclosed garage structure behind the front building line to accommodate two motor vehicles for each dwelling unit. The garage may be either attached to or detached from the principal building.

- (2) Adequate paved area must be provided for maneuvering of the vehicles into the enclosed garage structure. Alley pavement may be used as part of the required paved area for maneuvering as determined by the building official, provided:
 - a. Where the parking space is nine feet in width and 18 feet in length, the pavement for maneuvering shall be a minimum 18 feet in width and 24 feet in length, measured perpendicular to the entry opening of a garage or the supporting member of a carport or other motor vehicle storage structure, and may include the alley pavement adjacent to the lot.
 - b. As an alternative, two off-street parking spaces, each a minimum of 12 feet in width and 18 feet in length, may be provided and the pavement for maneuvering shall be a minimum of 24 feet in width and 18.5 feet in length, measured perpendicular to the entry opening of a garage or the supporting member of a carport or other motor vehicle storage structure, and may include the alley pavement adjacent to the lot.
- (3) Where a parking space is entered from a side street, the parking space shall be no closer than 20 feet from the side lot line adjacent to the street.
- (4) Where driveways or off-street parking spaces are located in the front yard after enclosure or conversion of a garage or carport, the driveway and/or the off-street parking spaces shall either be removed or reconfigured to provide access to the new required two off-street parking spaces within the enclosed garage structure. No head-in or dead-end driveways or parking spaces shall be permitted in the front yard.

(Ord. No. 948-A, § 12, 3-31-75; Ord. No. 2881-A, § 1, 5-11-92; Ord. No. 3377-A, § 1, 1-14-02; Ord. No. 3448, § 1, 1-26-04; Ord. No. 3461, § 7, 4-26-04; Ord. No. 3540, § 1, 1-9-06; Ord. No. 3730, §§ 12, 13, 11-10-08)

End of Article VIII

Article IX. R-950-M Residential District Regulations

Sec. 1. Use regulations.

In the R-950-M Residential District, no land shall be used and no buildings shall be erected for or converted to any use other than:

- (a) Single-family detached dwellings in compliance with all of the provisions and area regulations of this district.
- (b) Accessory building:
 - (1) Garage, detached.
 - (2) Carport.
 - (3) Other accessory buildings as defined herein.
- (c) Church.
- (d) Construction field office.
- (e) Farming.
- (f) Gardening.
- (g) Home occupation.
- (h) Public building.
- (i) Rental rooms in a single-family dwelling, maximum of two individual renters or tenants.
- (j) Servants' quarters.
- (k) School, parochial when on the same lot as the church of the sponsoring religious agency.
- (l) Antenna, commercial, subject to the supplemental regulations of article XXII-E.
- (m) Antenna, freestanding, subject to the supplemental regulations of article XXII-E.
- (n) Antenna, mounted, subject to the supplemental regulations of article XXII-E.
- (o) Rainwater harvesting system, subject to the regulations in Chapter 6 of the Code of Ordinances.
(Ord. No. 3377-A, § 1, 1-14-02; Ord. No. 3809, § 8, 2-28-11)

Sec. 2. Building regulations.

- (a) *Minimum size.* The minimum area of the principal building shall be 950 square feet, exclusive of garages, breezeways, and servants' quarters.
- (b) Type of materials.
 - (1) *Principal building.* For property platted after January 27, 2003, the effective date of adoption of Article XXII-F, or for any single-family residential structure which is reconstructed, regardless of the date the property was platted, the principal building shall be subject to the standards of Article XXII-F Residential Exterior Construction Standards. For property platted on or before January 27, 2003, the exterior walls for the principal building, excluding windows and doors, shall be constructed of a minimum 75 percent masonry construction below the first floor ceiling plate line, provided, however, that chimneys for

newly constructed single-family dwellings or additions to existing dwellings shall be of 100 percent masonry construction. No one wall may be less than 50 percent masonry construction unless said wall is on a porch, patio, courtyard, or breezeway, in which event, said wall may be of nonmasonry construction.

- (2) *Accessory buildings.* For accessory buildings in excess of 150 square feet, including, but not limited to, detached garages or servants' quarters, each exterior wall shall be constructed of a minimum of 35 percent masonry construction. Accessory buildings of 150 square feet or less may be of nonmasonry construction or may be of all metal with baked-on or prepainted surface. Detached garages built to replace garages which are enclosed or converted to living space as required herein shall be constructed of brick, stone, cementitious materials or a combination thereof in proportions similar to those on the principal building and the detached garage shall be architecturally compatible with the principal building as determined by the chief building official or designee.
- (3) *Greenhouses.* A greenhouse may be constructed of material approved by the chief building official provided the structure is used exclusively as a greenhouse and maintained as such. In the event a greenhouse is converted to another use, it must be made to comply with the preceding paragraph.
- (4) *Nonresidential structures.* Structures other than dwelling units, including, but not limited to, churches, schools, childcare facilities and hospitals, shall comply with the building regulations of the LR-M(1) District.

(Ord. No. 914-A, § 3, 8-12-74; Ord. No. 2816-A, § 9, 1-14-91; Ord. No. 2881-A, § 1, 5-11-92; Ord. No. 3267-A, § 1, 12-13-99; Ord. No. 3377-A, § 1, 1-14-02; Ord. No. 3412-A, § 2, 1-27-03; Ord. No. 3448, § 1, 1-26-04)

Sec. 3. Height regulations.

- (a) *Principal building.* No principal building shall exceed two stories in height. The first story shall be limited to 25 feet in height. The second story shall not exceed 15 feet in height.
- (b) *Accessory buildings.* Accessory buildings shall be a maximum of one story in height. Accessory buildings of 150 square feet or less shall not exceed 12 feet in height. Accessory buildings of more than 150 square feet shall not exceed 25 feet in height.

(Ord. No. 2881-A, § 1, 5-11-92; Ord. No. 3377-A, § 1, 1-14-02)

Sec. 4. Area regulations.

- (a) *Area of the lot.* The minimum area of the lot shall be 7,500 square feet.
- (b) *Width of the lot.* The minimum width of the lot shall be 50 feet.
- (c) *Depth of the lot.* The minimum depth of the lot shall be 125 feet. Lots located on cul-de-sac circles may be less than 125 feet in depth provided one side of the lot is at least 125 feet in depth, and provided the lot meets width and area requirements.

- (d) Lot coverage.
- (1) The lot coverage of all buildings shall not exceed 30 percent of the area of the lot, estate, or other land on which the same is situated.
 - (2) The total area of detached structures, including garages and accessory buildings, shall not occupy more than eight percent of the lot area, nor in any event have a floor area in excess of 40 percent of the size of the principal residential dwelling.
 - (3) The cumulative area of any driveway plus any impermeable surface area located between the front property line and any front building wall shall not exceed 50 percent of the area between the front property line and any front building wall.
- (e) Front setback.
- (1) There shall be a front setback having a minimum depth of 30 feet. Unenclosed porches, fireplaces, and other architectural appendages may project into the required front setback for a distance not to exceed five feet.
 - (2) Where lots have double frontage running through from one street to another, the required front setback shall be provided on both streets.
 - (3) *Exception to front setback requirement.* Along streets already having a uniform building line established by a subdivision plat, new structures shall conform to existing building lines between intersecting streets. Where building lines have not been platted and there is a variance in the established building setbacks from the front lot line in the same block, and on the same side of the street as the lot to be built on, the building line of the new building shall conform to that of the building to its right when facing the street. If such new building is to be constructed on a corner lot, the front building line shall conform to that of the building nearest thereto on the same side of the street in the same block; however, these regulations shall not be construed as requiring a building line of more than 50 feet from the front lot line.
- (f) Side setback.
- (1) There shall be a side setback on each side of the lot as provided in this section without projections or appendages except as allowed herein, except the side setback on a corner lot adjacent to a side street shall not be less than 20 feet. The minimum required side setback is:
 - a. Where lots are created or combined so that the resulting lot is less than 80 feet in width, the minimum side setback shall be seven feet.
 - b. Where lots are created or combined so that the resulting lot is 80 feet or more, but less than 120 feet in width, the minimum side setback shall be ten feet.
 - c. Where lots are created or combined so that the resulting lot is 120 feet or more in width, the minimum side setback shall be 15 feet.
 - d. The reconstruction of a single-family dwelling on an existing, platted lot of record may utilize the side setback established for the previous dwelling on that lot. However, in no instance shall the side setback be less than seven feet in width, nor less than the side setback of the previous dwelling.

- (2) The ordinary projections of a roof eave or cornice may extend into the required side setback a maximum of two feet. A fireplace, windowsill, box or bay window, or other architectural features not more than ten feet in width may extend into the required side setback a maximum of two feet.
 - (3) A detached garage, detached carport, attached carport or any other accessory building shall meet the side setback required for the principal building, except in the required rear setback adjacent to an interior side lot line, a minimum three-foot setback shall be provided. No portion of the garage, carport, or other accessory structure shall extend into the required side setback when located within the required rear setback area.
 - (4) Swimming pool equipment may be located in the required side setback a minimum of three feet from any side lot line. Additional requirements relative to the location of swimming pools and pool equipment are stated in article I, section 5.
 - (5) No setback shall be required from an interior side lot line for air conditioning equipment or an uncovered porch or patio.
- (g) *Rear setback.* There shall be a rear setback having a depth of not less than 25 feet, except:
- (1) The ordinary projections of a roof eave or cornice may extend into the required rear setback a maximum of two feet. A fireplace, windowsill, box or bay window, and other architectural features not more than ten feet in width may extend into the required rear setback a maximum of two feet.
 - (2) Where a detached garage, detached carport, attached carport or any other accessory building extends into the rear setback area, a minimum setback of three feet shall be provided from the side lot line and a minimum setback of three feet shall be provided from the rear lot line or 18 inches if the rear lot line is adjacent to an alley.
 - (3) Swimming pool equipment may be located in the rear setback a minimum distance of three feet from the rear lot line or 18 inches if adjacent to an alley. Additional requirements relative to the location of swimming pools and pool equipment are stated in article I, section 5.
 - (4) No rear setback shall be required for air conditioning equipment or an uncovered porch or patio.
- (h) *Parking regulations.*
- (1) Two off-street parking spaces, accessible from a driveway constructed of an approved parking surface, shall be provided on the lot in an enclosed garage structure behind the front building line to accommodate two motor vehicles for each dwelling unit. The garage may be either attached to or detached from the principal building.
 - (2) Adequate paved area must be provided for maneuvering of the vehicles into the enclosed garage structure. Alley pavement may be used as part of the required paved area for maneuvering as determined by the building official, provided:

- a. Where the parking space is nine feet in width and 18 feet in length, the pavement for maneuvering shall be a minimum 18 feet in width and 24 feet in length, measured perpendicular to the entry opening of a garage or the supporting member of a carport or other motor vehicle storage structure, and may include the alley pavement adjacent to the lot.
 - b. As an alternative, two off-street parking spaces, each a minimum of 12 feet in width and 18 feet in length, may be provided and the pavement for maneuvering shall be a minimum of 24 feet in width and 18.5 feet in length, measured perpendicular to the entry opening of a garage or the supporting member of a carport or other motor vehicle storage structure, and may include the alley pavement adjacent to the lot.
- (3) Where a parking space is entered from a side street, the parking space shall be no closer than 20 feet from the side lot line adjacent to the street.
- (4) Where driveways or off-street parking spaces are located in the front yard after enclosure or conversion of a garage or carport, the driveway and/or the off-street parking spaces shall either be removed or reconfigured to provide access to the new required two off-street parking spaces within the enclosed garage structure. No head-in or dead-end driveways or parking spaces shall be permitted in the front yard.

(Ord. No. 742-A, § 1, 11-22-71; Ord. No. 948-A, § 13, 3-31-75; Ord. No. 2881-A, § 1, 5-11-92; Ord. No. 3377-A, § 1, 1-14-02; Ord. No. 3448, § 1, 1-26-04; Ord. No. 3461, § 8, 4-26-04; Ord. No. 3540, § 1, 1-9-06; Ord. No. 3730, §§ 14, 15, 11-10-08)

End of Article IX

**Article X.
Reserved***

**Editor's note: Ord. No. 948-A, § 20, adopted March 30, 1975, amended the zoning ordinance by repealing former art. X, R-950-F Residential District Regulations, in its entirety. Former art. X was derived from the original comprehensive zoning ordinance of 1956 and Ord. No. 914-A, § 4, 8-12-74.*

End of Article X

Article XI. R-850-F Residential District Regulations

Sec. 1. Use regulations.

In the R-850-F Residential District, no land shall be used and no buildings shall be erected for or converted to any use other than:

- (a) Single-family detached dwellings in compliance with all of the provisions and area regulations of this district.
- (b) Accessory building:
 - (1) Garage, detached.
 - (2) Carport.
 - (3) Other accessory buildings as defined herein.
- (c) Church.
- (d) Construction field office.
- (e) Farming.
- (f) Gardening.
- (g) Home occupation.
- (h) Public building.
- (i) Rental rooms in a single-family dwelling, maximum of two individual renters or tenants.
- (j) Servants' quarters.
- (k) School, parochial when on the same lot as the church of the sponsoring religious agency.
- (l) Antenna, commercial, subject to the supplemental regulations of article XXII-E.
- (m) Antenna, freestanding, subject to the supplemental regulations of article XXII-E.
- (n) Antenna, mounted, subject to the supplemental regulations of article XXII-E.
- (o) Rainwater harvesting system, subject to the regulations in Chapter 6 of the Code of Ordinances.
(Ord. No. 3377-A, § 1, 1-14-02; Ord. No. 3809, § 9, 2-28-11)

Sec. 2. Building regulations.

- (a) *Minimum size.* The minimum area of the principal building shall be 850 square feet, exclusive of garages, breezeways and servants' quarters.
- (b) Type of materials.
 - (1) *Principal building.* Exterior walls for the principal building, excluding windows and doors, may be constructed of wood or masonry construction, provided, however, that chimneys for newly constructed single-family dwellings or additions to existing dwellings shall be of 100 percent masonry construction.
 - (2) *Accessory buildings.* For accessory buildings in excess of 150 square feet, including, but not limited to, detached garages or servants' quarters, each exterior wall shall be constructed of a minimum of 35 percent masonry construction. Accessory buildings of 150 square feet or

less may be of nonmasonry construction or may be of all metal with baked-on or prepainted surface. Detached garages built to replace garages which are enclosed or converted to living space as required herein shall be constructed of brick, stone, cementitious materials or a combination thereof in proportions similar to those on the principal building and the detached garage shall be architecturally compatible with the principal building as determined by the chief building official or designee.

- (3) *Greenhouses.* A greenhouse may be constructed of material approved by the chief building official provided the structure is used exclusively as a greenhouse and maintained as such. In the event a greenhouse is converted to another use, it must be made to comply with the preceding paragraph.
- (4) *Nonresidential structures.* Structures other than dwelling units, including, but not limited to, churches, schools, childcare facilities, and hospitals, shall comply with the building regulations of the LR-M(1) District.

(Ord. No. 914-A, § 4, 8-12-74; Ord. No. 2816-A, § 10, 1-14-91; Ord. No. 2881-A, § 1, 5-11-92; Ord. No. 3377-A, § 1, 1-14-02; Ord. No. 3448, § 1, 1-26-04)

Sec. 3. Height regulations.

- (a) *Principal building.* No principal building shall exceed two stories in height. The first story shall be limited to 25 feet in height. The second story shall not exceed 15 feet in height.
- (b) *Accessory buildings.* Accessory buildings shall be a maximum of one story in height. Accessory buildings of 150 square feet or less shall not exceed 12 feet in height. Accessory buildings of more than 150 square feet shall not exceed 25 feet in height.

(Ord. No. 2881-A, § 1, 5-11-92; Ord. No. 3377-A, § 1, 1-14-02)

Sec. 4. Area regulations.

- (a) *Area of the lot.* The minimum area of the lot shall be 7,500 square feet.
- (b) *Width of the lot.* The minimum width of the lot shall be 50 feet.
- (c) *Depth of the lot.* The minimum depth of the lot shall be 125 feet. Lots located on cul-de-sac circles may be less than 125 feet in depth provided one side of the lot is at least 125 feet in depth, and provided the lot meets width and area requirements.
- (d) Lot coverage.
 - (1) The lot coverage of all buildings shall not exceed 30 percent of the area of the lot, estate, or other land on which the same is situated.
 - (2) The total area of detached structures, including garages and accessory buildings, shall not occupy more than eight percent of the lot area, nor in any event have a floor area in excess of 40 percent of the size of the principal residential dwelling.
 - (3) The cumulative area of any driveway plus any impermeable surface area located between the front property line and any front building wall shall not exceed 50 percent of the area between the front property line and any front building wall.

- (e) Front setback.
- (1) There shall be a front setback having a minimum depth of 30 feet. Unenclosed porches, fireplaces, and other architectural appendages may project into the required front setback for a distance not to exceed five feet.
 - (2) Where lots have double frontage running through from one street to another, the required front setback shall be provided on both streets.
 - (3) *Exception to front setback requirement.* Along streets already having a uniform building line established by a subdivision plat, new structures shall conform to existing building lines between intersecting streets. Where building lines have not been platted and there is a variance in the established building setbacks from the front lot line in the same block, and on the same side of the street as the lot to be built on, the building line of the new building shall conform to that of the building to its right when facing the street. If such new building is to be constructed on a corner lot, the front building line shall conform to that of the building nearest thereto on the same side of the street in the same block; however, these regulations shall not be construed as requiring a building line of more than 50 feet from the front lot line.
- (f) Side setback.
- (1) There shall be a side setback on each side of the lot as provided in this section without projections or appendages except as allowed herein, except the side setback on a corner lot adjacent to a side street shall not be less than 20 feet. The minimum required side setback is:
 - a. Where lots are created or combined so that the resulting lot is less than 80 feet in width, the minimum side setback shall be seven feet.
 - b. Where lots are created or combined so that the resulting lot is 80 feet or more, but less than 120 feet in width, the minimum side setback shall be ten feet.
 - c. Where lots are created or combined so that the resulting lot is 120 feet or more in width, the minimum side setback shall be 15 feet.
 - d. The reconstruction of a single-family dwelling on an existing, platted lot of record may utilize the side setback established for the previous dwelling on that lot. However, in no instance shall the side setback be less than seven feet in width, nor less than the side setback of the previous dwelling.
 - (2) The ordinary projections of a roof eave or cornice may extend into the required side setback a maximum of two feet. A fireplace, windowsill, box or bay window, or other architectural features not more than ten feet in width may extend into the required side setback a maximum of two feet.
 - (3) A detached garage, detached carport, attached carport or any other accessory building shall meet the side setback required for the principal building, except in the required rear setback adjacent to an interior side lot line, a minimum three-foot setback shall be provided. No portion of the garage, carport, or other accessory structure shall extend into the required side setback when located within the required rear setback area.
 - (4) Swimming pool equipment may be located in the required side setback a minimum of three feet from any side lot line. Additional requirements relative to the location of swimming pools and pool equipment are stated in article I, section 5.

- (5) No setback shall be required from an interior side lot line for air conditioning equipment or an uncovered porch or patio.
- (g) *Rear setback.* There shall be a rear setback having a depth of not less than 25 feet, except:
- (1) The ordinary projections of a roof eave or cornice may extend into the required rear setback a maximum of two feet. A fireplace, windowsill, box or bay window, and other architectural features not more than ten feet in width may extend into the required rear setback a maximum of two feet.
 - (2) Where a detached garage, detached carport, attached carport or any other accessory building extends into the rear setback area, a minimum setback of three feet shall be provided from the side lot line and a minimum setback of three feet shall be provided from the rear lot line or 18 inches if the rear lot line is adjacent to an alley.
 - (3) Swimming pool equipment may be located in the rear setback a minimum distance of three feet from the rear lot line or 18 inches if adjacent to an alley. Additional requirements relative to the location of swimming pools and pool equipment are stated in article I, section 5.
 - (4) No rear setback shall be required for air conditioning equipment or an uncovered porch or patio.
- (h) *Parking regulations.*
- (1) Two off-street parking spaces, accessible from a driveway constructed of an approved parking surface, shall be provided on the lot in an enclosed garage structure behind the front building line to accommodate two motor vehicles for each dwelling unit. The garage may be either attached to or detached from the principal building.
 - (2) Adequate paved area must be provided for maneuvering of the vehicles into the enclosed garage structure. Alley pavement may be used as part of the required paved area for maneuvering as determined by the building official, provided:
 - a. Where the parking space is nine feet in width and 18 feet in length, the pavement for maneuvering shall be a minimum 18 feet in width and 24 feet in length, measured perpendicular to the entry opening of a garage or the supporting member of a carport or other motor vehicle storage structure, and may include the alley pavement adjacent to the lot.
 - b. As an alternative, two off-street parking spaces, each a minimum of 12 feet in width and 18 feet in length, may be provided and the pavement for maneuvering shall be a minimum of 24 feet in width and 18.5 feet in length, measured perpendicular to the entry opening of a garage or the supporting member of a carport or other motor vehicle storage structure, and may include the alley pavement adjacent to the lot.
 - (3) Where a parking space is entered from a side street, the parking space shall be no closer than 20 feet from the side lot line adjacent to the street.

- (4) Where driveways or off-street parking spaces are located in the front yard after enclosure or conversion of a garage or carport, the driveway and/or the off-street parking spaces shall either be removed or reconfigured to provide access to the new required two off-street parking spaces within the enclosed garage structure. No head-in or dead-end driveways or parking spaces shall be permitted in the front yard.

(Ord. No. 948-A, § 14, 3-31-75; Ord. No. 2881-A, § 1, 5-11-92; Ord. No. 3377-A, § 1, 1-14-02; Ord. No. 3448, § 1, 1-26-04; Ord. No. 3461, § 9, 4-26-04; Ord. No. 3540, § 1, 1-9-06; Ord. No. 3730, §§ 16, 17, 11-10-08)

End of Article XI

Article XII.

R-850-M Residential District Regulations

Sec. 1. Use regulations.

In the R-850-M Residential District, no land shall be used and no buildings shall be erected for or converted to any use other than:

- (a) Single-family detached dwellings in compliance with all of the provisions and area regulations of this district.
 - (b) Accessory building:
 - (1) Garage, detached.
 - (2) Carport.
 - (3) Other accessory buildings as defined herein.
 - (c) Church.
 - (d) Construction field office.
 - (e) Farming.
 - (f) Gardening.
 - (g) Home occupation.
 - (h) Public building.
 - (i) Rental rooms in a single-family dwelling, maximum of two individual renters or tenants.
 - (j) Servants' quarters.
 - (k) School, parochial when on the same lot as the church of the sponsoring religious agency.
 - (l) Antenna, commercial, subject to the supplemental regulations of article XXII-E.
 - (m) Antenna, freestanding, subject to the supplemental regulations of article XXII-E.
 - (n) Antenna, mounted, subject to the supplemental regulations of article XXII-E.
 - (o) Rainwater harvesting system, subject to the regulations in Chapter 6 of the Code of Ordinances.
- (Ord. No. 3377-A, § 1, 1-14-02; Ord. No. 3809, § 10, 2-28-11)

Sec. 2. Building regulations.

- (a) *Minimum size.* The minimum area of the principal building shall be 850 square feet, exclusive of garages, breezeways, and servants' quarters.
- (b) *Type of materials.*
 - (1) *Principal building.* For property platted after January 27, 2003, the effective date of adoption of Article XXII-F, or for any single-family residential structure which is reconstructed, regardless of the date the property was platted, the principal building shall be subject to the standards of Article XXII-F Residential Exterior Construction Standards. For property platted on or before January 27, 2003, the exterior walls for the principal building, excluding windows and doors, shall be constructed of a minimum 75 percent masonry construction below the first floor ceiling plate line, provided, however, that chimneys for newly constructed single-family dwellings or additions to existing dwellings shall be of 100

percent masonry construction. No one wall may be less than 50 percent masonry construction unless said wall is on a porch, patio, courtyard, or breezeway, in which event, said wall may be of nonmasonry construction.

- (2) *Accessory buildings.* For accessory buildings in excess of 150 square feet, including, but not limited to, detached garages or servants' quarters, each exterior wall shall be constructed of a minimum of 35 percent masonry construction. Accessory buildings of 150 square feet or less may be of nonmasonry construction or may be of all metal with baked-on or prepainted surface. Detached garages built to replace garages which are enclosed or converted to living space as required herein shall be constructed of brick, stone, cementitious materials or a combination thereof in proportions similar to those on the principal building and the detached garage shall be architecturally compatible with the principal building as determined by the chief building official or designee.
- (3) *Greenhouses.* A greenhouse may be constructed of material approved by the chief building official provided the structure is used exclusively as a greenhouse and maintained as such. In the event a greenhouse is converted to another use, it must be made to comply with the preceding paragraph.
- (4) *Nonresidential structures.* Structures other than dwelling units, including, but not limited to, churches, schools, childcare facilities, and hospitals, shall comply with the building regulations of the LR-M(1) District.

(Ord. No. 914-A, § 3, 8-12-74; Ord. No. 2816-A, § 11, 1-14-91; Ord. No. 2881-A, § 1, 5-11-92; Ord. No. 3267-A, § 1, 12-13-99; Ord. No. 3377-A, § 1, 1-14-02; Ord. No. 3412-A, § 2, 1-27-03; Ord. No. 3448, § 1, 1-26-04)

Sec. 3. Height regulations.

- (a) *Principal building.* No principal building shall exceed two stories in height. The first story shall be limited to 25 feet in height. The second story shall not exceed 15 feet in height.
- (b) *Accessory buildings.* Accessory buildings shall be a maximum of one story in height. Accessory buildings of 150 square feet or less shall not exceed 12 feet in height. Accessory buildings of more than 150 square feet shall not exceed 25 feet in height.

(Ord. No. 2881-A, § 1, 5-11-92; Ord. No. 3377-A, § 1, 1-14-02; Ord. No. 3377-A, § 1, 1-14-02)

Sec. 4. Area regulations.

- (a) *Area of the lot.* The minimum area of the lot shall be 7,500 square feet.
- (b) *Width of the lot.* The minimum width of the lot shall be 50 feet.
- (c) *Depth of the lot.* The minimum depth of the lot shall be 125 feet. Lots located on cul-de-sac circles may be less than 125 feet in depth provided one side of the lot is at least 125 feet in depth, and provided the lot meets width and area requirements.

(d) *Lot coverage.*

- (1) The lot coverage of all buildings shall not exceed 30 percent of the area of the lot, estate, or other land on which the same is situated.
- (2) The total area of detached structures, including garages and accessory buildings, shall not occupy more than eight percent of the lot area, nor in any event have a floor area in excess of 40 percent of the size of the principal residential dwelling.
- (3) The cumulative area of any driveway plus any impermeable surface area located between the front property line and any front building wall shall not exceed 50 percent of the area between the front property line and any front building wall.

(e) *Front setback.*

- (1) There shall be a front setback having a minimum depth of 30 feet. Unenclosed porches, fireplaces, and other architectural appendages may project into the required front setback for a distance not to exceed five feet.
- (2) Where lots have double frontage running through from one street to another, the required front setback shall be provided on both streets.
- (3) *Exception to front setback requirement.* Along streets already having a uniform building line established by a subdivision plat, new structures shall conform to existing building lines between intersecting streets. Where building lines have not been platted and there is a variance in the established building setbacks from the front lot line in the same block, and on the same side of the street as the lot to be built on, the building line of the new building shall conform to that of the building to its right when facing the street. If such new building is to be constructed on a corner lot, the front building line shall conform to that of the building nearest thereto on the same side of the street in the same block; however, these regulations shall not be construed as requiring a building line of more than 50 feet from the front lot line.

(f) *Side setback.*

- (1) There shall be a side setback on each side of the lot as provided in this section without projections or appendages except as allowed herein, except the side setback on a corner lot adjacent to a side street shall not be less than 20 feet. The minimum required side setback is:
 - a. Where lots are created or combined so that the resulting lot is less than 80 feet in width, the minimum side setback shall be seven feet.
 - b. Where lots are created or combined so that the resulting lot is 80 feet or more, but less than 120 feet in width, the minimum side setback shall be ten feet.
 - c. Where lots are created or combined so that the resulting lot is 120 feet or more in width, the minimum side setback shall be 15 feet.
 - d. The reconstruction of a single-family dwelling on an existing, platted lot of record may utilize the side setback established for the previous dwelling on that lot. However, in no instance shall the side setback be less than seven feet in width, nor less than the side setback of the previous dwelling.

- (2) The ordinary projections of a roof eave or cornice may extend into the required side setback a maximum of two feet. A fireplace, windowsill, box or bay window, or other architectural features not more than ten feet in width may extend into the required side setback a maximum of two feet.
 - (3) A detached garage, detached carport, attached carport or any other accessory building shall meet the side setback required for the principal building, except in the required rear setback adjacent to an interior side lot line, a minimum three-foot setback shall be provided. No portion of the garage, carport, or other accessory structure shall extend into the required side setback when located within the required rear setback area.
 - (4) Swimming pool equipment may be located in the required side setback a minimum of three feet from any side lot line. Additional requirements relative to the location of swimming pools and pool equipment are stated in article I, section 5.
 - (5) No setback shall be required from an interior side lot line for air conditioning equipment or an uncovered porch or patio.
- (g) *Rear setback.* There shall be a rear setback having a depth of not less than 25 feet, except:
- (1) The ordinary projections of a roof eave or cornice may extend into the required rear setback a maximum of two feet. A fireplace, windowsill, box or bay window, and other architectural features not more than ten feet in width may extend into the required rear setback a maximum of two feet.
 - (2) Where a detached garage, detached carport, attached carport or any other accessory building extends into the rear setback area, a minimum setback of three feet shall be provided from the side lot line and a minimum setback of three feet shall be provided from the rear lot line or 18 inches if the rear lot line is adjacent to an alley.
 - (3) Swimming pool equipment may be located in the rear setback a minimum distance of three feet from the rear lot line or 18 inches if adjacent to an alley. Additional requirements relative to the location of swimming pools and pool equipment are stated in article I, section 5.
 - (4) No rear setback shall be required for air conditioning equipment or an uncovered porch or patio.
- (h) *Parking regulations.*
- (1) Two off-street parking spaces, accessible from a driveway constructed of an approved parking surface, shall be provided on the lot in an enclosed garage structure behind the front building line to accommodate two motor vehicles for each dwelling unit. The garage may be either attached to or detached from the principal building.
 - (2) Adequate paved area must be provided for maneuvering of the vehicles into the enclosed garage structure. Alley pavement may be used as part of the required paved area for maneuvering as determined by the building official, provided:

- a. Where the parking space is nine feet in width and 18 feet in length, the pavement for maneuvering shall be a minimum 18 feet in width and 24 feet in length, measured perpendicular to the entry opening of a garage or the supporting member of a carport or other motor vehicle storage structure, and may include the alley pavement adjacent to the lot.
 - b. As an alternative, two off-street parking spaces, each a minimum of 12 feet in width and 18 feet in length, may be provided and the pavement for maneuvering shall be a minimum of 24 feet in width and 18.5 feet in length, measured perpendicular to the entry opening of a garage or the supporting member of a carport or other motor vehicle storage structure, and may include the alley pavement adjacent to the lot.
- (3) Where a parking space is entered from a side street, the parking space shall be no closer than 20 feet from the side lot line adjacent to the street.
- (4) Where driveways or off-street parking spaces are located in the front yard after enclosure or conversion of a garage or carport, the driveway and/or the off-street parking spaces shall either be removed or reconfigured to provide access to the new required two off-street parking spaces within the enclosed garage structure. No head-in or dead-end driveways or parking spaces shall be permitted in the front yard.

(Ord. No. 948-A, § 15, 3-31-75; Ord. No. 2881-A, § 1, 5-11-92; Ord. No. 3377-A, § 1, 1-14-02; Ord. No. 3448, § 1, 1-26-04; Ord. No. 3461, § 10, 4-26-04; Ord. No. 3540, § 1, 1-9-06; Ord. No. 3730, §§ 18, 19, 11-10-08)

End of Article XII

Article XII-A.

RA-1100-M Residential Attached (Townhome) District Regulations

Sec. 1. Use regulations.

In the RA-1100-M Residential Attached (Townhome) District, no land shall be used and no building shall be erected for or converted to any use other than:

- (a) Townhomes in compliance with all provisions and area regulations of this district.
- (b) Single-family detached dwellings and other uses in compliance with all provisions and area regulations of the R-1500-M Residential District.
- (c) Patio homes in compliance with all provisions and area regulations of the RP-1500-M Patio Home District.
- (d) An accessory building necessary to store equipment for several dwelling units or provide a service function for several dwelling units; no such accessory building shall be occupied as a place of abode. Accessory buildings located on the same lot as a dwelling unit shall be limited to detached garages.
- (e) Swimming pools, clubhouses, tennis courts and similar amenities located in a private recreational area established to serve the residents of the subdivision.

(Ord. No. 644-A, § 1, 12-22-69; Ord. No. 948-A, § 16, 3-31-75; Ord. No. 2816-A, § 12, 1-14-91; Ord. No. 3377-A, § 1, 1-14-02; Ord. No. 3715, § 2, 7-14-08)

Sec. 2. Building regulations.

- (a) *Minimum unit size.* The minimum area of a townhome unit shall be 1,300 square feet, exclusive of garages and breezeways.
- (b) *Maximum building size.* A maximum of six townhome units shall be attached in a single building.
- (c) *Building separation.* Buildings shall be separated from other buildings on the same lot in accordance with the Richardson Building Code.
- (d) Type of exterior materials.
 - (1) All buildings shall have a minimum of 75 percent of the exterior walls constructed of masonry construction. The remaining exterior walls may be of any other noncombustible construction. Exterior Insulating Finishing Systems (EIFS) shall be installed above a height of eight feet and in no case shall EIFS be installed, even as a re-cladding material, below a height of eight feet. The installation of EIFS shall be further limited to a maximum of 50 percent of the remaining nonmasonry exterior walls.
 - (2) Chimneys for newly constructed dwellings or additions to existing dwellings shall be of 100 percent masonry construction.
 - (3) For “chateau,” “mansard,” or any other design where the roof serves as an exterior wall, the above percentages shall apply.
- (e) *Side elevations.* The sides of buildings facing a public or private street shall be of compatible design in terms of architectural style, materials and detailing with the front elevation.

(Ord. No. 644-A, § 1, 12-22-69; Ord. No. 836-A, § 3, 3-26-73; Ord. No. 2816-A, § 12, 1-14-91; Ord. No. 3377-A, § 1, 1-14-02; Ord. No. 3715, § 2, 7-14-08)

Editor's note: Section 6 of Ord. No. 836-A provides as follows:

"Section 6. That Section 2 of Articles XII-A, XIII-A and XV of the Comprehensive Zoning Ordinance of the City be and the same are hereby amended by adding thereto the drawing marked Exhibit 'A' which is attached hereto and made a part hereof for all purposes and which shall become a part of and attached to the above articles of the Comprehensive Zoning Ordinance."

Exhibit A is not included herein, but is on file and available for inspection in the office of the city secretary.

Sec. 3. Height regulations.

- (a) *Principal building.* No principal building shall exceed three stories or 55 feet in height. The maximum height of any townhome shall be limited to two stories or 40 feet if the dwelling is located within 150 feet of a single-family detached or patio home zoning district.
 - (b) *Accessory buildings.* Accessory buildings shall be a maximum of one story up to 15 feet in height.
- (Ord. No. 644-A, § 1, 12-22-69; Ord. No. 3377-A, § 1, 1-14-02; Ord. No. 3715, § 2, 7-14-08)

Sec. 4. Area regulations.

- (a) *Area of the lot.* The minimum area of the lot per dwelling unit shall be 1,750 square feet.
- (b) *Width of the lot.* The minimum width of the lot shall be 25 feet.
- (c) *Depth of the lot.* The minimum depth of the lot shall be 70 feet.
- (d) Lot coverage.
 - (1) On lots containing dwelling units, the principal building and any detached structure shall not cover more than 75 percent of the lot.
- (e) Front setback.
 - (1) There shall be a landscaped front setback having a minimum depth of ten feet.
 - (2) No structures shall be located in the front setback unless as an element of the approved site and landscape plans.
 - (3) No off-street parking shall be allowed in any front setback area.
- (f) Side setback.
 - (1) On lots having attached dwelling units, no side setback is required if a suitable firewall in accordance with the Richardson Building Code is provided.
 - (2) A minimum of ten feet shall be provided between buildings.
 - (3) A minimum setback of ten feet shall be provided where adjacent to a public or private street.
- (g) *Rear setback.* A minimum rear setback of five feet shall be provided and measured from the main dwelling unit or garage door to the alley right-of-way.

- (h) Projections into required setbacks.
 - (1) Ordinary building projections, including, but not limited to, sills, belt courses, pilasters and cornices may project up to one foot beyond a building.
 - (2) Fireplace chimneys, stoops, unenclosed porches, bay windows, canopies, awnings and roof eaves may project up to three feet beyond the building.
 - (3) No setback is required for steps leading to the front entry; however, they shall not encroach onto any sidewalk or beyond the property line.
- (i) Parking regulations.
 - (1) Each dwelling unit shall provide a minimum of two off-street parking spaces within an enclosed garage.
 - (2) All garages shall be rear entry and be accessed from an alley.
 - (3) The parking of any vehicle which blocks or obstructs the movement of traffic, emergency or utility service vehicles in an alley, street or fire lane is prohibited.
 - (4) Guest parking shall be provided at a minimum ratio of 0.5 spaces per dwelling unit. Guest parking may be located on the street or in designated off-street parking areas. It is intended that guest parking be located conveniently and dispersed throughout the project so as to best serve residents and their guests.
 - (5) Additional off-street parking spaces as determined by the city plan commission shall be provided adjacent to all recreational areas and service buildings.

(Ord. No. 644-A, § 1, 12-22-69; Ord. No. 948-A, § 16, 3-31-75; Ord. No. 2816-A, § 12, 1-14-91; Ord. No. 3377-A, § 1, 1-14-02; Ord. No. 3598, § 2, 3-26-07; Ord. No. 3715, § 2, 7-14-08)

Sec. 5. Special requirements.

- (a) Prior to the issuance of any building permit, a site plan including building elevations and a landscape plan shall be approved by the city plan commission in accordance with subdivision and development ordinance of the city, as amended.
- (b) All lots platted for dwelling units shall have frontage on public or private streets, and each lot shall be served individually by water, sewer, electric, gas and other utility services.
- (c) Areas for recreational, open space and service use may be platted into one or more lots and shall have frontage on a public or private street.

(Ord. No. 644-A, § 1, 12-22-69; Ord. No. 3598, § 2, 3-26-07; Ord. No. 3715, § 2, 7-14-08)

End of Article XII-A

Article XII-B.

RP-1500-M Patio Home District Regulations

Sec. 1. Use regulations.

In the RP-1500-M Patio Home District, no land shall be used and no buildings shall be erected for or converted to any use other than:

- (a) Patio homes in compliance with all provisions and area regulations of this district.
- (b) Single-family detached dwellings and other uses in compliance with all provisions and area regulations of the R-1500-M Residential District.
- (c) Rainwater harvesting system, subject to the regulations in Chapter 6 of the Code of Ordinances.

(Ord. No. 2376-A, § 2, 10-17-83; Ord. No. 2816-A, § 13, 1-14-91; Ord. No. 3377-A, § 1, 1-14-02; Ord. No. 3809, § 11, 2-28-11)

Sec. 2. Building regulations.

- (a) *Minimum size.* The minimum area of the principal building shall be 1,500 square feet, exclusive of garages, breezeways and servants' quarters.
- (b) Type of materials.
 - (1) *Principal building.* For property platted after January 27, 2003, the effective date of adoption of Article XXII-F, or for any single-family residential structure which is reconstructed, regardless of the date the property was platted, the principal building shall be subject to the standards of Article XXII-F Residential Exterior Construction Standards. For property platted on or before January 27, 2003, the exterior walls for the principal building, excluding windows and doors, shall be constructed of a minimum 75 percent masonry construction below the first floor ceiling plate line, provided, however, that chimneys for newly constructed single-family dwellings or additions to existing dwellings shall be of 100 percent masonry construction. No one wall may be less than 50 percent masonry construction unless said wall is on a porch, patio, courtyard, or breezeway, in which event, said wall may be of nonmasonry construction.
 - (2) *Accessory buildings.* For accessory buildings in excess of 150 square feet, including, but not limited to, detached garages or servants' quarters, each exterior wall shall be constructed of a minimum of 35 percent masonry construction. Accessory buildings of 150 square feet or less may be of non-masonry construction or may be of all metal with baked-on or pre-painted surface. Detached garages built to replace garages which are enclosed or converted to living space as required herein shall be constructed of brick, stone, cementitious materials or a combination thereof in proportions similar to those on the principal building and the detached garage shall be architecturally compatible with the principal building as determined by the chief building official or designee.
 - (3) *Greenhouses.* A greenhouse may be constructed of material approved by the chief building official provided the structure is used exclusively as a greenhouse and maintained as such. In the event a greenhouse is converted to another use, it must be made to comply with the preceding paragraph.

- (4) *Nonresidential structures.* Structures other than dwelling units, including, but not limited to, churches, schools, childcare facilities and hospitals, shall comply with the building regulations of the LR-M(1) district.

(Ord. No. 2376-A, § 2, 10-17-83; Ord. No. 2816-A, § 13, 1-14-91; Ord. No. 3267-A, § 1, 12-13-99; Ord. No. 3377-A, § 1, 1-14-02; Ord. No. 3412-A, § 2, 1-27-03; Ord. No. 3448, § 1, 1-26-04)

Sec. 3. Height regulations.

- (a) *Principal building.* No principal building shall exceed two stories in height. The first story shall not exceed 25 feet in height. The second story shall not exceed 15 feet in height.
- (b) *Accessory buildings.* Accessory buildings shall be a maximum of one story in height. Accessory buildings of 150 square feet or less shall not exceed 12 feet in height. Accessory buildings of more than 150 square feet shall not exceed 25 feet in height.

(Ord. No. 2376-A, § 2, 10-17-83; Ord. No. 3377-A, § 1, 1-14-02)

Sec. 4. Area regulations.

- (a) *Area of the lot.* The minimum area of the lot shall be not less than 5,000 square feet.
- (b) *Width of the lot.* The minimum width of the lot shall be 50 feet.
- (c) *Depth of the lot.* The minimum depth of the lot shall be 100 feet. Lots located on cul-de-sac circles may be less than 100 feet in depth, provided one side of the lot is at least 100 feet in depth and provided the lot meets width and area requirements.
- (d) *Lot coverage.* The lot coverage of all buildings shall not exceed 50 percent of the area of the lot, estate, or other land on which the same is situated.
- (e) *Front setback.*
- (1) There shall be a front setback having a minimum depth of 15 feet.
 - (2) The ordinary projections of a roof eave or cornice may extend into the required front setback a maximum of two feet. A fireplace, windowsill, box or bay window, or other architectural features not more than ten feet in width may extend into the required front setback a maximum of two feet.
 - (3) Exceptions to the front setback requirement shall be the same as in the R-1500-M Residential District.
- (f) *Side setback.*
- (1) There shall be a side setback on one side of the lot of at least ten feet, except that on any side adjacent to a street, a setback of 15 feet must be provided. Adjacent to an alley, a seven-foot setback shall be required from said alley. The ordinary projections of a roof eave or cornice may extend into the required ten-foot side setback a maximum of two feet. A fireplace, windowsill, box or bay window, or other architectural features not more than ten feet in width may extend a maximum of two feet into the required ten-foot side setback.

- (2) A building shall be built on the property line on one side of the lot, hereinafter called the zero side. The side of the structure located on the zero side shall contain no openings, appendages or overhangs. There shall be a minimum separation of ten feet between all buildings. A masonry wall at least seven feet in height shall be constructed on the zero side from the front building line to a point within six feet of the rear property line. Said wall shall be required for any structure which has a setback of less than seven feet on the designated zero side. This wall may include the main structural wall of the building.
 - (3) When lots are platted or in other ways created, adequate easements up to three feet in width for structural overhang and structural maintenance shall be dedicated on those lots wherein a zero side yard is adjacent to the lot being platted or created.
 - (4) Each adjacent lot shall provide a roof eave and access easement, a minimum of three feet in width, adjacent to the zero setback side to allow the property owner access for maintenance of the dwelling. The roof eave may encroach 16 inches into the easement. A gutter and down spout shall be required along the zero setback side to ensure drainage is handled on the owner's property and said gutter system is not included in the calculation of the eave encroachment.
 - (5) Swimming pool equipment may be located in the side setback a minimum of three feet from any side lot line. Additional requirements relative to the location of swimming pools and pool equipment are stated in article I, section 5.
 - (6) No setback shall be required from an interior side lot line for air conditioning equipment or an uncovered porch or patio.
- (g) *Rear setback.* There shall be a rear setback having a depth of not less than 20 feet, except:
- (1) The ordinary projections of a roof eave or cornice may extend into the required rear setback a maximum of two feet. A fireplace, windowsill, box or bay window, and other architectural features not more than ten feet in width may extend into the required rear setback a maximum of two feet.
 - (2) Where a detached garage, detached carport, attached carport or any other accessory building extends into the rear setback area, a minimum setback of three feet shall be provided from the side lot line and a minimum setback of three feet shall be provided from the rear lot line or 18 inches if the rear lot line is adjacent to an alley.
 - (3) Swimming pool equipment may be located in the rear setback a minimum distance of three feet from the rear lot line or 18 inches if adjacent to an alley. Additional requirements relative to the location of swimming pools and pool equipment are stated in article I, section 5.
 - (4) No rear setback shall be required for air conditioning equipment or an uncovered porch or patio.

(h) Parking regulations.

- (1) Two off-street parking spaces, accessible from a driveway constructed of an approved parking surface, shall be provided on the lot in an enclosed garage structure behind the front building line to accommodate two motor vehicles for each dwelling unit. The garage may be either attached to or detached from the principal building.
- (2) Adequate paved area must be provided for maneuvering of the vehicles into the enclosed garage structure. Alley pavement may be used as part of the required paved area for maneuvering as determined by the building official, provided:
 - a. Where the parking space is nine feet in width and 18 feet in length, the pavement for maneuvering shall be a minimum 18 feet in width and 24 feet in length, measured perpendicular to the entry opening of a garage or the supporting member of a carport or other motor vehicle storage structure, and may include the alley pavement adjacent to the lot.
 - b. As an alternative, two off-street parking spaces, each a minimum of 12 feet in width and 18 feet in length, may be provided and the pavement for maneuvering shall be a minimum of 24 feet in width and 18.5 feet in length, measured perpendicular to the entry opening of a garage or the supporting member of a carport or other motor vehicle storage structure, and may include the alley pavement adjacent to the lot.
- (3) Where a parking space is entered from a side street, the parking space shall be no closer than 20 feet from the side lot line adjacent to the street.
- (4) Where driveways or off-street parking spaces are located in the front yard after enclosure or conversion of a garage or carport, the driveway and/or the off-street parking spaces shall either be removed or reconfigured to provide access to the new required two off-street parking spaces within the enclosed garage structure. No head-in or dead-end driveways or parking spaces shall be permitted in the front yard.

(Ord. No. 2376-A, § 2, 10-17-83; Ord. No. 2816-A, § 13, 1-14-91; Ord. No. 3377-A, § 1, 1-14-02; Ord. No. 3448, § 1, 1-26-04)

Sec. 5. Special requirements.

- (a) Reserved.
- (b) Reserved.
- (c) In no instance shall the density in an RP-1500-M district exceed five and one-half dwelling units per acre.

(Ord. No. 2376-A, § 2, 10-17-83; Ord. No. 3598, § 3, 3-26-07)

End of Article XII-B

Article XIII.

D-1400-M Duplex District Regulations

Sec. 1. Use regulations.

In the D-1400-M Duplex District, no land shall be used and no buildings shall be erected for or converted to any use other than:

- (a) Duplex dwellings in compliance with all provisions and area regulations of this district.
 - (b) Single-family detached dwellings and other uses in compliance with all provisions and area regulations of the R-1500-M Residential District.
 - (c) Patio homes in compliance with all provisions and area regulations of the RP-1500-M Patio Home District.
 - (d) Rainwater harvesting system, subject to the regulations in Chapter 6 of the Code of Ordinances.
- (Ord. No. 2816-A, § 14, 1-14-91; Ord. No. 3377-A, § 1, 1-14-02; Ord. No. 3809, § 12, 2-28-11)

Sec. 2. Building regulations.

- (a) Minimum floor area of main dwelling unit.
 - (1) The minimum floor area per duplex building shall be 1,800 square feet, exclusive of breezeways, garages and servants' quarters.
 - (2) The minimum floor area per duplex living unit shall be 900 square feet, exclusive of breezeways, garages and servants' quarters.
- (b) Type of materials.
 - (1) *Principal building.* For property platted after January 27, 2003, the effective date of adoption of Article XXII-F, or for any single-family residential structure which is reconstructed, regardless of the date the property was platted, the principal building shall be subject to the standards of Article XXII-F Residential Exterior Construction Standards. For property platted on or before January 27, 2003, the exterior walls for the principal building, excluding windows and doors, shall be constructed of a minimum 75 percent masonry construction below the first floor ceiling plate line, provided, however, that chimneys for newly constructed single-family dwellings or additions to existing dwellings shall be of 100 percent masonry construction. No one wall may be less than 50 percent masonry construction unless said wall is on a porch, patio, courtyard, or breezeway, in which event, said wall may be of nonmasonry construction.
 - (2) *Accessory buildings.* For accessory buildings in excess of 150 square feet, including, but not limited to, detached garages or servants' quarters, each exterior wall shall be constructed of a minimum of 35 percent masonry construction. Accessory buildings of 150 square feet or less may be of non-masonry construction or may be of all metal with baked-on or pre-painted surface. Detached garages built to replace garages which are enclosed or converted to living space as required herein shall be constructed of brick, stone, cementitious materials or a combination thereof in proportions similar to those on the principal building and the detached garage shall be architecturally compatible with the principal building as determined by the chief building official or designee.
 - (3) "Chateau" or "mansard" type construction in which over 50 percent of a second story is enclosed by a surface of the roof must be approved by the city plan commission.

- (4) Structures other than dwelling units, including, but not limited to, churches, schools, day care facilities and hospitals, shall comply with the building regulations of the LR-M(1) district.

(Ord. No. 694-A, § 1, 10-6-71; Ord. No. 836-A, 3-26-73; Ord. No. 2816-A, § 14, 1-14-91; Ord. No. 3377-A, § 1, 1-14-02; Ord. No. 3412-A, § 2, 1-27-03; Ord. No. 3448, § 1, 1-26-04)

Sec. 3. Height regulations.

- (a) *Principal building.* No principal building shall exceed two stories in height. The first story shall not exceed 25 feet in height. The second story shall not exceed 15 feet in height.
- (b) *Accessory buildings.* Accessory buildings of 150 square feet or less shall not exceed 12 feet in height. Accessory buildings of more than 150 square feet shall be limited to one story not to exceed 25 feet in height.

(Ord. No. 3377-A, § 1, 1-14-02)

Sec. 4. Area regulations.

- (a) *Area of the lot.* The minimum area of the lot shall be 12,000 square feet.
- (b) *Width of the lot.* The minimum width of the lot shall be 80 feet.
- (c) *Depth of the lot.* The minimum depth of the lot shall be 125 feet. Lots located on cul-de-sac circles may be less than 125 feet in depth, provided one side of the lot is at least 125 feet in depth and provided the lot meets width and area requirements.
- (d) Lot coverage.
- (1) The lot coverage of all buildings shall not exceed 35 percent of the area of the lot, estate, or other land on which the same is situated. In addition, the total area of detached structures, including garages and accessory buildings, shall not occupy more than eight percent of the lot area, nor in any event have a ground floor aggregate area of more than 600 square feet.
 - (2) The cumulative area of any driveway plus any impermeable surface area located between the front property line and any front building wall shall not exceed 50 percent of the area between the front property line and any front building wall.
- (e) Front setback.
- (1) There shall be a front setback having a minimum depth of 30 feet. Unenclosed porches, fireplaces, and other architectural appendages may project into the required front setback for a distance not to exceed five feet.
 - (2) Where lots have double frontage running through from one street to another, the required front setback shall be provided on both streets.
 - (3) *Exception to front setback requirement.* Along streets already having a uniform building line established by a subdivision plat, new structures shall conform to existing building lines between intersecting streets. Where building lines have not been platted and there is a variance in the established building setbacks from the front lot line in the same block, and on the same side of the street as the lot to be built on, the building line of the new building shall conform to that of the building to its right when facing the street. If such new building is to be constructed on a corner lot, the front building line shall conform to that of the

building nearest thereto on the same side of the street in the same block; however, these regulations shall not be construed as requiring a building line of more than 50 feet from the front lot line.

- (f) **Side setback.**
- (1) There shall be a side setback on each side of the lot having a minimum width of seven feet without projections or appendages except as allowed herein, except the side setback on a corner lot adjacent to a side street shall be not less than 20 feet.
 - (2) The ordinary projections of a roof eave or cornice may extend into the required side setback a maximum of two feet. A fireplace, windowsill, box or bay window, or other architectural features not more than ten feet in width may extend into the required side setback a maximum of two feet.
 - (3) A detached garage, detached carport, attached carport or any other accessory building shall meet the side setback required for the principal building, except in the required rear setback adjacent to an interior lot line, a minimum three foot side setback shall be provided. No portion of the garage, carport or other accessory structure shall extend into the required side setback when located within the required rear setback area.
 - (4) Swimming pool equipment may be located in the required side setback a minimum of three feet from any side lot line. Additional requirements relative to the location of swimming pools and pool equipment are stated in article I, section 5.
 - (5) No setback shall be required from an interior side lot line for air conditioning equipment or an uncovered porch or patio.
- (g) **Rear setback.** There shall be a rear setback having a depth of not less than 25 feet, except:
- (1) The ordinary projections of a roof eave or cornice may extend into the required rear setback a maximum of two feet. A fireplace, windowsill, box or bay window, and other architectural features not more than ten feet in width may extend into the required rear setback a maximum of two feet.
 - (2) Where a detached garage, detached carport, attached carport or any other accessory building extends into the rear setback area, a minimum setback of three feet shall be provided from the side lot line and a minimum setback of three feet shall be provided from the rear lot line or 18 inches if the rear lot line is adjacent to an alley.
 - (3) Swimming pool equipment may be located in the rear setback a minimum distance of three feet from the rear lot line or 18 inches if adjacent to an alley. Additional requirements relative to the location of swimming pools and pool equipment are stated in article I, section 5.
 - (4) No rear setback shall be required for air conditioning equipment or an uncovered porch or patio.

(h) Parking regulations.

- (1) Two off-street parking spaces, accessible from a driveway constructed of an approved parking surface, shall be provided on the lot in an enclosed garage structure behind the front building line to accommodate two motor vehicles for each dwelling unit. The garage may be either attached to or detached from the principal building.
- (2) Adequate paved area must be provided for maneuvering of the vehicles into the enclosed garage structure. Alley pavement may be used as part of the required paved area for maneuvering as determined by the building official, provided:
 - a. Where the parking space is nine feet in width and 18 feet in length, the pavement for maneuvering shall be a minimum 18 feet in width and 24 feet in length, measured perpendicular to the entry opening of a garage or the supporting member of a carport or other motor vehicle storage structure, and may include the alley pavement adjacent to the lot.
 - b. As an alternative, two off-street parking spaces, each a minimum of 12 feet in width and 18 feet in length, may be provided and the pavement for maneuvering shall be a minimum of 24 feet in width and 18.5 feet in length, measured perpendicular to the entry opening of a garage or the supporting member of a carport or other motor vehicle storage structure, and may include the alley pavement adjacent to the lot.
- (3) Where a parking space is entered from a side street, the parking space shall be no closer than 20 feet from the side lot line adjacent to the street.
- (4) Where driveways or off-street parking spaces are located in the front yard after enclosure or conversion of a garage or carport, the driveway and/or the off-street parking spaces shall either be removed or reconfigured to provide access to the new required two off-street parking spaces within the enclosed garage structure. No head-in or dead-end driveways or parking spaces shall be permitted in the front yard.

(Ord. No. 948-A, § 17, 3-31-75; Ord. No. 986-A, § 3, 12-30-75; Ord. No. 3377-A, § 1, 1-14-02; Ord. No. 3448, § 1, 1-26-04; Ord. No. 3540, § 1, 1-9-06)

End of Article XIII

Article XIII-1.

D-2400-M Duplex District Regulations

Sec. 1. Use regulations.

In the D-2400-M Duplex District, no land shall be used and no building shall be erected for or converted to any use other than:

- (a) Duplex dwellings in compliance with all provisions and area regulations of this district.
 - (b) Single-family detached dwellings and other uses in compliance with all provisions and area regulations of the R-1500-M Residential District.
 - (c) Patio homes in compliance with all provisions and area regulations of the RP-1500-M Patio Home District.
 - (d) Rainwater harvesting system, subject to the regulations in Chapter 6 of the Code of Ordinances.
- (Ord. No. 2816-A, § 15, 1-14-91; Ord. No. 3377-A, § 1, 1-14-02; Ord. No. 3809, § 13, 2-28-11)

Sec. 2. Building regulations.

- (a) Minimum floor area of dwelling unit.
 - (1) The minimum floor area per principal duplex building shall be 2,400 square feet, exclusive of breezeways, garages and servants' quarters.
 - (2) The minimum floor area per duplex living unit shall be 1,200 square feet, exclusive of breezeways, garages and servants' quarters.
- (b) Type of materials.
 - (1) *Principal building.* For property platted after January 27, 2003, the effective date of adoption of Article XXII-F, or for any single-family residential structure which is reconstructed, regardless of the date the property was platted, the principal building shall be subject to the standards of Article XXII-F Residential Exterior Construction Standards. For property platted on or before January 27, 2003, the exterior walls for the principal building, excluding windows and doors, shall be constructed of a minimum 75 percent masonry construction below the first floor ceiling plate line, provided, however, that chimneys for newly constructed single-family dwellings or additions to existing dwellings shall be of 100 percent masonry construction. No one wall may be less than 50 percent masonry construction unless said wall is on a porch, patio, courtyard, or breezeway, in which event, said wall may be of nonmasonry construction.
 - (2) *Accessory buildings.* For accessory buildings in excess of 150 square feet, including, but not limited to, detached garages or servants' quarters, each exterior wall shall be constructed of a minimum of 35 percent masonry construction. Accessory buildings of 150 square feet or less may be of non-masonry construction or may be of all metal with baked-on or prepainted surface. Detached garages built to replace garages which are enclosed or converted to living space as required herein shall be constructed of brick, stone, cementitious materials or a combination thereof in proportions similar to those on the principal building and the detached garage shall be architecturally compatible with the principal building as determined by the chief building official or designee.
 - (3) "Chateau" or "mansard" type construction in which over 50 percent of a second story is enclosed by a surface of the roof must be approved by the city plan commission.

- (4) Structures other than dwelling units, including, but not limited to, churches, schools, day care facilities and hospitals, shall comply with the building regulations of the LR-M(1) district.

(Ord. No. 736-A, § 2, 10-6-71; Ord. No. 836-A, 3-26-73; Ord. No. 2816-A, § 15, 1-14-91; Ord. No. 3377-A, § 1, 1-14-02; Ord. No. 3412-A, § 2, 1-27-03; Ord. No. 3448, § 1, 1-26-04)

Sec. 3. Height regulations.

- (a) *Principal building.* No principal building shall exceed two stories in height. The first story shall not exceed 25 feet in height. The second story shall not exceed 15 feet in height.
- (b) *Accessory buildings.* Accessory buildings of 150 square feet or less shall not exceed 12 feet in height. Accessory buildings of more than 150 square feet shall be limited to one story not to exceed 25 feet in height.

(Ord. No. 3377-A, § 1, 1-14-02)

Sec. 4. Area regulations.

- (a) *Area of the lot.* The minimum area of the lot shall be 16,000 square feet.
- (b) *Width of the lot.* The minimum width of the lot shall be 100 feet.
- (c) *Depth of the lot.* The minimum depth of the lot shall be 125 feet. Lots located on cul-de-sac circles may be less than 125 feet in depth, provided one side of the lot is at least 125 feet in depth and provided the lot meets width and area requirements.
- (d) Lot coverage.
 - (1) The lot coverage of all buildings shall not exceed 35 percent of the area of the lot, estate, or other land on which the same is situated. In addition, the total area of detached structures, including garages and accessory buildings, shall not occupy more than eight percent of the lot area, nor in any event have a ground floor aggregate area of more than 600 square feet.
 - (2) The cumulative area of any driveway plus any impermeable surface area located between the front property line and any front building wall shall not exceed 50 percent of the area between the front property line and any front building wall.
- (e) Front setback.
 - (1) There shall be a front setback having a minimum depth of 30 feet. Unenclosed porches, fireplaces, and other architectural appendages may project into the required front setback for a distance not to exceed five feet.
 - (2) Where lots have double frontage running through from one street to another, the required front setback shall be provided on both streets.
 - (3) *Exception to front setback requirement.* Along streets already having a uniform building line established by a subdivision plat, new structures shall conform to existing building lines between intersecting streets. Where building lines have not been platted and there is a variance in the established building setbacks from the front lot line in the same block, and on the same side of the street as the lot to be built on, the building line of the new building shall conform to that of the building to its right when facing the street. If such new building is to be constructed on a corner lot, the front building line shall conform to that of the

- building nearest thereto on the same side of the street in the same block; however, these regulations shall not be construed as requiring a building line of more than 50 feet from the front lot line.
- (f) Side setback.
- (1) There shall be a side setback on each side of the lot having a minimum width of seven feet without projections or appendages except as allowed herein, except the side setback on a corner lot adjacent to a side street shall be not less than 20 feet.
 - (2) The ordinary projections of a roof eave or cornice may extend into the required side setback a maximum of two feet. A fireplace, windowsill, box or bay window, or other architectural features not more than ten feet in width may extend into the required side setback a maximum of two feet.
 - (3) A detached garage, detached carport, attached carport or any other accessory building shall meet the side setback required for the principal building, except in the required rear setback adjacent to an interior lot line, a minimum three-foot side setback shall be provided. No portion of the garage, carport or other accessory structure shall extend into the required side setback when located within the required rear setback area.
 - (4) Swimming pool equipment may be located in the required side setback a minimum of three feet from any side lot line. Additional requirements relative to the location of swimming pools and pool equipment are stated in article I, section 5.
 - (5) No setback shall be required from an interior side lot line for air conditioning equipment or an uncovered porch or patio.
- (g) *Rear setback.* There shall be a rear setback having a depth of not less than 25 feet, except:
- (1) The ordinary projections of a roof eave or cornice may extend into the required rear setback a maximum of two feet. A fireplace, windowsill, box or bay window, and other architectural features not more than ten feet in width may extend into the required rear setback a maximum of two feet.
 - (2) Where a detached garage, detached carport, attached carport or any other accessory building extends into the rear setback area, a minimum setback of three feet shall be provided from the side lot line and a minimum setback of three feet shall be provided from the rear lot line or 18 inches if the rear lot line is adjacent to an alley.
 - (3) Swimming pool equipment may be located in the rear setback a minimum distance of three feet from the rear lot line or 18 inches if adjacent to an alley. Additional requirements relative to the location of swimming pools and pool equipment are stated in article I, section 5.
 - (4) No rear setback shall be required for air conditioning equipment or an uncovered porch or patio.
- (h) Parking regulations.
- (1) Two off-street parking spaces, accessible from a driveway constructed of an approved parking surface, shall be provided on the lot in an enclosed garage structure behind the front building line to accommodate two motor vehicles for each dwelling unit. The garage may be either attached to or detached from the principal building.

- (2) Adequate paved area must be provided for maneuvering of the vehicles into the enclosed garage structure. Alley pavement may be used as part of the required paved area for maneuvering as determined by the building official, provided:
 - a. Where the parking space is nine feet in width and 18 feet in length, the pavement for maneuvering shall be a minimum 18 feet in width and 24 feet in length, measured perpendicular to the entry opening of a garage or the supporting member of a carport or other motor vehicle storage structure, and may include the alley pavement adjacent to the lot.
 - b. As an alternative, two off-street parking spaces, each a minimum of 12 feet in width and 18 feet in length, may be provided and the pavement for maneuvering shall be a minimum of 24 feet in width and 18.5 feet in length, measured perpendicular to the entry opening of a garage or the supporting member of a carport or other motor vehicle storage structure, and may include the alley pavement adjacent to the lot.
- (3) Where a parking space is entered from a side street, the parking space shall be no closer than 20 feet from the side lot line adjacent to the street.
- (4) Where driveways or off-street parking spaces are located in the front yard after enclosure or conversion of a garage or carport, the driveway and/or the off-street parking spaces shall either be removed or reconfigured to provide access to the new required two off-street parking spaces within the enclosed garage structure. No head-in or dead-end driveways or parking spaces shall be permitted in the front yard.

(Ord. No. 948-A, § 18, 3-31-75; Ord. No. 986-A, § 3, 12-30-75; Ord. No. 3377-A, § 1, 1-14-02; Ord. No. 3448, § 1, 1-26-04; Ord. No. 3540, § 1, 1-9-06)

End of Article XIII-1

Article XIII-2.

D-3000-M Duplex District Regulations

Sec. 1. Use regulations.

In the D-3000-M Duplex District, no land shall be used and no building shall be erected for or converted to any use other than:

- (a) Duplex dwellings in compliance with all provisions and area regulations of this district.
- (b) Single-family detached dwellings and other uses in compliance with all provisions and area regulations of the R-1500-M Residential District.
- (c) Patio homes in compliance with all provisions and area regulations of the RP-1500-M Patio Home District.
- (d) Rainwater harvesting system, subject to the regulations in Chapter 6 of the Code of Ordinances.

(Ord. No. 2816-A, § 16, 1-14-91; Ord. No. 3377-A, § 1, 1-14-02; Ord. No. 3809, § 14, 2-28-11)

Sec. 2. Building regulations.

(a) *Minimum floor area of dwelling unit.*

- (1) The minimum floor area shall be 3,000 square feet, exclusive of breezeways, garages and servants' quarters.
- (2) The minimum floor area per duplex living unit shall be 1,500 square feet, exclusive of breezeways, garages and servants' quarters.

(b) *Type of materials.*

- (1) *Principal building.* For property platted after January 27, 2003, the effective date of adoption of Article XXII-F, or for any single-family residential structure which is reconstructed, regardless of the date the property was platted, the principal building shall be subject to the standards of Article XXII-F Residential Exterior Construction Standards. For property platted on or before January 27, 2003, the exterior walls for the principal building, excluding windows and doors, shall be constructed of a minimum 75 percent masonry construction below the first floor ceiling plate line, provided, however, that chimneys for newly constructed single-family dwellings or additions to existing dwellings shall be of 100 percent masonry construction. No one wall may be less than 50 percent masonry construction unless said wall is on a porch, patio, courtyard, or breezeway, in which event, said wall may be of nonmasonry construction.
- (2) *Accessory buildings.* For accessory buildings in excess of 150 square feet, including, but not limited to, detached garages or servants' quarters, each exterior wall shall be constructed of a minimum of 35 percent masonry construction. Accessory buildings of 150 square feet or less may be of non-masonry construction or may be of all metal with baked-on or pre-painted surface. Detached garages built to replace garages which are enclosed or converted to living space as required herein shall be constructed of brick, stone, cementitious materials or a combination thereof in proportions similar to those on the principal building and the detached garage shall be architecturally compatible with the principal building as determined by the chief building official or designee.
- (3) "Chateau" or "mansard" type construction in which over 50 percent of a second story is enclosed by a surface of the roof must be approved by the city plan commission.

- (4) Structures other than dwelling units, including, but not limited to, churches, schools, day care facilities and hospitals, shall comply with the building regulations of the LR-M(1) district.

(Ord. No. 736-A, § 3, 10-6-71; Ord. No. 836-A, 3-26-73; Ord. No. 2816-A, § 16, 1-14-91; Ord. No. 3377-A, § 1, 1-14-02; Ord. No. 3412-A, § 2, 1-27-03; Ord. No. 3448, § 1, 1-26-04)

Sec. 3. Height regulations.

- (a) *Principal building.* No principal building shall exceed two stories in height. The first story shall not exceed 25 feet in height. The second story shall not exceed 15 feet in height.
- (b) *Accessory buildings.* Accessory buildings of 150 square feet or less shall not exceed 12 feet in height. Accessory buildings of more than 150 square feet shall be limited to one story not to exceed 25 feet in height.

(Ord. No. 3377-A, § 1, 1-14-02)

Sec. 4. Area regulations.

- (a) *Area of the lot.* The minimum area of the lot shall be 18,000 square feet.
- (b) *Width of the lot.* The minimum width of the lot shall be 100 feet.
- (c) *Depth of the lot.* The minimum depth of the lot shall be 125 feet. Lots located on cul-de-sac circles may be less than 125 feet in depth, provided one side of the lot is at least 125 feet in depth and provided the lot meets width and area requirements.
- (d) *Lot coverage.*
- (1) The lot coverage of all buildings shall not exceed 35 percent of the area of the lot, estate, or other land on which the same is situated. In addition, the total area of detached structures, including garages and accessory buildings, shall not occupy more than eight percent of the lot area, nor in any event have a ground floor aggregate area of more than 600 square feet.
 - (2) The cumulative area of any driveway plus any impermeable surface area located between the front property line and any front building wall shall not exceed 50 percent of the area between the front property line and any front building wall.
- (e) *Front setback.*
- (1) There shall be a front setback having a minimum depth of 30 feet. Unenclosed porches, fireplaces, and other architectural appendages may project into the required front setback for a distance not to exceed five feet.
 - (2) Where lots have double frontage running through from one street to another, the required front setback shall be provided on both streets.
 - (3) *Exception to front setback requirement.* Along streets already having a uniform building line established by a subdivision plat, new structures shall conform to existing building lines between intersecting streets. Where building lines have not been platted and there is a variance in the established building setbacks from the front lot line in the same block, and on the same side of the street as the lot to be built on, the building line of the new building shall conform to that of the building to its right when facing the street. If such new building is to be constructed on a corner lot, the front building line shall conform to that of the

building nearest thereto on the same side of the street in the same block; however, these regulations shall not be construed as requiring a building line of more than 50 feet from the front lot line.

(f) *Side setback.*

- (1) There shall be a side setback on each side of the lot having a minimum width of seven feet without projections or appendages except as allowed herein, except the side setback on a corner lot adjacent to a side street shall be not less than 20 feet.
- (2) The ordinary projections of a roof eave or cornice may extend into the required side setback a maximum of two feet. A fireplace, windowsill, box or bay window, or other architectural features not more than ten feet in width may extend into the required side setback a maximum of two feet.
- (3) A detached garage, detached carport, attached carport or any other accessory building shall meet the side setback required for the principal building, except in the required rear setback adjacent to an interior lot line, a minimum three-foot side setback shall be provided. No portion of the garage, carport or other accessory structure shall extend into the required side setback when located within the required rear setback area.
- (4) Swimming pool equipment may be located in the required side setback a minimum of three feet from any side lot line. Additional requirements relative to the location of swimming pools and pool equipment are stated in article I, section 5.
- (5) No setback shall be required from an interior side lot line for air conditioning equipment or an uncovered porch or patio.

(g) *Rear setback.* There shall be a rear setback having a depth of not less than 25 feet, except:

- (1) The ordinary projections of a roof eave or cornice may extend into the required rear setback a maximum of two feet. A fireplace, windowsill, box or bay window, and other architectural features not more than ten feet in width may extend into the required rear setback a maximum of two feet.
- (2) Where a detached garage, detached carport, attached carport or any other accessory building extends into the rear setback area, a minimum setback of three feet shall be provided from the side lot line and a minimum setback of three feet shall be provided from the rear lot line or 18 inches if the rear lot line is adjacent to an alley.
- (3) Swimming pool equipment may be located in the rear setback a minimum distance of three feet from the rear lot line or 18 inches if adjacent to an alley. Additional requirements relative to the location of swimming pools and pool equipment are stated in article I, section 5.
- (4) No rear setback shall be required for air conditioning equipment or an uncovered porch or patio.

(h) *Parking regulations.*

- (1) Two off-street parking spaces, accessible from a driveway constructed of an approved parking surface, shall be provided on the lot in an enclosed garage structure behind the front building line to accommodate two motor vehicles for each dwelling unit. The garage may be either attached to or detached from the principal building.
- (2) Adequate paved area must be provided for maneuvering of the vehicles into the enclosed garage structure. Alley pavement may be used as part of the required paved area for maneuvering as determined by the building official, provided:
 - a. Where the parking space is nine feet in width and 18 feet in length, the pavement for maneuvering shall be a minimum 18 feet in width and 24 feet in length, measured perpendicular to the entry opening of a garage or the supporting member of a carport or other motor vehicle storage structure, and may include the alley pavement adjacent to the lot.
 - b. As an alternative, two off-street parking spaces, each a minimum of 12 feet in width and 18 feet in length, may be provided and the pavement for maneuvering shall be a minimum of 24 feet in width and 18.5 feet in length, measured perpendicular to the entry opening of a garage or the supporting member of a carport or other motor vehicle storage structure, and may include the alley pavement adjacent to the lot.
- (3) Where a parking space is entered from a side street, the parking space shall be no closer than 20 feet from the side lot line adjacent to the street.
- (4) Where driveways or off-street parking spaces are located in the front yard after enclosure or conversion of a garage or carport, the driveway and/or the off-street parking spaces shall either be removed or reconfigured to provide access to the new required two off-street parking spaces within the enclosed garage structure. No head-in or dead-end driveways or parking spaces shall be permitted in the front yard.

(Ord. No. 948-A, § 19, 3-31-75; Ord. No. 3377-A, § 1, 1-14-02; Ord. No. 3448, § 1, 1-26-04; Ord. No. 3540, § 1, 1-9-06)

End of Article XIII-2

Article XIII-A.

A-1000-M Apartment District Regulations

Sec. 1. Use regulations.

In the A-1000-M Apartment District, no land shall be used and no building shall be erected for or converted to any use other than:

- (a) Apartments in compliance with all provisions and area regulations of this district.
- (b) Duplex dwellings in compliance with all provisions and area regulations of the D-1400-M Duplex District.
- (c) Single-family detached dwellings and other uses in compliance with all provisions and area regulations of the R-1500-M Residential District.
- (d) Patio homes in compliance with all provisions and area regulations of the RP-1500-M Patio Home District.
- (e) Townhomes in compliance with all provisions and area regulations of the RA-1100-M Residential Attached (Townhome) District.

(Ord. No. 2816-A, § 17, 1-14-91; Ord. No. 3009-A, § 1B, 2-13-95; Ord. No. 3377-A, § 1, 1-14-02)

Sec. 2. Building regulations.

- (a) *Minimum floor area of dwelling unit.* The minimum floor area per apartment living unit shall be 1,000 square feet.
- (b) *Building separation.* Buildings shall be separated from other buildings on the same lot by a minimum of 16 feet, unless one of the exposed walls is constructed as a fire wall in accordance with the Richardson Building Code.
- (c) Type of materials.
 - (1) All buildings shall have a minimum of 75 percent of the exterior walls constructed of masonry construction; provided, however, that chimneys for newly constructed apartments or additions to existing apartment buildings shall be of 100 percent masonry construction. At the time of site plan review, the city plan commission may approve alternate materials, which are allowed by the Building Code, to provide a superior appearance.
 - (2) A maximum of 15 percent of the exterior walls may be of a nonmasonry material as defined in the comprehensive zoning ordinance.
 - (3) The remaining exterior walls may be constructed of masonry-type materials, such as exterior stucco, manmade or natural stone, exterior insulating finishing systems (E.I.F.S.) or other materials approved by the Building Code.
 - (4) For “chateau,” “mansard” or any other design where the roof serves as an exterior wall, the above percentages shall apply.
- (d) *Nonresidential structures.* Structures other than dwelling units, including, but not limited to, churches, schools, day care facilities and hospitals, shall comply with the building regulations of the LR-M(1) district.

(Ord. No. 836-A, § 4, 3-26-73; Ord. No. 2816-A, § 17, 1-14-91; Ord. No. 3009-A, § 1B, 2-13-95; Ord. No. 3377-A, § 1, 1-14-02; Ord. No. 3715, § 3, 7-14-08)

Editor's note: Section 6 of Ord. No. 836-A provides as follows:

"Section 6. That Section 2 of Articles XII-A, XIII-A and XV of the Comprehensive Zoning Ordinance of the City be and the same are hereby amended by adding thereto the drawing marked Exhibit 'A' which is attached hereto and made a part hereof for all purposes and which shall become a part of and attached to the above articles of the Comprehensive Zoning Ordinance."

Exhibit A is not set out herein, but is on file and available for inspection in the office of the city secretary.

Sec. 3. Height regulations.

- (a) *Principal building.* No principal building shall exceed two stories in height. The first story shall not exceed 25 feet in height. The second story shall not exceed 15 feet in height. In addition, no building shall exceed one story when located within 150 feet of a residential or duplex zoning district, said measurement to include streets and alleys.
- (b) *Accessory buildings.* Accessory buildings shall be a maximum of one story in height. Accessory buildings of 150 square feet or less shall not exceed 12 feet in height. Accessory buildings of more than 150 square feet shall be limited to one story not to exceed 25 feet in height.

(Ord. No. 3377-A, § 1, 1-14-02)

Sec. 4. Area regulations.

- (a) Lot area and dimensions.
 - (1) *Lot area.* The minimum lot area shall be one acre.
 - (2) *Lot dimensions.* The minimum lot dimensions shall be:
 - (a) Minimum width: 200 feet.
 - (b) Minimum depth: 200 feet.
 - (3) *Density.* In no instance shall the density in the A-1000-M district exceed 14 units per acre.
- (b) *Lot coverage.* The principal building(s) and any accessory buildings (exclusive of parking structures) shall not cover more than 30 percent of the total area of the lot, tract, parcel, estate, or other land upon which apartment building is located.
- (c) Front setback.
 - (1) There shall be a landscaped front setback having a minimum depth of 30 feet, subject, however, to the following exceptions.
 - a. *Exceptions to front setback requirements.* Along streets already having a uniform building line, new structures shall conform to that so existing. If there is a variance in the depth of those already existing in the same block and on the same side of the street as the lot to be built on, the building line of the new building shall conform to that of the building on its right when looking toward the street. If such new building is to be constructed on a corner lot, the front building line shall conform to that of the building nearest thereto on the same side of the street in the same block. In no event shall a building line setback of less than 30 feet or more than 50 feet from the front lot line be required.
 - (2) On corner lots, the required front setback shall be required on both streets.

- (3) Where lots have double frontage, running through from one street to another, the required front setback shall be provided on both streets.
 - (4) No structures shall be located in the required front setback or in a required side setback abutting a street.
 - (5) No parking shall be allowed in any front setback area. However, drives of ingress and egress from the public street to the parking area shall be allowed to cross the front setback from front to rear.
- (d) Side setback.
- (1) Where the ends of the building are adjacent to and parallel to the side lot lines, the setback shall be not less than ten feet or ten percent of the width of the lot, whichever is smaller, but in no case shall the side setback be less than eight feet.
 - (2) Where the long sides of the apartment building, other than the ends, are adjacent to or parallel to the side lot lines, the side setback shall be not less than ten percent of the length of the building side adjacent to the side setback, but in no case shall the side setback be less than 12 feet.
 - (3) Where the side of a building containing openings for access to the building faces the side lot line, side setbacks shall have a minimum width equal to ten percent of the length of the building but in no case shall this distance be less than 16 feet.
 - (4) In the case of open court, closed court apartment buildings or the construction of parallel apartment buildings facing or backing to each other on a single lot or tract or a combination of lots, or where the ends of an apartment building are adjacent to and parallel to the side of another apartment building, or where corners of apartment buildings are the closest points between buildings, then a side lot shall be assumed to exist along the centerline of any such court, yard or open space across which the sides or corners of apartment buildings face or back upon each other.
- (e) *Rear setback.* There shall be a rear setback having a depth of not less than 25 feet.
- (f) *Unusable land areas.* No pond, creek or other unusable terrain shall be changed without the approval of such plans by the director of public works. All required setback areas shall be measured from the edge of the usable land available for development as determined by the city plan commission.
- (g) *Overhang and fireplaces.* The minimum setback requirements shall apply in all cases, except that fireplaces, eaves, bays, balconies and fireproof outside stairways may extend up to a maximum of 3 1/2 feet into the required front, side or rear yards.
- (h) Reserved.
- (i) *Accessory buildings and uses.* Accessory buildings and uses shall be permitted only to the extent necessary and normal to the limited types of use permitted in this district. All accessory buildings which are not a part of the main buildings shall be separated from the main buildings by a minimum of ten feet.
- (j) Reserved.
- (k) Reserved.
- (l) Reserved.

(m) Reserved.

(n) Reserved.

(Ord. No. 635-A, § 2, 10-13-69; Ord. No. 636-A, §§ 1(1), 3, 10-20-69; Ord. No. 2816-A, § 17, 1-14-91; Ord. No. 2881-A, § 2, 5-11-92; Ord. No. 3377-A, § 1, 1-14-02; Ord. No. 3530, § 3, 11-28-05; Ord. No. 3598, § 3, 3-26-07)

Sec. 5. Special requirements.

(a) Reserved.

(b) Recreational areas.

(1) Each apartment complex shall provide indoor or outdoor recreational or playground to meet the requirements of the residents in such complex, including facilities for children, adolescents and adults.

(2) Each apartment complex shall provide at least one indoor or outdoor play area for the first 250 apartment units or portion thereof. Said play area shall be a minimum of 900 square feet in area and shall be designed for use by children under ten years of age. Safe, weather-resistant play equipment suitable for children of this age shall be provided. All play equipment must meet the guidelines of the Consumer Product Safety Commission for play equipment and safety surface. Playground access and equipment must be in compliance with A.D.A. requirements.

One additional playground meeting the specifications described above shall be provided for each 250 additional units within the development or portion thereof.

(3) In addition, with each apartment complex, additional recreational amenities must be provided. These amenities, listed below, shall accrue points based on the values assigned. A minimum of 70 recreational amenity points must be accumulated for each 250 apartment units or portion thereof.

a. Additional playgrounds designed for children ten years or age or younger meeting the specifications listed above. (Ten points; maximum ten points per apartment complex.)

b. Clubhouse/gameroom/multi-purpose room a minimum of 400 square feet in area for each 250 units. (Ten points.)

c. Equipment, such as pool tables, ping-pong tables, foosball tables, etc., in the clubhouse/gameroom/multi-purpose room; electronic videogames or pinball games shall not be eligible for points. The appropriateness of the equipment shall be determined by the city's director of parks and recreation. (One point for each piece of approved equipment.)

d. Outdoor multi-use sport court, tennis court, racquetball court or similar facility. (Five points/court.)

e. Indoor multi-use sport court, tennis court, racquetball court or similar facility. (Ten points/court.)

f. Indoor fitness center at least 400 square feet in area for each 250 units. (Ten points.)

- g. Swimming pool, including wading area. Pools shall be fenced and secured according to the requirements of the City of Richardson. (Ten points; 20 points maximum per 250 unit apartment complex.)
 - h. Reinforced concrete jogging trail, bike path or combination thereof, a minimum of eight feet in width. (Ten points.)
 - i. Usable open space, at least 1,000 square feet in area, to include at least three of the following: cluster of trees, water features, seating areas, picnic tables, barbecue grills, gazebos or other elements as approved by the city's director of parks and recreation. (Ten points; maximum 30 points per 250 unit apartment complex.)
 - j. Other recreational amenities as approved by the city's director of parks and recreation. (One through ten points, to be determined by the director of parks and recreation.)
- Creeks and drainageways, which would otherwise be required to remain in an open state, shall not be eligible for the accumulation of points toward the total requirement, nor shall improvements in any required front or side yard areas.
- (4) It shall be the responsibility of the director of parks and recreation of the city to review the proposed recreational amenities and provide a written assessment of their adequacy to the city plan commission prior to consideration of the site plan.
 - (5) Open space shall be disposed in such a manner as to ensure the safety and welfare of residents.
- (c) *Mechanical equipment.* Mechanical equipment shall be constructed, located and screened so as not to interfere with the peace, comfort and repose of the occupant(s) of any adjoining building or residence.
- (d) *Additional special requirements for apartments.*
- (1) All apartment developments shall have roof coverings applied in accordance with the Richardson Building Code and/or in accordance with manufacturer's recommendations. The following materials shall be permitted: slate, concrete or clay roofing tile, copper, steel or aluminum, laminated asphalt shingles of at least 300 pounds per square, or other material approved by the building official. Wood shingles are expressly prohibited.
 - (2) Each apartment complex shall be enclosed by a perimeter fence. Where the fence is adjacent to a street or within any front yard area or adjacent to any street, it shall be constructed of masonry, native stone, wrought iron or other material approved by the city engineer as being at least equivalent to the above and shall provide at least 50 percent through vision. Where the fence is within a side or rear yard area, it may be constructed of masonry material, native stone, wrought iron, chain link with a landscape hedge material which will reach at least the height of the fence at maturity. Said perimeter fence may include access control features at the entrances to the development. Access control shall be in conformance with city policies for such devices.

- (3) Exterior front doors on all structures except garages shall be constructed of metal a minimum of 20 gauge in thickness with an insulated core or fiberglass with an insulated core. Glass inserts to allow light shall be permitted. Patio doors may be of a French or sliding glass type with metal or solid wood frames. Garage doors shall be constructed of metal a minimum of 24-gauge thickness. No hollow core or wooden doors shall be permitted.
- (4) All balcony and stairway surfaces shall be constructed of noncombustible materials. The structural elements may be constructed of noncombustible materials or decay-resistant wood or as required by the Standard Building Code. All handrails and guardrails shall be constructed of noncombustible materials. Trim on balconies and stairways may be constructed on noncombustible or combustible materials.
- (5) For purposes of this section, “apartment communities” shall be defined as multifamily developments with a maximum of 250 dwelling units that share common access and circulation, parking areas, recreational areas and other facilities. Any new multifamily developments or substantial redevelopment of existing multifamily developments shall be determined to be apartment communities and shall be designed in such a way so that a maximum of 250 dwelling units share common access and circulation, parking areas, recreational areas and other facilities. Physical separation between apartment communities shall be required by means of permanent perimeter fencing with no openings for vehicular or pedestrian traffic.

(Ord. No. 358-A, 8-3-64; Ord. No. 635-A, § 1, 10-13-69; Ord. No. 2816-A, § 17, 1-14-91; Ord. No. 3009-A, § 1B, 2-13-95; Ord. No. 3598, § 4, 3-26-07; Ord. No. 4330, § 2, 2-10-20)

Sec. 6. Reserved.

Editor’s note: Ord. No. 3598, § 4, adopted March 26, 2007, repealed § 6, which pertained to site plan approval and derived from Ord. No. 635-A, § 1, adopted Oct. 13, 1969; and Ord. No. 2816-A, § 17, adopted Jan. 14, 1971.

Sec. 7. Reserved.

Editor’s note: Ord. No. 3598, § 4, adopted March 26, 2007, repealed § 7, which pertained to landscape plan approval and derived from Ord. No. 2816-A, adopted Jan. 14, 1991.

End of Article XIII-A

**Article XIV.
Reserved***

**Editor's note: Ord. No. 948-A, § 20, adopted March 30, 1975, amended the zoning ordinance by repealing former art. XIV, A-950-F Apartment District Regulations, in its entirety. Former art. XIV was derived from the original comprehensive zoning ordinance of 1956 and Ord. No. 635-A, § 1, 10-13-69.*

End of Article XIV

Article XV.

A-950-M Apartment District Regulations

Sec. 1. Use regulations.

In the A-950-M Apartment District, no land shall be used and no building shall be erected for or converted to any use other than:

- (a) Apartments in compliance with all provisions and area regulations of this district.
- (b) Duplex dwellings in compliance with all provisions and area regulations of the D-1400-M Duplex District.
- (c) Single-family detached dwellings and other uses in compliance with all provisions and area regulations of the R-1500-M Residential District.
- (d) Patio homes in compliance with all provisions and area regulations of the RP-1500-M Patio Home District.
- (e) Townhomes in compliance with all provisions and area regulations of the RA-1100-M Residential Attached (Townhome) District.

(Ord. No. 2816-A, § 18, 1-14-91; Ord. No. 3009-A, § 1B, 2-13-95; Ord. No. 3377-A, § 1, 1-14-02)

Sec. 2. Building regulations.

- (a) *Minimum floor area of dwelling unit.* The minimum floor area per apartment living unit shall be 700 square feet.
- (b) *Building separation.* Buildings shall be separated from other buildings on the same lot by a minimum of 16 feet, unless one of the exposed walls is constructed as a fire wall in accordance with the Richardson building code.
- (c) Type of materials.
 - (1) All buildings shall have a minimum of 75 percent of the exterior walls constructed of masonry construction; provided, however, that chimneys for newly constructed apartments or additions to existing apartment buildings shall be of 100 percent masonry construction. At the time of site plan review, the city plan commission may approve alternate materials, which are allowed by the Building Code, to provide a superior appearance.
 - (2) A maximum of 15 percent of the exterior walls may be of a nonmasonry material as defined in the comprehensive zoning ordinance.
 - (3) The remaining exterior walls may be constructed of masonry-type materials, such as exterior stucco, manmade or natural stone, exterior insulating finishing systems (E.I.F.S.) or other materials approved by the Building Code.
 - (4) For “chateau,” “mansard” or any other design where the roof serves as an exterior wall, the above percentages shall apply.
- (d) *Nonresidential structures.* Structures other than dwelling units, including, but not limited to, churches, schools, day care facilities and hospitals, shall comply with the building regulations of the LR-M(1) district.

(Ord. No. 836-A, § 5, 3-26-73; Ord. No. 2816-A, § 18, 1-14-90; Ord. No. 3009-A, § 1B, 2-13-95; Ord. No. 3377-A, § 1, 1-14-02; Ord. No. 3715, § 4, 7-14-08)

Editor's note: Section 6 of Ord. No. 836-A provides as follows:

"Section 6. That Section 2 of Articles XII-A, XIII-A and XV of the Comprehensive Zoning Ordinance of the City be and the same are hereby amended by adding thereto the drawing marked Exhibit 'A' which is attached hereto and made a part hereof for all purposes and which shall become a part of and attached to the above articles of the Comprehensive Zoning Ordinance."

Exhibit A is not included herein, but is on file and available for inspection in the office of the city secretary.

Sec. 3. Height regulations.

- (a) *Principal building.* No principal building shall exceed two stories in height. The first story shall not exceed 25 feet in height. The second story shall not exceed 15 feet in height. In addition, no building shall exceed one story when located within 150 feet of a residential or duplex zoning district, said measurement to include streets and alleys.
- (b) *Accessory buildings.* Accessory buildings shall be a maximum of one story in height. Accessory buildings of 150 square feet or less shall not exceed 12 feet in height. Accessory buildings of more than 150 square feet shall be limited to one story not to exceed 25 feet in height.

(Ord. No. 3377-A, § 1, 1-14-02)

Sec. 4. Area regulations.

- (a) Lot area and dimensions.
 - (1) *Lot area.* The minimum lot area shall be 16,000 square feet.
 - (2) *Lot dimensions.* The minimum lot dimensions shall be:
 - a. Minimum width: 75 feet;
 - b. Minimum depth: 120 feet.
 - (3) *Density.* In no instance shall the density in the A-950-M district exceed 18 units per acre.
- (b) *Lot coverage.* The principal building(s) and any accessory buildings (exclusive of parking structures) shall not cover more than 30 percent of the total area of the lot, tract, parcel, estate, or other land upon which apartment building is located.
- (c) Front setback.
 - (1) There shall be a landscaped front setback having a minimum depth of 30 feet, subject, however, to the following exceptions:
 - a. *Exception to front setback requirements.* Along streets already having a uniform building line, new structures shall conform to that so existing. If there is a variance in the depth of those already existing in the same block and on the same side of the street as the lot to be built on, the building line of the new building shall conform to that of the building on its right when looking toward the street. If such new building is to be constructed on a corner lot, the front building line shall conform to that of the building nearest thereto on the same side of the street in the same block. In no event shall a building line set back less than 30 feet or more than 50 feet from the front lot line be required.

- (2) On corner lots, the required front setback shall be required on both streets.
 - (3) Where lots have double frontage, running through from one street to another, the required front setback shall be provided on both streets.
 - (4) No structures shall be located in the required front setback or in a required side setback abutting a street.
 - (5) No parking shall be allowed in any front setback area. However, drives of ingress and egress from the public street to the parking area shall be allowed to cross the front setback from front to rear.
- (d) Side setback.
- (1) Where the ends of the building are adjacent to and parallel to the side setback shall be not less than ten feet or ten percent of the width of the lot, whichever is smaller, but in no case shall the side setback be less than eight feet.
 - (2) Where the long sides of the apartment building, other than the ends, are adjacent to or parallel to the side lot lines, the side setback shall be not less than ten percent of the length of the building side adjacent to the side setback, but in no case shall the side setback be less than 12 feet.
 - (3) Where the side of a building containing openings for access to the building faces the side lot line, side setbacks shall have a minimum width equal to ten percent of the length of the building, but in no case shall this distance be less than 16 feet.
 - (4) In the case of open court, closed court apartment buildings or the construction of parallel apartment buildings facing or backing to each other on a single lot or tract or a combination of lots, or where the ends of an apartment building are adjacent to and parallel to the side of another apartment building, or where corners of apartment buildings are the closest points between buildings, then a side lot shall be assumed to exist along the centerline of any such court, yard or open space across which the sides or corners of apartment buildings face or back upon each other.
- (e) *Rear yard setback.* There shall be a rear setback having a depth of not less than 25 feet.
- (f) *Unusable land areas.* No pond, creek or other unusable terrain shall be changed without the approval of such plans by the director of public works. All required setback areas shall be measured from the edge of the usable land available for development as determined by the city plan commission.
- (g) *Overhang and fireplaces.* The minimum setback requirements shall apply in all cases, except that fireplaces, eaves, bays, balconies and fireproof outside stairways may extend to a maximum of 3 1/2 feet into the required front, side or rear yards.
- (h) Reserved.
- (i) *Accessory buildings and uses.* Accessory buildings and uses shall be permitted only to the extent necessary and normal to the limited types of use permitted in this district.

All accessory buildings which are not a part of the main building shall be separated from the main buildings by a minimum of ten feet.

(Ord. No. 635-A, § 2, 10-13-69; Ord. No. 636-A, §§ 1(2), 3, 10-20-69; Ord. No. 2816-A, § 18, 1-14-91; Ord. No. 2881-A, § 3, 5-11-92; Ord. No. 3377-A, § 1, 1-14-02; Ord. No. 3598, § 3, 3-26-07)

Sec. 5. Special requirements.

- (a) Reserved.
- (b) Recreational areas.
 - (1) Each apartment complex shall provide indoor or outdoor recreational or playground to meet the requirements of the residents in such complex, including facilities for children, adolescents and adults.
 - (2) Each apartment complex shall provide at least one indoor or outdoor play area for the first 250 apartment units or portion thereof. Said play area shall be a minimum of 900 square feet in area and shall be designed for use by children under ten years of age. Safe, weather-resistant play equipment suitable for children of this age shall be provided. All play equipment must meet the guidelines of the Consumer Product Safety Commission for play equipment and safety surface. Playground access and equipment must be in compliance with A.D.A. requirements.

One additional playground meeting the specifications described above shall be provided for each 250 additional units within the development or portion thereof.

- (3) In addition, with each apartment complex, additional recreational amenities must be provided. These amenities, listed below, shall accrue points based on the values assigned. A minimum of 70 recreational amenity points must be accumulated for each 250 apartment units or portion thereof.
 - a. Additional playgrounds designed for children ten years or age or younger meeting the specifications listed above. (Ten points; maximum ten points per apartment complex.)
 - b. Clubhouse/gameroom/multi-purpose room a minimum of 400 square feet in area for each 250 units. (Ten points.)
 - c. Equipment, such as pool tables, ping-pong tables, foosball tables, etc., in the clubhouse/gameroom/multi-purpose room; electronic videogames or pinball games shall not be eligible for points. The appropriateness of the equipment shall be determined by the city's director of parks and recreation. (One point for each piece of approved equipment.)
 - d. Outdoor multi-use sport court, tennis court, racquetball court or similar facility. (Five points/court.)
 - e. Indoor multi-use sport court, tennis court, racquetball court or similar facility. (Ten points/court.)
 - f. Indoor fitness center at least 400 square feet in area for each 250 units. (Ten points.)
 - g. Swimming pool, including wading area. Pools shall be fenced and secured according to the requirements of the City of Richardson. (Ten points; 20 points maximum per 250 unit apartment complex.)
 - h. Reinforced concrete jogging trail, bike path or combination thereof, a minimum of eight feet in width. (Ten points.)
 - i. Usable open space, at least 1,000 square feet in area, to include at least three of the following: cluster of trees, water features, seating areas, picnic tables, barbecue grills,

gazebos or other elements as approved by the city's director of parks and recreation. (Ten points; maximum 30 points per 250 unit apartment complex.)

- j. Other recreational amenities as approved by the city's director of parks and recreation. (One through ten points, to be determined by the director of parks and recreation.)

Creeks and drainageways, which would otherwise be required to remain in an open state, shall not be eligible for the accumulation of points toward the total requirement, nor shall improvements in any required front or side yard areas.

- (4) It shall be the responsibility of the director of parks and recreation of the city to review the proposed recreational amenities and provide a written assessment of their adequacy to the city plan commission prior to consideration of the site plan.
 - (5) Open space shall be disposed in such a manner as to ensure the safety and welfare of residents.
- (c) *Mechanical equipment.* Mechanical equipment shall be constructed, located and screened so as not to interfere with the peace, comfort and repose of the occupant(s) of any adjoining building or residence.
- (d) *Additional special requirements for apartments.*
- (1) All apartment developments shall have roof coverings applied in accordance with the Richardson Building Code and/or in accordance with manufacturer's recommendations. The following materials shall be permitted: slate, concrete or clay roofing tile, copper, steel or aluminum, laminated asphalt shingles of at least 300 pounds per square, or other material approved by the building official. Wood shingles are expressly prohibited.
 - (2) Each apartment complex shall be enclosed by a perimeter fence. Where the fence is adjacent to a street or within any front yard area or adjacent to any street, it shall be constructed of masonry, native stone, wrought iron or other material approved by the city engineer as being at least equivalent to the above and shall provide at least 50 percent through vision. Where the fence is within a side or rear yard area, it may be constructed of masonry material, native stone, wrought iron, chain link with a landscape hedge material which will reach at least the height of the fence at maturity. Said perimeter fence may include access control features at the entrances to the development. Access control shall be in conformance with city policies for such devices.
 - (3) Exterior front doors on all structures except garages shall be constructed of metal a minimum of 20 gauge in thickness with an insulated core or fiberglass with an insulated core. Glass inserts to allow light shall be permitted. Patio doors may be of a French or sliding glass type with metal or solid wood frames. Garage doors shall be constructed of metal a minimum of 24-gauge thickness. No hollow core or wooden doors shall be permitted.
 - (4) All balcony and stairway surfaces shall be constructed of noncombustible materials. The structural elements may be constructed of noncombustible materials or decay-resistant wood or as required by the Standard Building Code. All handrails and guardrails shall be constructed of noncombustible materials. Trim on balconies and stairways may be constructed on noncombustible or combustible materials.

- (5) For purposes of this section, “apartment communities” shall be defined as multifamily developments with a maximum of 250 dwelling units that share common access and circulation, parking areas, recreational areas and other facilities. Any new multifamily developments or substantial redevelopment of existing multifamily developments shall be determined to be apartment communities and shall be designed in such a way so that a maximum of 250 dwelling units share common access and circulation, parking areas, recreational areas and other facilities. Physical separation between apartment communities shall be required by means of permanent perimeter fencing with no openings for vehicular or pedestrian traffic.

(Ord. No. 358-A, 8-3-64; Ord. No. 635-A, § 1, 10-13-69; Ord. No. 2816-A, § 18, 1-14-91; Ord. No. 3009-A, § 1B, 2-13-95; Ord. No. 3598, §§ 4, 5, 3-26-07; Ord. No. 4330, § 3, 2-10-20)

Sec. 6. Reserved.

Editor’s note: Ord. No. 3598, § 4, adopted March 26, 2007, repealed § 6, which pertained to site plan approved and derived from Ord. No. 635-A, § 1, adopted Oct. 13, 1969; and Ord. No. 2816-A, § 1, adopted Jan. 14, 1991.

Sec. 7. Reserved.

Editor’s note: Ord. No. 3598, § 4, adopted March 26, 2007, repealed § 7, which pertained to landscape plan approval and derived from Ord. No. 2816-A, § 18, adopted Jan. 14, 1991.

End of Article XV

Article XVI.
A-850-F Apartment District Regulations

Sec. 1. Use regulations.

The use regulations, building regulations, height regulations, area regulations and other requirements of the A-850-F Apartment District classification shall be the same as those contained in article XV, A-950-M Apartment District regulations, of the comprehensive zoning ordinance.

(Ord. No. 358-A, 8-3-64; Ord. No. 3377-A, § 1, 1-14-02)

End of Article XVI

Article XVI.
A-850-F Apartment District Regulations

Sec. 1. Use regulations.

The use regulations, building regulations, height regulations, area regulations and other requirements of the A-850-F Apartment District classification shall be the same as those contained in article XV, A-950-M Apartment District regulations, of the comprehensive zoning ordinance.

(Ord. No. 358-A, 8-3-64; Ord. No. 3377-A, § 1, 1-14-02)

End of Article XVI

Article XVI-A.
LR-M(1) Local Retail District Regulations

Sec. 1. Use regulations.

In the LR-M(1) Local Retail District, no land shall be used and no building shall be erected for or converted to any use other than:

- (1) Antenna, accessory, subject to the supplemental regulations of article XXII-E.
- (2) Antique shop.
- (3) Art gallery.
- (4) Bakery.
- (5) Bank or financial institution.
- (6) Barber or beauty salon.
- (7) Book, card, or stationery store.
- (8) Camera and photographic supply shop.
- (9) Catering service.
- (10) Church.
- (11) Clothing or apparel store.
- (12) Construction field office.
- (13) Convenience store.
- (14) Department store.
- (15) Drugstore or pharmacy.
- (16) Fabric store.
- (17) Florist.
- (18) Furniture, home furnishings, and appliance store.
- (19) Grocery store.
- (20) Hardware store.
- (21) Jewelry store.
- (22) Laundry pick-up station.
- (23) Mailing service.
- (24) Musical instrument sales and repair.
- (25) Office.
- (26) Office furniture, equipment, and supply store.
- (27) Parking lot, accessory.
- (28) Photography or art studio.
- (29) Public building.

- (30) Repair shop, household items.
- (31) Repair shop, personal items.
- (32) Restaurant without drive-through or curbside service.
- (33) School, parochial, when located on the same lot as the church of the sponsoring religious agency.
- (34) Sporting goods store.
- (35) Tailor shop.
- (36) Toy or hobby shop.
- (37) Video rental store.

(Ord. No. 289-A, 1-2-63; Ord. No. 989-A, § 1, 12-30-75; Ord. No. 2715-A, § 2, 2-13-89; Ord. No. 2728-A, § 2, 5-22-89; Ord. No. 3172-A, §§ 8, 9, 4-13-98; Ord. No. 3377-A, § 1, 1-14-02)

Sec. 2. Building regulations.

Type of materials. All buildings shall be of masonry construction. A maximum of 15 percent of the building facade area may be constructed of noncombustible construction other than masonry construction including factory certified installation of commercial grade class PB exterior insulation and finish system (EIFS). Said EIFS materials must be installed above a height of eight feet and in no case shall EIFS be installed, even as a re-cladding material, below a height of eight feet. In determining the percentage allowance, the total of all sides of the building shall be utilized in the calculation and a maximum of 20 percent of the facade per elevation shall be constructed of noncombustible construction.

(Ord. No. 3172-A, § 2, 4-13-98; Ord. No. 3377-A, § 1, 1-14-02)

Sec. 3. Height regulations.

No building or structure shall exceed two stories in height. The first story shall not exceed 25 feet in height. The second story shall not exceed 15 feet in height. Buildings and structures shall be limited to one story not to exceed 25 feet in height when located within 150 feet of a residential, duplex, or apartment zoning district, including street and alley rights-of-way.

(Ord. No. 916-A, § 2, 8-19-74; Ord. No. 3172-A, § 7, 4-13-98; Ord. No. 3377-A, § 1, 1-14-02)

Sec. 4. Area regulations.

- (a) Front setback.
 - (1) There shall be a front setback having a minimum depth of 40 feet.
 - (2) On corner lots or where lots have double frontage, running through from one street to another, the required front setback shall be provided on both streets.
- (b) *Side setback.* No side setback shall be required except:
 - (1) On a corner lot, a side setback of 40 feet shall be required on the side adjacent to the street.
 - (2) Where the side of a building faces on a residential, duplex, or apartment district, the screening and open space requirements of chapter 21, Subdivision and Development, of the Code of Ordinances, shall apply.

(c) *Rear setback.* No rear setback shall be required except where the rear of a building faces on a residential, duplex, or apartment district, the screening and open space requirements of chapter 21, Subdivision and Development, of the Code of Ordinances, shall apply.

(d) *Floor area ratio.* No building shall be constructed, erected or altered in such a manner so as to exceed a maximum floor area ratio of 0.5:1 on any lot, tract or parcel of land zoned LR-M(1).

(Ord. No. 243-A, 10-24-61; Ord. No. 339-A, 3-9-64; Ord. No. 916-A, § 2, 8-19-74; Ord. No. 2085-A, § 1, 3-5-79; Ord. No. 2376-A, § 3(1), 10-17-83; Ord. No. 2418-A, § 2, 4-16-84; Ord. No. 3377-A, § 1, 1-14-02; Ord. No. 3598, § 7, 3-26-07)

Sec. 5. Reserved.

Editor's note: Ord. No. 3598, § 11, adopted March 26, 2007, repealed § 5, which pertained to site plan approval and derived from Ord. No. 469-A, § 1, adopted March 21, 1967; Ord. No. 635-A, § 1, adopted Oct. 13, 1969; Ord. No. 2816-A, § 19, adopted Jan. 14, 1991; and Ord. No. 2872-A, § 5, adopted Feb. 25, 1992.

Sec. 6. Outside storage and display of goods, wares or merchandise.

The outside storage and display of goods, wares and merchandise is prohibited except as specifically authorized herein. The outside storage and display of goods, wares and merchandise shall be permitted on the sidewalk adjacent to the building, provided such goods, wares or merchandise shall not extend more than three feet from the building and shall not be more than three feet in height; and provided further, that there shall be at least five feet in width of unobstructed sidewalk remaining.

Provided, further, that the above prohibition shall not be construed to prohibit the following:

- (a) The above height limitation shall not apply to storage and display of Christmas trees for a period not to exceed 40 days prior to Christmas each year.
- (b) The above prohibition shall not be construed to apply to merchandise dispensing units (limited to not more than three for any one business establishment) when such merchandise dispensing units are operated in connection with the operation of an open-front type of drive-in grocery store.
- (c) The above prohibition shall not be construed to prohibit the storage and display of merchandise normally placed on gasoline service station pump islands, when placed on such islands.
- (d) The above prohibition shall not be construed to prohibit the storage and display of rental trailers, or to newspaper racks.

(Ord. No. 599-A, § 1, 12-2-68)

Sec. 7. Reserved.

Editor's note: Ord. No. 3598, § 11, adopted March 26, 2007, repealed § 7, which pertained to landscaping plan approval and derived from Ord. No. 635-A, § 2, adopted Oct. 13, 1969; Ord. No. 2816-A, § 19, adopted Jan. 14, 1991; and Ord. No. 2872-A, § 8, adopted Feb. 25, 1992.

End of Article XVI-A

Article XVI-B.

LR-M(2) Local Retail District Regulations

Sec. 1. Use regulations.

In the LR-M(2) Local Retail District, no land shall be used and no building shall be erected for or converted to any use other than:

- (1) Any use permitted in the LR-M(1) district.
- (2) Antenna, commercial, subject to the supplemental regulations of article XXII-E.
- (3) Antenna, freestanding, subject to the supplemental regulations of article XXII-E.
- (4) Antenna, mounted, subject to the supplemental regulations of article XXII-E.
- (5) Bowling alley.
- (6) Fine arts studio.
- (7) Health club.
- (8) Laundromat, not to exceed 6,000 square feet in area, without pick-up and delivery service.
- (9) Laundry or dry cleaning service, not to exceed 6,000 square feet in area, without pick-up and delivery service.
- (10) Martial arts school.
- (11) Motor vehicle parts and accessory sales, no outdoor storage or display.
- (12) Movie theater.
- (13) Pet sales and grooming, subject to the supplemental regulations of article XXII-E.
- (14) Print shop—minor.
- (15) Veterinary office, subject to the supplemental regulations of article XXII-E.

(Ord. No. 289-A, 1-2-63; Ord. No. 874-A, § 1, 9-17-73; Ord. No. 1093-A, § 2, 10-31-77; Ord. No. 2728-A, § 3, 5-22-89; Ord. No. 2872-A, § 1, 2-25-92; Ord. No. 3063-A, § 1, 2-26-96; Ord. No. 3377-A, § 1, 1-14-02; Ord. No. 3598, § 6, 3-26-07; Ord. No. 3715, § 5, 7-14-08)

Sec. 2. Building regulations.

Type of materials. All buildings shall be of masonry construction. A maximum of 15 percent of the building facade area may be constructed of noncombustible construction other than masonry construction including factory certified installation of commercial grade Class PB Exterior Insulation and Finish System (EIFS). Said EIFS materials must be installed above a height of eight feet and in no case shall EIFS be installed, even as a recladding material, below a height of eight feet. In determining the percentage allowance, the total of all sides of the building shall be utilized in the calculation and a maximum of 20 percent of the facade per elevation shall be constructed of noncombustible construction.

(Ord. No. 3172-A, § 2, 4-13-98; Ord. No. 3377-A, § 1, 1-14-02)

Sec. 3. Height regulations.

No building or structure shall exceed eight stories and a maximum of 130 feet in height, and further provided that the following limitations shall apply:

- (a) Where all or a portion of a lot or tract is within 300 feet of a residential, duplex or apartment zoning district, including street and alley rights-of-way,
 - (1) Building height shall be limited to one story not to exceed 25 feet in height for a building located within 150 feet of a residential, duplex, or apartment zoning district;
 - (2) Building height shall be limited to two stories, not to exceed 25 feet in height for the first story and 15 feet in height for the second story, for a building located between 150 feet and 300 feet from a residential, duplex, or apartment zoning district;
 - (3) Building height shall be limited to 50 feet, not to exceed 25 feet in height for the first story and 15 feet in height for each additional story, for a building located more than 300 feet from a residential, duplex, or apartment zoning district, provided, however, that one foot of additional building height shall be permitted for each two feet of setback provided, up to the maximum eight story height allowed.
- (b) Where no portion of a lot or tract is within 300 feet of a residential, duplex, or apartment zoning district, including street and alley rights-of-way, building height shall be limited to 50 feet at the setback line, not to exceed 25 feet for the first story and 15 feet for each additional story, provided, however, that two feet of additional building height shall be permitted for each one foot of setback provided, up to the maximum eight story height allowed.

(Ord. No. 916-A, § 3, 8-19-74; Ord. No. 2418-A, § 3, 4-16-84; Ord. No. 3172, § 6, 4-13-98; Ord. No. 3377-A, § 1, 1-14-02)

Sec. 4. Area regulations.

- (a) Front setback.
 - (1) There shall be a front setback having a minimum depth of 40 feet.
 - (2) On corner lots or where lots have double frontage, running through from one street to another, the required front setback shall be provided on both streets.
 - (3) Gasoline pumps and pump islands shall be set back at least 24 feet from the lot line adjacent to a street and canopies shall be set back at least ten feet from the lot line adjacent to a street.
- (b) *Side setback.* No side setback shall be required except:
 - (1) On a corner lot, a side setback of 40 feet shall be required on the side adjacent to the street.
 - (2) Where the side of a building faces on a residential, duplex, or apartment district, the screening and open space requirements of chapter 21, Subdivision and Development, of the Code of Ordinances, shall apply.
- (c) *Rear setback.* No rear setback shall be required except where the rear of a building faces on a residential, duplex, or apartment district, the screening and open space requirements of chapter 21, Subdivision and Development, of the Code of Ordinances, shall apply.

(d) *Floor area ratio.* No building shall be constructed, erected or altered in such a manner so as to exceed a maximum floor area ratio of 0.5:1 on any lot, tract or parcel of land zoned LR-M(2).

(Ord. No. 1001-A, § 2, 2-24-76; Ord. No. 3377-A, § 1, 1-14-02; Ord. No. 3530, § 1, 11-28-05; Ord. No. 3598, § 7, 3-26-07)

Sec. 5. Reserved.

Editor's note: Ord. No. 3598, § 11, adopted March 26, 2007, repealed § 5, which pertained to site plan approval and derived from Ord. No. 469-A, § 1, adopted March 21, 1967; Ord. No. 635-A, § 1, adopted Oct. 13, 1969; Ord. No. 2816-A, § 20, adopted Jan. 14, 1991; and Ord. No. 2872-A, § 5, adopted Feb. 25, 1992.

Sec. 6. Outside storage and display of goods, wares or merchandise.

The outside storage and display of goods, wares or merchandise shall be subject to the same regulations as contained in the LR-M(1) local retail district regulations.

(Ord. No. 599-A, § 2, 12-2-68)

Editor's note: Ord. No. 599-A, § 2, adopted Dec. 2, 1968, amended art. XVI-B by adding § 5. As art. XVI-B already included a § 5, the section has been redesignated as § 6 by the editors.

Sec. 7. Reserved.

Editor's note: Ord. No. 3598, § 11, adopted March 26, 2007, repealed § 7, which pertained to landscaping plan approval and derived from Ord. No. 635-A, § 2, adopted Oct. 13, 1969; Ord. No. 2418-A, § 9A, adopted April 16, 1984; Ord. No. 2816-A, § 20, adopted Jan. 14, 1991; and Ord. No. 2872-A, § 8, adopted Feb. 25, 1992.

End of Article XVI-B

Article XVII.

C-M Commercial District Regulations

Sec. 1. Use regulations.

In the C-M Commercial District, no land shall be used and no building shall be erected for or converted to any use other than:

- (1) Any use permitted in the LR-M(1) and LR-M(2) districts.
- (2) Driving instruction school.
- (3) Hotel—Full service.
- (4) Motor vehicle rental—Limited to a maximum of ten light load vehicles in a business located in a multi-tenant building.
- (5) Motor vehicle sales/leasing-new.
- (6) Parking lot or garage—Commercial off-street.

(Ord. No. 771-A, § 1, 4-10-72; Ord. No. 797-A, § 1, 8-7-72; Ord. No. 989-A, § 1, 12-30-75; Ord. No. 1093-A, § 3, 10-31-77; Ord. No. 2226-A, § 1(3), 12-22-80; Ord. No. 2728-A, § 4, 5-22-89; Ord. No. 3009-A, § 1C, 2-13-95; Ord. No. 3063-A, § 1, 2-26-96; Ord. No. 3377-A, § 1, 1-14-02; Ord. No. 3715, § 6, 7-14-08)

Sec. 2. Building regulations.

Type of materials. All buildings shall be of masonry construction. A maximum of 15 percent of the building facade area may be constructed of noncombustible construction other than masonry construction including factory certified installation of commercial grade Class PB Exterior Insulation and Finish System (EIFS). Said EIFS materials must be installed above a height of eight feet and in no case shall EIFS be installed, even as a recladding material, below a height of eight feet. In determining the percentage allowance, the total of all sides of the building shall be utilized in the calculation and a maximum of 20 percent of the facade per elevation shall be constructed of noncombustible construction.

(Ord. No. 3172-A, § 2, 4-13-98; Ord. No. 3377-A, § 1, 1-14-02)

Sec. 3. Height regulations.

No building or structure shall exceed eight stories and a maximum of 130 feet in height, and further provided that the following limitations shall apply:

- (a) Where all or a portion of a lot or tract is within 300 feet of a residential, duplex, or apartment zoning district, including street and alley rights-of-way:
 - (1) Building height shall be limited to one story not to exceed 25 feet in height for a building located within 150 feet of a residential, duplex, or apartment zoning district.
 - (2) Building height shall be limited to two stories, not to exceed 25 feet in height for the first story and 15 feet in height for the second story, for a building located between 150 feet and 300 feet from a residential, duplex, or apartment zoning district;

- (3) Building height shall be limited to 50 feet, not to exceed 25 feet in height for the first story and 15 feet in height for each additional story, for a building located more than 300 feet from a residential, duplex, or apartment zoning district, provided, however, that one foot of additional building height shall be permitted for each two feet of setback provided, up to the maximum eight story height allowed.
- (b) Where no portion of a lot or tract is within 300 feet of a residential, duplex, or apartment zoning district, including street and alley right-of-way, building height shall be limited to 50 feet at the setback line, not to exceed 25 feet for the first story and 15 feet for each additional story, provided, however, that two feet of additional building height shall be permitted for each one foot of setback provided, up to the maximum eight story height allowed.

(Ord. No. 916-A, § 4, 8-19-74; Ord. No. 2418-A, § 4, 4-16-84; Ord. No. 3172, § 6, 4-13-98; Ord. No. 3377-A, § 1, 1-14-02)

Sec. 4. Area regulations.

- (a) **Front setback.**
- (1) There shall be a front setback having a minimum depth of 40 feet.
 - (2) On corner lots or where lots have double frontage, running through from one street to another, the required front setback shall be provided on both streets.
 - (3) Gasoline pumps and pump islands shall be set back at least 24 feet from the lot line adjacent to a street and canopies shall be set back at least ten feet from the lot line adjacent to a street.
- (b) **Side setback.** No side setback shall be required except:
- (1) On a corner lot, a side setback of 40 feet shall be required on the side adjacent to the street.
 - (2) Where the side of a building faces on a residential, duplex, or apartment district, the screening and open space requirements of chapter 21, Subdivision and Development, of the Code of Ordinances, shall apply.
- (c) **Rear setback.** No rear setback shall be required except where the rear of a building faces on a residential, duplex, or apartment district, the screening and open space requirements of chapter 21, Subdivision and Development, of the Code of Ordinances, shall apply.
- (d) **Floor area ratio.** No building shall be constructed, erected or altered in such a manner so as to exceed a maximum floor area ratio of 0.6:1 on any lot, tract or parcel of land zoned C-M.
- (e) **Setback lines.** Gasoline pumps and pump islands shall be set back at least 24 feet from the right-of-way line. Canopies shall be set back at least ten feet from the right-of-way line.

(Ord. No. 243-A, 10-24-61; Ord. No. 916-A, § 4, 8-19-74; Ord. No. 1001-A, § 3, 2-24-76; Ord. No. 2085-A, § 2, 3-5-79; Ord. No. 2376-A, § 3(2), 10-17-83; Ord. No. 2418-A, § 4, 4-16-84; Ord. No. 3377-A, § 1, 1-14-02; Ord. No. 3598, § 7, 3-26-07)

Sec. 5. Reserved.

Editor's note: Ord. No. 3598, § 11, adopted March 26, 2007, repealed § 5, which pertained to site plan approval and derived from Ord. No. 469-A, § 1, adopted March 21, 1967; Ord. No. 635-A, § 1, adopted Oct. 13, 1969; Ord. No. 2816-A, § 21, adopted Jan. 14, 1991; and Ord. No. 2872-A, § 5, adopted Feb. 25, 1992.

Sec. 6. Outside storage and display of goods, wares or merchandise.

- (a) The outside storage and display of goods, wares or merchandise in a C-M commercial district shall be subject to the same regulations as contained in the LR-M(1) district regulations.
- (b) In addition, each lot used for the purpose of motor vehicle sales must make provisions for off-street loading and unloading of motor vehicle transports.

(Ord. No. 599-A, § 3, 12-2-68; Ord. No. 2728-A, § 4, 5-22-89; Ord. No. 3598, § 14, 3-26-07)

Sec. 7. Reserved.

Editor's note: Ord. No. 3598, § 11, adopted March 26, 2007, repealed § 7, which pertained to landscaping plan approval and derived from Ord. No. 635-A, § 2, adopted Oct. 13, 1969; Ord. No. 2418-A, § 9a, adopted April 16, 1984; Ord. No. 2816-A, § 21, adopted Jan. 14, 1991; and Ord. No. 2872-A, § 8, adopted Feb. 25, 1992.

End of Article XVII

Article XVII-A. O-M Office District Regulations

Sec. 1. Use regulations.

In the O-M Office District, no land shall be used and no building shall be erected for or converted to any use other than:

- (1) Antenna, accessory, subject to the supplemental regulations of article XXII-E.
- (2) Antenna, commercial, subject to the supplemental regulations of article XXII-E.
- (3) Antenna, freestanding, subject to the supplemental regulations of article XXII-E.
- (4) Antenna, mounted, subject to the supplemental regulations of article XXII-E.
- (5) Bank or financial institution.
- (6) Church.
- (7) Incidental retail, restaurant or personal service activities in an office building, subject to the supplemental regulations of article XXII-E.
- (8) Office.
- (9) Parking lot, accessory.
- (10) Public building.
- (11) Radio, recording, or television studio.
- (12) Research laboratories and facilities.
- (13) School, parochial, when located on the same lot as the church of the sponsoring religious agency.

(Ord. No. 797-A, § 2, 8-7-72; Ord. No. 989-A, § 1, 12-30-75; Ord. No. 2665-A, § 2, 6-13-88; Ord. No. 2715-A, § 3, 2-13-89; Ord. No. 3063-A, § 1, 2-26-96; Ord. No. 3377-A, § 1, 1-14-02)

Sec. 2. Outdoor storage.

The outdoor storage of any commercial vehicle of greater than 3/4-ton capacity, any trailer, equipment, machinery, building materials or products, including raw or semi-finished and finished materials, shall be prohibited.

(Ord. No. 3172-A, § 10, 4-13-98)

Sec. 3. Building regulations.

Type of materials. All buildings shall be of masonry construction. A maximum of 15 percent of the building facade area may be constructed of noncombustible construction other than masonry construction including factory certified installation of commercial grade class PB exterior insulation and finish system (EIFS). Said EIFS materials must be installed above a height of eight feet and in no case shall EIFS be installed, even as a recladding material, below a height of eight feet.

In determining the percentage allowance, the total of all sides of the building shall be utilized in the calculation and a maximum of 20 percent of the facade per elevation shall be constructed of noncombustible construction.

(Ord. No. 3172-A, § 2, 4-13-98; Ord. No. 3377-A, § 1, 1-14-02)

Sec. 4. Height regulations.

No building or structure shall exceed eight stories and a maximum of 130 feet in height, and further provided that the following limitations shall apply:

- (a) Where all or a portion of a lot or tract is within 300 feet of a residential, duplex or apartment zoning district, including street and alley rights-of-way:
 - (1) Building height shall be limited to one story, not to exceed 25 feet in height, for a building located within 150 feet of a residential, duplex, or apartment zoning district.
 - (2) Building height shall be limited to two stories, not to exceed 25 feet in height for the first story and 15 feet in height for the second story, for a building located between 150 feet and 300 feet from a residential, duplex, or apartment zoning district.
 - (3) Building height shall be limited to 50 feet, not to exceed 25 feet in height for the first story and 15 feet in height for each additional story, for a building located more than 300 feet from a residential, duplex, or apartment zoning district, provided, however, that one foot of additional building height shall be permitted for each two feet of additional setback provided, up to the maximum eight story height allowed.
- (b) Where no portion of a lot or tract is within 300 feet of a residential, duplex, or apartment zoning district, including street and alley rights-of-way, building height shall be limited to 50 feet at the setback line, not to exceed 25 feet for the first story and 15 feet for each additional story, provided, however, that two feet of additional building height shall be permitted for each one foot of setback provided, up to the maximum eight story height allowed.

(Ord. No. 916-A, § 5, 8-19-74; Ord. No. 2418-A, § 5, 4-16-84; Ord. No. 3172, § 6, 4-13-98; Ord. No. 3377-A, § 1, 1-14-02)

Sec. 5. Area regulations.

- (a) *Front setback.*
 - (1) There shall be a front setback having a minimum depth of 30 feet. There shall be no parking in the required front setback.
 - (2) On corner lots or where lots have a double frontage running through from one street to another, the required front setback shall be provided on both streets.
- (b) *Side setback.*
 - (1) There shall be a side setback on both sides of the lot of not less than ten feet in width except that the side setback on a corner lot adjacent to a street shall be not less than 30 feet. No parking shall be permitted within a side setback adjacent to a street.
 - (2) Where the side of a building faces on a residential, duplex, or apartment district, the screening and open space requirements of chapter 21, Subdivision and Development, of the Code of Ordinances, shall apply.

- (c) *Rear setback.*
- (1) There shall be a minimum rear setback of 20 feet.
 - (2) Where the rear of a building faces on a residential, duplex, or apartment district, the screening and open space requirements of chapter 21, Subdivision and Development, of the Code of Ordinances, shall apply.
- (d) *Floor area ratio.* No building shall be constructed, erected or altered in such a manner so as to exceed a maximum floor area ratio of 0.75:1 on any lot, tract or parcel of land zoned O-M.
- (Ord. No. 916-A, § 5, 8-19-74; Ord. No. 2418-A, § 5, 4-16-84; Ord. No. 2665-A, § 2, 6-13-88; Ord. No. 3377-A, § 1, 1-14-02; Ord. No. 3598, § 12, 3-26-07)

Sec. 6. Reserved.

Editor's note: Ord. No. 3598, § 15, adopted March 26, 2007, repealed § 6, which pertained to site plan approval and derived from Ord. No. 2665-A, § 2, adopted June 13, 1988; Ord. No. 2816-a, § 22, adopted Jan. 14, 1991; and Ord. No. 2872-A, § 6, adopted Feb. 25, 1992.

Sec. 7. Reserved.

Editor's note: Ord. No. 3598, § 15, adopted March 26, 2007, repealed § 7, which pertained to landscaping plan approval and derived from Ord. No. 635-A, § 2, adopted Oct. 13, 1969; Ord. No. 2418-A, § 9A, adopted April 16, 1984; Ord. No. 2665-A, § 2, adopted June 13, 1988; Ord. No. 2816-A, § 22, adopted Jan. 14, 1991; and Ord. No. 2872-A, § 1, adopted Feb. 25, 1992.

Secs. 8—11. Reserved.

Editor's note: Section 2 of Ord. No. 2665-A, adopted June 13, 1988, repealed §§ 8—11 of art. XVII-A. Former §§ 8—11 contained provisions relative to refuse and waste storage standards, site plan approval, and outside storage and display of goods, wares or merchandise applicable to the O-M district, and were derived from the original comprehensive zoning ordinance of 1956; Ord. No. 469-A, § 1, adopted March 21, 1967; and Ord. No. 635-A, § 1, adopted Oct. 13, 1969.

End of Article XVII-A

Article XVIII.

I-M(1) Industrial District Regulations

Sec. 1. Use regulations.

In the I-M(1) Industrial District, no land shall be used and no building shall be erected for or converted to any use other than:

- (1) Antenna, accessory, subject to the supplemental regulations of article XXII-E.
- (2) Antenna, commercial, subject to the supplemental regulations of article XXII-E.
- (3) Antenna, freestanding, subject to the supplemental regulations of article XXII-E.
- (4) Antenna, mounted, subject to the supplemental regulations of article XXII-E.
- (5) Bank or financial institution.
- (6) Catering service.
- (7) Church.
- (8) Construction field office.
- (9) Contracting operation.
- (10) Distribution center.
- (11) Fraternal organization.
- (12) Hardware store.
- (13) Health club.
- (14) Incidental retail, restaurant or personal service activities in an office or industrial building, subject to the supplemental regulations of article XXII-E.
- (15) Manufacturing facility.
- (16) Manufacturing facility, high-tech.
- (17) Office.
- (18) Office furniture, equipment and supply store.
- (19) Outdoor storage as an accessory use in accordance with chapter 21, section 21-47 of the Code of Ordinances.
- (20) Parking lot, accessory.
- (21) Parking lot or garage, commercial off-street.
- (22) Print shop, minor.
- (23) Print shop, major.
- (24) Public building.
- (25) Radio or television station.
- (26) Radio, recording or television studio.
- (27) Research laboratories and facilities.

- (28) Retail activities in conjunction with a wholesale activity, subject to the supplemental regulations of article XXII-E.
 - (29) School, parochial, when located on the same lot as the church of the sponsoring religious agency.
 - (30) Technical training school.
 - (31) Warehouse.
 - (32) Wholesale establishment.
- (Ord. No. 838-A, § 1, 4-9-73; Ord. No. 874-A, § 2, 9-17-73; Ord. No. 989-A, § 1, 12-30-75; Ord. No. 2665-A, § 3, 6-13-88; Ord. No. 2715-A, § 4, 2-13-89; Ord. No. 2728-A, § 5, 5-22-89; Ord. No. 2872-A, § 2, 2-25-92; Ord. No. 3009-A, § 1D, 2-13-95; Ord. No. 3063-A, § 1, 2-26-96; Ord. No. 3377-A, § 1, 1-14-02; Ord. No. 3730, § 20, 11-10-08)

Sec. 2. Building regulations.

Type of materials. All buildings shall be of masonry construction. A maximum of 15 percent of the building facade area may be constructed of noncombustible construction other than masonry construction including factory certified installation of commercial grade Class PB Exterior Insulation and Finish System (EIFS). Said EIFS materials must be installed above a height of eight feet and in no case shall EIFS be installed, even as a recladding material, below a height of eight feet. In determining the percentage allowance, the total of all sides of the building shall be utilized in the calculation and a maximum of 20 percent of the facade per elevation shall be constructed of noncombustible construction.

(Ord. No. 838-A, § 1, 4-9-73; Ord. No. 3172-A, § 2, 4-13-98; Ord. No. 3377-A, § 1, 1-14-02)

Sec. 3. Height regulations.

- (a) Where all or a portion of a lot or tract is within 300 feet of a residential, duplex, or apartment zoning district, including street and alley rights-of-way:
 - (1) Building height shall be limited to one story, not to exceed 25 feet in height, for a building located within 150 feet of a residential, duplex, or apartment zoning district.
 - (2) Building height shall be limited to two stories, not to exceed 25 feet in height for the first story and 15 feet in height for the second story, for a building located between 150 feet and 300 feet from a residential, duplex or apartment zoning district.
 - (3) Building height shall be limited to 50 feet, not to exceed 25 feet in height for the first story and 15 feet in height for each additional story, for a building located more than 300 feet from a residential, duplex, or apartment zoning district, provided, however, that one foot of additional building height shall be permitted for each two feet of additional setback provided.
- (b) Where no portion of a lot or tract is within 300 feet of a residential, duplex or apartment zoning district, including street and alley rights-of-way, building height shall be limited to 75 feet at the setback line, not to exceed 25 feet for the first story and 15 feet for each additional story, provided, however, that two feet of additional building height shall be permitted for each one foot of setback provided.

(Ord. No. 838-A, § 1, 4-9-73; Ord. No. 916-A, § 6, 8-19-74; Ord. No. 2418-A, § 8, 4-16-84; Ord. No. 3172, § 6, 4-13-98; Ord. No. 3377-A, § 1, 1-14-02)

Sec. 4. Area regulations.

- (a) Front setback.
 - (1) There shall be a front setback having a minimum depth of 40 feet.
 - (2) On corner lots or where lots have double frontage, running through from one street to another, the required front setback shall be provided on both streets.
- (b) *Side setback.* No side setback shall be required except:
 - (1) On a corner lot, a side setback of 40 feet shall be required on the side adjacent to the street.
 - (2) Where the side of a building faces on a residential, duplex, or apartment district, the screening and open space requirements of chapter 21, Subdivision and Development, of the Code of Ordinances, shall apply.
- (c) *Rear setback.* No rear setback shall be required except where the rear of a building faces on a residential, duplex, or apartment district, the screening and open space requirements of chapter 21, Subdivision and Development, of the Code of Ordinances, shall apply.
- (d) *Floor area ratio.* No building shall be constructed, erected or altered in such a manner so as to exceed a maximum floor area ratio of 0.75:1 on any lot, tract or parcel of land zoned I-M(1).

(Ord. No. 838-A, § 1, 4-9-73; Ord. No. 880-A, §§ 1, 2, 11-12-73; Ord. No. 916-A, § 6, 8-19-74; Ord. No. 2085-A, § 3, 3-5-79; Ord. No. 2376-A, § 3(4), 10-17-83; Ord. No. 2418-A, § 8, 4-16-84; Ord. No. 3377-A, § 1, 1-14-02; Ord. No. 3598, § 7, 3-26-07)

Sec. 5. Reserved.

Editor's note: Ord. No. 3598, § 13, adopted March 26, 2007, repealed § 5, which pertained to site plan approval and derived from Ord. No. 838-A, § 1, adopted April 9, 1973; Ord. No. 2816-A, § 23, adopted Jan. 14, 1991; and Ord. No. 2872-A, § 5, adopted Feb. 25, 1992.

Sec. 6. Reserved.

Editor's note: Ord. No. 3598, § 13, adopted March 26, 2007, repealed § 6, which pertained to landscaping plan approval and derived from Ord. No. 838-A, § 1, adopted April 9, 1973; Ord. No. 2418-A, § 9A, adopted April 16, 1984; Ord. No. 2665-A, § 3, adopted June 13, 1988; Ord. No. 2816-A, § 23, adopted Jan. 14, 1991; and Ord. No. 2872-A, § 9, adopted Feb. 25, 1992.

End of Article XVIII

Article XIX.

I-M(2) Industrial District Regulations

Sec. 1. Use regulations.

In the I-M(2) Industrial District, no land shall be used and no building shall be erected for or converted to any use other than:

- (1) Any use permitted in the I-M(1) district.
- (2) Pawn shop.

(Ord. No. 2872-A, § 3, 2-25-92; Ord. No. 3377-A, § 1, 1-14-02)

Sec. 2. Building regulations.

Type of materials. All buildings shall be of masonry construction. A maximum of 15 percent of the building facade area may be constructed of noncombustible construction other than masonry construction including factory certified installation of commercial grade Class PB Exterior Insulation and Finish System (EIFS). Said EIFS materials must be installed above a height of eight feet and in no case shall EIFS be installed, even as a recladding material, below a height of eight feet. In determining the percentage allowance, the total of all sides of the building shall be utilized in the calculation and a maximum of 20 percent of the facade per elevation shall be constructed of noncombustible construction.

(Ord. No. 3172-A, § 2, 4-13-98; Ord. No. 3377-A, § 1, 1-14-02)

Sec. 3. Height regulations.

The height regulations shall be the same as those in the I-M(1) district.

(Ord. No. 3377-A, § 1, 1-14-02)

Sec. 4. Area regulations.

The area regulations shall be the same as those in the I-M(1) district.

(Ord. No. 2085-A, § 4, 3-5-79; Ord. No. 3377-A, § 1, 1-14-02)

Sec. 5. Reserved.

Editor's note: Ord. No. 3598, § 13, adopted March 26, 2007, repealed § 5, which pertained to site plan approval and derived from Ord. No. 469-A, § 1, adopted March 21, 1967; Ord. No. 635-A, § 1, adopted Oct. 13, 1969; Ord. No. 2816-A, § 24, adopted Jan. 14, 1991; and Ord. No. 2872-A, § 5, adopted Feb. 25, 1992.

Sec. 6. Reserved.

Editor's note: Ord. No. 3598, § 13, adopted March 26, 2007, repealed § 6, which pertained to landscaping plan approval and derived from Ord. No. 635-A, § 2, adopted Oct. 13, 1969; Ord. No. 2418-A, § 9A, adopted April 16, 1984; Ord. No. 2816-A, § 24, adopted Jan. 14, 1991; and Ord. No. 2872-A, § 9, adopted Feb. 25, 1992.

End of Article XIX

Article XIX-B.
IP-M(1) Industrial Park District Regulations

Sec. 1. Use regulations.

In the IP-M(1) Industrial Park District, no land shall be used and no building shall be erected for or converted to any use, other than the following, which are intended to allow a reasonable mixture of certain industrial, commercial, and office uses in the orderly development of an industrial park:

- (a) Industrial uses.
 - (1) Antenna, accessory, subject to the supplemental regulations of article XXII-E.
 - (2) Antenna, commercial, subject to the supplemental regulations of article XXII-E.
 - (3) Antenna, freestanding, subject to the supplemental regulations of article XXII-E.
 - (4) Antenna, mounted, subject to the supplemental regulations of article XXII-E.
 - (5) Contracting operation.
 - (6) Distribution center.
 - (7) Manufacturing facility.
 - (8) Manufacturing facility, high-tech.
 - (9) Print shop, minor.
 - (10) Print shop, major.
 - (11) Research laboratories and facilities.
 - (12) Technical training school.
 - (13) Warehouse.
 - (14) Wholesale establishment.
 - (15) Reserved.
- (b) Commercial uses.
 - (1) Barber or beauty salon.
 - (2) Book, card, or stationery store.
 - (3) Camera and photographic supply shop.
 - (4) Catering service.
 - (5) Convenience store with a maximum area of 2,500 square feet.
 - (6) Drugstore or pharmacy with a maximum area of 1,000 square feet.
 - (7) Florist.
 - (8) Hardware store.
 - (9) Health club.
 - (10) Incidental retail, restaurant, or personal service activities in an office or industrial building, subject to the supplemental regulations of article XXII-E.
 - (11) Laundry pick-up station.

- (12) Mailing service.
 - (13) Office furniture, equipment, and supply store.
 - (14) Parking lot or garage, commercial off-street.
 - (15) Print shop, minor.
 - (16) Print shop, major.
 - (17) Retail activities in conjunction with a wholesale activity, subject to the supplemental regulations of article XXII-E.
- (c) Office uses:
- (1) Bank or financial institution.
 - (2) Office.
 - (3) Radio, recording, or television studio.
 - (4) Radio or television station.
- (d) Other uses.
- (1) Church.
 - (2) Construction field office.
 - (3) Fraternal organization.
 - (4) Parking lot, accessory.
 - (5) Public building.
 - (6) School, parochial, when located on the same lot as the church of the sponsoring religious agency.

(Ord. No. 839-A, § 1, 4-9-73; Ord. No. 874-A, § 3, 9-17-73; Ord. No. 989-A, § 1, 12-30-75; Ord. No. 2715-A, § 5, 2-13-89; Ord. No. 3009-A, § 1E, 2-13-95; Ord. No. 3377-A, § 1, 1-14-02; Ord. No. 3730, § 21, 11-10-08)

Sec. 2. Building materials.

Type of materials. All buildings shall be of masonry construction. A maximum of 15 percent of the building facade area may be constructed of noncombustible construction other than masonry construction including factory certified installation of commercial grade Class PB Exterior Insulation and Finish System (EIFS). Said EIFS materials must be installed above a height of eight feet and in no case shall EIFS be installed, even as a recladding material, below a height of eight feet. In determining the percentage allowance, the total of all sides of the building shall be utilized in the calculation and a maximum of 20 percent of the facade per elevation shall be constructed of noncombustible construction.

(Ord. No. 839-A, § 2, 4-9-73; Ord. No. 3172-A, § 2, 4-13-98; Ord. No. 3377-A, § 1, 1-14-02)

Sec. 3. Height regulations.

- (a) Where all or a portion of a lot or tract is within 300 feet of a residential, duplex, or apartment zoning district, including street and alley rights-of-way:
 - (1) Building height shall be limited to one story, not to exceed 25 feet in height, for a building located within 150 feet of a residential, duplex, or apartment zoning district.
 - (2) Building height shall be limited to two stories, not to exceed 25 feet in height for the first story and 15 feet in height for the second story, for a building located between 150 feet and 300 feet from a residential, duplex, or apartment zoning district.
 - (3) Building height shall be limited to 50 feet, not to exceed 25 feet in height for the first story and 15 feet in height for each additional story, for a building located more than 300 feet from a residential, duplex, or apartment zoning district, provided, however, that one foot of additional building height shall be permitted for each two feet of additional setback provided.
- (b) Where no portion of a lot or tract is within 300 feet of a residential, duplex, or apartment zoning district, including street and alley rights-of-way, building height shall be limited to 75 feet at the setback line, not to exceed 25 feet for the first story and 15 feet for each additional story, provided, however, that two feet of additional building height shall be permitted for each one foot of setback provided.

(Ord. No. 839-A, § 3, 4-9-73; Ord. No. 916-A, § 7, 8-19-74; Ord. No. 2418-A, § 7, 4-16-84; Ord. No. 3172, § 6, 4-13-98; Ord. No. 3377-A, § 1, 1-14-02)

Sec. 4. Area regulations.

- (a) *Minimum area.* IP-M(1) zoning shall not be authorized for tracts of land less than 40 acres.
- (b) Front setback.
 - (1) There shall be a front setback having a minimum depth of 30 feet with no parking or 40 feet with parking permitted.
 - (2) On corner lots or where lots have double frontage, running through from one street to another, the required front setback shall be provided on both streets.
- (c) Side setback.
 - (1) There shall be a side setback on both sides of the lot of not less than ten feet in width except that the side setback on a corner lot adjacent to a street shall be not less than 30 feet with no parking or 40 feet with parking permitted.
 - (2) Where the side of a building faces on a residential, duplex, or apartment district, the screening and open space requirements of chapter 21, Subdivision and Development, of the Code of Ordinances, shall apply.
- (d) *Rear setback.* No minimum rear setback shall be required except where the rear of a building faces on a residential, duplex, or apartment district, the screening and open space requirements of chapter 21, Subdivision and Development, of the Code of Ordinances, shall apply.

- (e) *Floor area ratio.* No building shall be constructed, erected or altered in such a manner so as to exceed a maximum floor area ratio of 0.75:1 on any lot, tract or parcel of land zoned IP-M(1).

(Ord. No. 839-A, § 4, 4-9-73; Ord. No. 916-A, § 7, 8-19-74; Ord. No. 2376-A, § 3(5), 10-17-83; Ord. No. 2418-A, § 7, 4-16-84; Ord. No. 3377-A, § 1, 1-14-02; Ord. No. 3598, § 8, 3-26-07)

Sec. 5. Master transportation plan approval.

- (a) Prior to the issuance of any building permit, there shall be submitted to the city plan commission for its recommendation and the city council for their approval, a master transportation plan for the entire tract, drawn to an acceptable scale and with adequate copies. The scale and number of copies shall be that deemed necessary by the director of public works, city engineer, or other designated city official.
- (b) The master transportation plan shall show but not be limited to the size and location of all major streets within the district.
- (c) All revisions to the master transportation plan must be submitted to the city plan commission for its recommendation and the city council for their approval, and all site plans must be in compliance with the approved master transportation plan.
- (d) The master transportation plan must be compatible with the City of Richardson Master Street Plan.
- (e) The requirement for the master transportation plan is waived if a detailed site plan is submitted to the city plan commission for the entire tract of land in the district.

(Ord. No. 839-A, § 5, 4-9-73)

Sec. 6. Reserved.

Editor's note: Ord. No. 3598, § 15, adopted March 26, 2007, repealed § 6, which pertained to site plan approval and derived from Ord. No. 839-A, § 6, adopted April 9, 1973; Ord. No. 2816-A, § 25, adopted Jan. 14, 1991; and Ord. No. 2872-A, § 6, adopted Feb. 25, 1992.

Sec. 7. Reserved.

Editor's note: Ord. No. 3598, § 15, adopted March 26, 2007, repealed § 7, which pertained to landscaping plan approval and derived from Ord. No. 839-A, § 7, adopted April 9, 1973; Ord. No. 2418-A, § 9a, adopted April 16, 1984; Ord. No. 2816-A, § 25, adopted Jan. 14, 1991; and Ord. No. 2872-A, § 8, adopted Feb. 25, 1992.

Sec. 8. Reserved.

Editor's note: Ord. No. 3598, § 17, adopted March 26, 2007, repealed § 8, which pertained to refuse and waste storage and derived from Ord. No. 839-A, § 8, adopted April 9, 1973.

Sec. 9. Outside storage and display of goods, wares or merchandise.

- (a) The outside storage and display of goods, wares and merchandise is prohibited, except as specifically authorized herein:

- (1) The above prohibition shall not be construed to prohibit the storage and display of merchandise normally placed on gasoline service station pump islands, when placed on such islands.
- (2) The above prohibition shall not be construed to prohibit the storage and display of rental trailers, providing such are properly screened or to newspaper racks.
- (3) The above prohibition shall not be construed to prohibit the display or storage of motor and recreational vehicles, marine equipment, agricultural implements, or heavy machinery which are offered for sale, providing such storage shall not be permitted between a frontage street and the building line.
- (4) The above prohibition shall not be construed to prohibit the normal outside storage associated with category I uses, providing such storage is kept orderly, sightly, and screened when required.

(Ord. No. 839-A, § 9, 4-9-73)

Sec. 10. Standards.

- (a) The following ordinances or amendments thereto, or replacements thereof, shall apply to this district:
 - (1) Chapter 21, Subdivision and Development, of the Code of Ordinances shall apply.
 - (2) Ordinance No. 474-A [article XXII-B hereof] requirements for the I-M(1) District shall be applicable until such time as specific requirements for the IP-M(1) District are defined.

(Ord. No. 839-A, § 10, 4-9-73; Ord. No. 3598, § 17, 3-26-07)

Sec. 11. Sign regulations.

- (a) The sign regulations for industrial districts shall apply unless:
 - (1) The sign regulations contain specific regulations for the IP-M(1) District.
 - (2) Specific sign regulations are granted in the conditions for special permit uses.

(Ord. No. 839-A, § 11, 4-9-73)

End of Article XIX-B

Article XX.

I-FP(1) Industrial District Regulations

Sec. 1. Use regulations.

In the I-FP(1) Industrial District, no land shall be used and no building shall be erected for or converted to any use other than:

- (1) Antenna, accessory, subject to the supplemental regulations of article XXII-E.
- (2) Antenna, commercial, subject to the supplemental regulations of article XXII-E.
- (3) Antenna, freestanding, subject to the supplemental regulations of article XXII-E.
- (4) Antenna, mounted, subject to the supplemental regulations of article XXII-E.
- (5) Bank or financial institution.
- (6) Catering service.
- (7) Church.
- (8) Construction field office.
- (9) Contracting operation.
- (10) Distribution center.
- (11) Fraternal organization.
- (12) Hardware store.
- (13) Health club.
- (14) Incidental retail, restaurant or personal service activities in an office or industrial building, subject to the supplemental regulations of article XXII-E.
- (15) Manufacturing facility.
- (16) Manufacturing facility, high-tech.
- (17) Office.
- (18) Office furniture, equipment and supply store.
- (19) Outdoor storage as an accessory use in accordance with chapter 21, section 21-47 of the Code of Ordinances.
- (20) Parking lot, accessory.
- (21) Parking lot or garage, commercial off-street.
- (22) Print shop, minor.
- (23) Print shop, major.
- (24) Public building.
- (25) Radio or television station.
- (26) Radio, recording or television studio.
- (27) Research laboratories and facilities.

- (28) Retail activities in conjunction with a wholesale activity, subject to the supplemental regulations of article XXII-E.
 - (29) School, parochial, when located on the same lot as the church of the sponsoring religious agency.
 - (30) Technical training school.
 - (31) Warehouse.
 - (32) Wholesale establishment.
- (Ord. No. 3377-A, § 1, 1-14-02; Ord. No. 3730, § 22, 11-10-08)

Sec. 2. Building regulations.

Type of materials. All buildings shall be of noncombustible construction and not of wood.

(Ord. No. 3377-A, § 1, 1-14-02)

Sec. 3. Height regulations.

The height regulations shall be the same as those in the I-M(1) District.

(Ord. No. 3377-A, § 1, 1-14-02)

Sec. 4. Area regulations.

The area regulations shall be the same as those in the I-M(1) District.

(Ord. No. 2085-A, § 5, 3-5-79; Ord. No. 3377-A, § 1, 1-14-02)

Sec. 5. Reserved.

Editor's note: Ord. No. 3598, § 13, adopted March 26, 2007, repealed § 5, which pertained to site plan approval and derived from Ord. No. 469-A, § 1, adopted March 21, 1967; Ord. No. 635-A, § 1, adopted Oct. 13, 1969; Ord. No. 2816-A, § 26, adopted Jan. 14, 1991; and Ord. No. 2872-A, § 5, adopted Feb. 25, 1992.

Sec. 6. Reserved.

Editor's note: Ord. No. 3598, § 13, adopted March 26, 2007, repealed § 6, which pertained to landscaping plan approval and derived from Ord. No. 635-A, § 2, adopted Oct. 13, 1969; Ord. No. 2418-A, § 9a, adopted April 16, 1984; Ord. No. 2816-A, § 26, adopted Jan. 14, 1991; and Ord. No. 2872-A, § 9, adopted Feb. 25, 1992.

End of Article XX

Article XXI.

I-FP(2) Industrial District Regulations

Sec. 1. Use regulations.

In the I-FP(2) Industrial District, no land shall be used and no building shall be erected for or converted to any use other than:

- (1) Antenna, accessory, subject to the supplemental regulations of article XXII-E.
- (2) Antenna, commercial, subject to the supplemental regulations of article XXII-E.
- (3) Antenna, freestanding, subject to the supplemental regulations of article XXII-E.
- (4) Antenna, mounted, subject to the supplemental regulations of article XXII-E.
- (5) Bank or financial institution.
- (6) Catering service.
- (7) Church.
- (8) Construction field office.
- (9) Contracting operation.
- (10) Distribution center.
- (11) Fraternal organization.
- (12) Hardware store.
- (13) Health club.
- (14) Incidental retail, restaurant or personal service activities in an office or industrial building, subject to the supplemental regulations of article XXII-E.
- (15) Manufacturing facility.
- (16) Manufacturing facility, high-tech.
- (17) Office.
- (18) Office furniture, equipment and supply store.
- (19) Outdoor storage as an accessory use in accordance with chapter 21, section 21-47 of the Code of Ordinances.
- (20) Parking lot, accessory.
- (21) Parking lot or garage, commercial off-street.
- (22) Print shop, minor.
- (23) Print shop, major.
- (24) Public building.
- (25) Radio or television station.
- (26) Radio, recording or television studio.
- (27) Research laboratories and facilities.

- (28) Retail activities in conjunction with a wholesale activity, subject to the supplemental regulations of article XXII-E.
 - (29) School, parochial, when located on the same lot as the church of the sponsoring religious agency.
 - (30) Technical training school.
 - (31) Warehouse.
 - (32) Wholesale establishment.
- (Ord. No. 3377-A, § 1, 1-14-02; Ord. No. 3730, § 23, 11-10-08)

Sec. 2. Building regulations.

Type of materials. All buildings shall be of noncombustible construction and not of wood.

(Ord. No. 3377-A, § 1, 1-14-02)

Sec. 3. Height regulations.

The height regulations shall be the same as those in the I-M(1) District.

(Ord. No. 3377-A, § 1, 1-14-02)

Sec. 4. Area regulations.

The area regulations shall be the same as those in the I-M(1) District.

(Ord. No. 3377-A, § 1, 1-14-02)

Sec. 5. Reserved.

Editor's note: Ord. No. 3598, § 13, adopted March 26, 2007, repealed § 5, which pertained to site plan approval and derived from Ord. No. 469-A, § 1, adopted March 21, 1967; Ord. No. 635-A, § 1, adopted Oct. 13, 1969; Ord. No. 2816-A, § 27, adopted Jan. 14, 1991; and Ord. No. 2872-A, § 5, adopted Feb. 25, 1992.

Sec. 6. Reserved.

Editor's note: Ord. No. 3598, § 13, adopted March 26, 2007, repealed § 6, which pertained to landscaping plan approval and derived from Ord. No. 635-A, § 2, adopted Oct. 13, 1969; Ord. No. 2418-A, § 9a, adopted April 16, 1984; Ord. No. 2816-A, § 27, adopted Jan. 14, 1991; and Ord. No. 2872-A, § 9, adopted Feb. 25, 1992.

End of Article XXI

Article XXI-A.

TO-M Technical Office District Regulations

Sec. 1. Use regulations.

In the TO-M Technical Office District, no land shall be used and no building or structure shall be erected for or converted to any use other than the following:

- (1) Antenna, accessory, subject to the supplemental regulations of article XXII-E.
 - (2) Antenna, commercial, subject to the supplemental regulations of article XXII-E.
 - (3) Antenna, freestanding, subject to the supplemental regulations of article XXII-E.
 - (4) Antenna, mounted, subject to the supplemental regulations of article XXII-E.
 - (5) Bank or financial institution.
 - (6) Church.
 - (7) Construction field office.
 - (8) Hospital.
 - (9) Hotel, full-service, on a minimum site of five contiguous acres.
 - (10) Incidental retail, restaurant, or personal service activities in an office, research laboratory or facility or high-tech manufacturing facility, subject to the supplemental regulations of article XXII-E.
 - (11) Manufacturing, high-tech.
 - (12) Office.
 - (13) Parking lot, accessory.
 - (14) Public building.
 - (15) Radio, recording, or television studio.
 - (16) Radio or television station.
 - (17) Research laboratories and facilities.
 - (18) School, parochial, when located on the same lot as the church of the sponsoring religious agency.
- (Ord. No. 989-A, § 1, 12-30-75; Ord. No. 2665-A, § 4, 6-13-88; Ord. No. 2872-A, § 4, 2-25-92; Ord. No. 3009-A, § 1E, 2-13-95; Ord. No. 3063-A, § 1, 2-26-96; Ord. No. 3377-A, § 1, 1-14-02)

Sec. 2. Building regulations.

Type of materials. All buildings shall be of masonry construction. A maximum of 15 percent of the building facade area may be constructed of noncombustible construction other than masonry construction including factory certified installation of commercial grade Class PB Exterior Insulation and Finish System (EIFS). Said EIFS materials must be installed above a height of eight feet and in no case shall EIFS be installed, even as a recladding material, below a height of eight feet. In determining the percentage allowance, the total of all sides of the building shall be utilized in the calculation and a maximum of 20 percent of the facade per elevation shall be constructed of noncombustible construction.

(Ord. No. 3172-A, § 2, 4-13-98; Ord. No. 3377-A, § 1, 1-14-02)

Sec. 3. Height regulations.

No building or structure shall exceed eight stories and a maximum of 130 feet in height, and further provided that the following limitations shall apply:

- (a) Where all or a portion of a lot or tract is within 300 feet of a residential, duplex or apartment zoning district, including street and alley rights-of-way:
 - (1) Building height shall be limited to one story, not to exceed 25 feet in height, for a building located within 150 feet of a residential, duplex, or apartment zoning district.
 - (2) Building height shall be limited to two stories, not to exceed 25 feet in height for the first story and 15 feet in height for the second story, for a building located between 150 feet and 300 feet from a residential, duplex or apartment zoning district.
 - (3) Building height shall be limited to 50 feet, not to exceed 25 feet in height for the first story and 15 feet in height for each additional story, for a building located more than 300 feet from a residential, duplex, or apartment zoning district, provided, however, that one foot of additional building height shall be permitted for each two feet of additional setback provided, up to the maximum eight story height allowed.
- (b) Where no portion of a lot or tract is within 300 feet of a residential, duplex or apartment zoning district, including street and alley rights-of-way, building height shall be limited to 50 feet at the setback line, not to exceed 25 feet for the first story and 15 feet for each additional story, provided, however, that two feet of additional building height shall be permitted for each one foot of setback provided, up to the maximum eight-story height allowed.

(Ord. No. 916-A, § 8, 8-19-74; Ord. No. 2418-A, § 6, 4-16-84; Ord. No. 3172, § 6, 4-13-98; Ord. No. 3377-A, § 1, 1-14-02)

Sec. 4. Area regulations.

- (a) Front setback.
 - (1) There shall be a front setback having a minimum depth of 100 feet adjacent to any street with a right-of-way width of 100 feet or more. Required parking may be located within the front setback if a 40-foot deep landscape buffer is provided.
 - (2) There shall be a front setback having a depth of 40 feet adjacent to any street with a right-of-way less than 100 feet.
 - (3) On corner lots or where lots have double frontage, running through from one street to another, the required front setback shall be provided on both streets.
- (b) Side setback.
 - (1) There shall be a side setback on both sides of the lot of not less than 25 feet.
 - (2) On corner lots, the required front setback shall be provided on both streets. Parking shall be permitted in a side setback adjacent to a street if a 40-foot deep landscape buffer is provided.
 - (3) Where the side of a building faces on a residential, duplex, or apartment district, the screening and open space requirements of chapter 21, Subdivision and Development, of the Code of Ordinances, shall apply.

(c) *Rear setback.* There shall be a minimum rear setback of 40 feet except where the rear of a building faces on a residential, duplex, or apartment district, the screening and open space requirements of chapter 21, Subdivision and Development, of the Code of Ordinances, shall apply.

(d) *Floor area ratio.* No building shall be constructed, erected or altered in such a manner so as to exceed a maximum floor area ratio of 0.75:1 on any lot, tract or parcel of land zoned TO-M.

(Ord. No. 916-A, § 8, 8-19-74; Ord. No. 2418-A, § 6, 4-16-84; Ord. No. 2665-A, § 4, 6-13-88; Ord. No. 3377-A, § 1, 1-14-02; Ord. No. 3598, § 9, 3-26-07)

Sec. 5. Outdoor storage.

The outdoor storage of any commercial vehicle of greater than 3/4-ton capacity, any trailer, equipment, machinery, building materials or products, including raw or semi-finished and finished material, shall be prohibited.

(Ord. No. 3172-A, § 10, 4-13-98; Ord. No. 3598, § 9, 3-26-07)

Sec. 6. Reserved.

Editor's note: Ord. No. 3598, § 9, adopted March 26, 2007, repealed § 6, which pertained to site plan approval and derived from Ord. No. 635-A, § 1, adopted Oct. 13, 1969; Ord. No. 2816-A, § 28, adopted Jan. 14, 1991; and Ord. No. 2872-A, § 6, adopted Feb. 25, 1992.

Sec. 7. Reserved.

Editor's note: Section 4 of Ord. No. 2665-A, adopted June 13, 1988, repealed art. XXI-A, § 7. Former § 7 pertained to standards for the TO-M district and derived from Ord. No. 396-A, adopted Feb. 22, 1965.

Sec. 8. Reserved.

Editor's note: Ord. No. 3598, § 9, adopted March 26, 2007, repealed § 8, which pertained to landscaping plan approval and derived from Ord. No. 469-A, § 1, adopted March 21, 1967; Ord. No. 635-A, § 2, adopted Oct. 13, 1969; Ord. No. 2418-A, § 9A, adopted April 16, 1984; Ord. No. 2665-A, § 4, adopted June 13, 1988; Ord. No. 2816-A, § 28, adopted Jan. 14, 1991; and Ord. No. 2872-A, § 10, adopted Feb. 25, 1992.

End of Article XXI-A

Article XXI-B. FP Floodplain Regulations

Sec. 1. Floodplain prefix to district designation.

To provide for the appropriate use of land which has a history of inundation or is determined to be subject to flood hazard and to promote the health, safety and general welfare of the community, portions of certain districts are designated with a floodplain prefix "FP" and shall be subject to the following provisions.

(Ord. No. 713-A, § 1, 6-7-71)

Sec. 2. Uses permitted.

The following uses shall be permitted within that portion of a district designated with a floodplain "FP" prefix:

- (a) Agricultural activities including the ordinary cultivation of land or legal forms of animal husbandry.
- (b) Electrical substation.
- (c) All types of local utilities.
- (d) Parks, playgrounds, public golf courses.
- (e) Private commercial open area amusements such as golf courses, driving ranges, archery courses and similar uses when approved by specific use permit.
- (f) Private open space as part of a community unit development.

No permanent building or structure shall be erected in that portion of a district designated with a floodplain "FP" prefix until and unless such structure has been approved by the city engineer, who will ascertain that such building or structure would not constitute an encroachment hazard or obstacle to the movement of floodwaters and that such construction would not endanger the public health and welfare or value and safety of the property. Any dump, excavation, storage or filling operation within that portion of a district having a floodplain "FP" prefix shall be approved in writing by the city engineer before such operation is begun except that such approval shall not be required for the improvement or repair of levees or drainage facilities related thereto when such are located within a legally constituted district charged with such responsibility.

(Ord. No. 713-A, § 1, 6-7-71)

Sec. 3. Changes in the floodplain prefix designation.

Nothing herein shall be so construed as to prohibit the lawful rehabilitation or reclamation of any lands within an FP district. An area may be removed from the floodplain prefix designation when drainage works, grading, flood protection or a specific drainage study are provided that meet the requirements of the engineering department of the City of Richardson. When the city engineer has determined that the flood hazard has been alleviated, then the floodplain prefix shall be removed by written notification from the city engineer to the city plan commission setting forth the description of the area from which the floodplain "FP" prefix should be removed.

(Ord. No. 713-A, § 1,6-7-71)

Sec. 4. Responsibility for flooding.

The fact that land or property is or is not within a district having a floodplain prefix shall not constitute assurance that such land or property is not subject to local flooding and the designation of the floodplain prefix in this ordinance shall not be so interpreted.

(Ord. No. 713-A, § 1, 6-7-71)

Sec. 5. Reserved.

Editor's note: Section 5 of art. XXI-B, pertaining to the penalty for violation of art. XXI-B, and derived from Ord. No. 713-A, § 4, adopted June 7, 1971, was repealed by § 2 of Ord. No. 2420-A, adopted April 23, 1984.

End of Article XXI-B

Article XXI-C. PD Planned Development District Regulations*

**Editor's note: Ord. No. 4009, § 1, adopted June 10, 2013, amended art. XXI-C in its entirety to read as herein set out. Former art. XXI-C, §§ 01—6, pertained to similar subject matter, and derived from Ord. No. 2418-A, § 9, adopted Apr. 16, 1984; Ord. No. 2715-A, § 6, adopted Feb. 13, 1989; Ord. No. 2816-A, § 29, adopted Jan. 14, 1991; Ord. No. 2872-A, § 7, adopted Feb. 25, 1992; and Ord. No. 2881-A, § 4, adopted May 11, 1992; Ord. No. 3009-A, § 1F, adopted Feb. 13, 1995; Ord. No. 3063-A, § 1, adopted Feb. 26, 1996; Ord. No. 3377-A, § 1, adopted Jan. 14, 2002; and Ord. No. 3598, § 16, adopted March 26, 2007.*

Sec. 1. Intent.

The City Council, after public hearing and proper notice to all parties affected and after recommendation from the City Plan Commission, may authorize the creation of a PD Planned Development District. The PD Planned Development District is intended to allow the development of tracts of land in a manner that will allow more flexibility than traditional zoning districts in terms of density, placement of buildings and structures, and mixture or combination of uses.

(Ord. No. 4009-A, § 1, 6-10-13)

Sec. 2. Use regulations.

The list of approved uses for a PD Planned Development District shall be specifically requested in the PD Planned Development application and shall be included in the ordinance granting the planned development. Uses shall conform to the standards and regulations of the base zoning district referenced in the ordinance establishing the planned development district or as otherwise may be specifically defined within the ordinance establishing the planned development district.

For all PD Planned Development Districts approved by ordinance prior to June 10th, 2013, no land shall be used and no building shall be erected or converted to any use other than the following uses, except as otherwise specified in such ordinance:

- (1) Antenna, accessory, subject to the supplemental regulations of article XXII-E.
- (2) Antenna, commercial, subject to the supplemental regulations of article XXII-E.
- (3) Antenna, freestanding, subject to the supplemental regulations of article XXII-E.
- (4) Antenna, mounted, subject to the supplemental regulations of article XXII-E.
- (5) Bakery.
- (6) Bank or financial institution.
- (7) Barber or beauty salon.
- (8) Book, card, or stationery store.
- (9) Camera and photographic supply shop.
- (10) Catering service.
- (11) Church.
- (12) Clothing or apparel store.
- (13) Construction field office.
- (14) Convenience store with a maximum area of 2,500 square feet.

- (15) Department store.
 - (16) Drugstore or pharmacy.
 - (17) Florist.
 - (18) Furniture, home furnishings, and appliance store.
 - (19) Health club.
 - (20) Hotel, full-service.
 - (21) Incidental retail, restaurant, and personal service activities in an office building subject to the supplemental regulations of article XXII-E.
 - (22) Jewelry store.
 - (23) Laundry pick-up station.
 - (24) Mailing service.
 - (25) Movie theater.
 - (26) Office.
 - (27) Office furniture, equipment and supply store.
 - (28) Parking lot, accessory.
 - (29) Parking lot or garage, commercial off-street.
 - (30) Photography or art studio.
 - (31) Print shop, minor.
 - (32) Private recreation club.
 - (33) Public building.
 - (34) Radio, recording or television studio.
 - (35) Research laboratories and facilities.
 - (36) Residential uses, including single-family detached and attached dwellings, patio homes, duplexes, townhomes, and apartments.
 - (37) Restaurant without drive-through or curbside service.
 - (38) School, parochial, when located on the same lot as the church of the sponsoring religious agency.
 - (39) Tailor shop.
- (Ord. No. 4009-A, § 1, 6-10-13)

Sec. 3. Building regulations.

All buildings shall be a minimum 85% masonry construction or other approved materials as set forth in the ordinance granting the planned development district.

(Ord. No. 4009-A, § 1, 6-10-13)

Sec. 4. Area requirements.

- (a) The minimum area requirements for a planned development shall be as follows:
- (1) Minimum Lot Area. No minimum land area is required for a Planned Development district. Any minimum lot area requirements relative to a particular use to be allowed in a Planned Development district shall be set forth in the ordinance establishing the Planned Development district.
 - (2) Height regulations. The application for a planned development shall contain an element which specifies the maximum height of structures on each tract of land.
 - (3) Residential density. The maximum density of any residential development within a planned development shall be 12 dwelling units per gross acre designated for residential development for PD Planned Development Districts approved by ordinance prior to June 10th, 2013. The maximum density of any residential development within a PD Planned Development District approved by ordinance after June 10th, 2013 shall be requested in the PD Planned Development application and the approved maximum density shall be set forth in the ordinance granting the planned development district.
- (b) The following area regulations shall be specifically enumerated in the PD Planned Development application and, upon approval, shall become a part of the zoning ordinance for the described property:
- (1) Front yard (measured from all streets, whether public or private).
 - (2) Side yard.
 - (3) Rear yard.
 - (4) Lot coverage.
 - (5) Floor area ratio.

(Ord. No. 4009-A, § 1, 6-10-13)

Sec. 5. Parking regulations.

Parking shall be provided in accordance with the regulations of the Code of Ordinances, Chapter 21 unless otherwise specified in the PD Planned Development application.

(Ord. No. 4009-A, § 1, 6-10-13)

Sec. 6. Planned development review procedure.

- (a) The procedure for establishing a PD Planned Development District shall follow the procedure for zoning amendments as set forth in the Comprehensive Zoning Ordinance. The applicant for a planned development district shall comply with the zoning amendment procedure for a change in zoning district classification.
- (b) An applicant for a PD Planned Development District shall specify in the application the base zoning district to be referenced or the unique zoning regulations being proposed; the proposed use or combination of uses; proposed development regulations including all requested deviations from the base zoning district or those uniquely proposed; any other requirements of the Comprehensive Zoning Ordinance; and be accompanied by a conceptual site plan. During the review and public hearing process, the City Plan Commission and City Council shall require and approve a conceptual site plan as part of the ordinance granting the PD Planned Development

District. The conceptual site plan shall be attached to and made a part of the ordinance establishing the PD Planned Development District. Except for minor amendments to a conceptual site plan as provided in Section 7 below, an amendment to a conceptual site plan shall follow the normal process for a change in zoning.

- (c) An application for rezoning of property to the PD Planned Development District shall be accompanied by the following supportive information:
 - (1) The conceptual site plan shall be submitted by the applicant at the time of application. The conceptual site plan shall graphically show the applicant's intent for the use of the land within the proposed planned development district. A conceptual site plan shall include, but not limited to, the major circulation pattern surrounding and serving the site, major landscaping elements and features, open space, drainage ways and wetlands, parking areas, building groupings, land uses, gross acreage for each use, lot coverage, floor area ratio when applicable, building heights and locations, identification of major access points, right-of-way or other areas to be dedicated to the city, indication of each phase of development if separate phases of development are proposed and significant physical features of the site. With respect to residential areas, the proposed density, lot configuration and circulation shall be included on the conceptual site plan.
 - (2) A traffic analysis and recommendations prepared by a registered professional engineer qualified to conduct such studies. Said analysis shall include current traffic counts for streets surrounding the project, analysis of the existing capacity on those streets, projections of the amount of traffic that will be generated by the proposed development, and the ability of the thoroughfare system to absorb the increased traffic without decreasing the level of service below an acceptable level, which will be determined by the City Plan Commission. At the discretion of the City Manager or designee, these requirements may be modified or waived.
 - (3) A statement and/or plan indicating how the property relates to surrounding properties and also indicating what measures will be taken to create appropriate transitions from the subject property to neighboring tracts.
 - (4) Any other supportive information the applicant feels may be beneficial to the City to describe the proposed development in the evaluation of the request.
 - (5) Any other information the City Manager or designee may deem necessary to adequately evaluate the proposed planned development and its potential impact on environmental, land use, utility and public service delivery systems.
- (d) Development regulations. The application for and the ordinance establishing a PD Planned Development District shall specify appropriate development regulations in written form and shall include, but may not be limited to: uses, density, lot area, lot width, lot depth, yard depth, and widths, building height, lot coverage, floor area ratio, off-street parking and loading, open space, access, screening, landscaping, project phasing or scheduling, property or homeowner management associations, and other conditions or requirements the City Plan Commission and City Council may deem appropriate.
- (e) Base zoning district. The application for and the ordinance establishing a PD Planned Development District shall specify the base zoning district. The specific uses permitted in the base zoning district which are to be allowed in the planned development district must be specified in the ordinance. Any additional uses not permitted in the base zoning district must also be specified in the ordinance. In selecting a base zoning district, the uses allowed in the base zoning district must be similar or compatible with those allowed in the planned development district. Any variations or

deviations to the base zoning district or other provisions of the Comprehensive Zoning Ordinance or other regulation shall be stated in the ordinance.

- (f) Unique PD district. In lieu of referencing a base zoning district in establishing a PD Planned Development District, unique zoning regulations exclusively affecting development within the district may be set forth in the ordinance granting the Planned Development District.
- (g) No application shall be complete until all of the enumerated data is on file with the Department of Development Services. Upon approval, all of the above information, as may be amended, shall become a part of the ordinance granting the PD Planned Development District.
- (h) Compliance. All development and construction shall conform to the approved conceptual site plan. Before a certificate of occupancy can be granted, all development regulations and provisions of the conceptual site plan must be adequately addressed.

(Ord. No. 4009-A, § 1, 6-10-13)

Sec. 7. Conceptual Site Plan Amendments.

- (a) Minor amendments to a conceptual site plan for a PD Planned Development District shall be defined as a change which does not increase the building coverage, floor area ratio or residential density of the planned development, or change permitted uses, does not decrease any of the specified area regulations or enumerated parking ratios, nor substantially changes the access or circulation on or adjacent to the site.
- (b) The City Manager or designee may upon written application and explanation of the change by the owner of the property approve minor amendments to a conceptual site plan which do not alter the basic relationship of the proposed development to adjacent property, the permitted uses, increase the density, building height, coverage of site, off-street parking ratio, or area regulations as indicated on the approved conceptual site plan. No public hearing shall be required for approval of such minor amendments to an approved conceptual site plan.
- (c) Any other change to a conceptual site plan for a PD planned development district shall be considered a change in zoning and shall be processed through the normal rezoning procedure, requiring public hearings before the City Plan Commission and the City Council.

(Ord. No. 4009-A, § 1, 6-10-13)

End of Article XXI-C

Article XXI-D. MU Mixed Use District Regulations

Sec. 01. Intent.

The purpose of the Mixed Use District is to encourage the redevelopment of substandard and marginal properties into economically viable land uses and to reduce the concentration of multifamily units in areas previously zoned for apartment purposes only.

(Ord. No. 3038-A, § 1, 8-28-95)

Sec. 1. Use regulations.

In the MU Mixed Use District, no land shall be used and no building shall be erected for or converted to any use other than:

- (a) Retail uses:
 - (1) Antique shop.
 - (2) Art gallery.
 - (3) Bakery.
 - (4) Barber or beauty salon.
 - (5) Book, card or stationery store.
 - (6) Camera and photographic supply shop.
 - (7) Catering service.
 - (8) Clothing or apparel store.
 - (9) Drugstore or pharmacy.
 - (10) Fabric store.
 - (11) Fine arts studio.
 - (12) Florist.
 - (13) Furniture, home furnishings and appliance store.
 - (14) Hardware store.
 - (15) Health club.
 - (16) Jewelry store.
 - (17) Laundry pick-up station.
 - (18) Mailing service.
 - (19) Martial arts school.
 - (20) Motor vehicle parts and accessory sales.
 - (21) Musical instrument sales and repair.
 - (22) Office furniture, equipment and supply store.
 - (23) Pet sales and grooming.

- (24) Photography or art studio.
- (25) Print shop, minor.
- (26) Repair shop, personal items.
- (27) Repair shop, household items, no outdoor storage.
- (28) Restaurant without drive-through or curbside service.
- (29) Sporting goods store.
- (30) Tailor shop.
- (31) Toy or hobby shop.
- (32) Video rental store.
- (b) Office uses:
 - (1) Bank or financial institution.
 - (2) Office.
 - (3) Veterinary office.
- (c) Residential/institutional residential uses:
 - (1) Assisted living facility.
 - (2) Independent living facility.
 - (3) Nursing/convalescent home.
 - (4) Residential uses allowed in the A-950-M Apartment District, including single-family detached dwellings, duplexes, patio homes, townhomes and apartments.
- (d) Other uses:
 - (1) Church.
 - (2) Childcare center, subject to the supplemental regulations in article XXII-E and excluding night-time operations.
 - (3) Construction field office.
 - (4) Parking lot, accessory.
 - (5) Public buildings excluding a vehicle impoundment lot, field service center, jail or detention facility.
 - (6) Radio, recording or television studio.
 - (7) School, parochial, when located on the same lot as the church of the sponsoring religious agency.
- (e) No structure design or intended for residential use shall be used for nonresidential activity, nor shall a combination of residential and nonresidential uses be permitted in any single structure or on any single lot.

(Ord. No. 3038-A, § 1, 8-28-95; Ord. No. 3377-A, § 1, 1-14-02; Ord. No. 3726, § 2, 9-22-08)

Sec. 2. Building regulations.

All nonresidential buildings, including building for institutional uses as listed above, shall have at least 85 percent of the exterior walls constructed of masonry construction. The remainder of the exterior may be of other noncombustible construction as approved by the building official except cementitious stucco.

For multifamily, townhome, duplex, patio home and single-family uses, the building regulations of the appropriate district shall apply as follows:

- Apartment and townhome – A-950-M
- Duplex – D-1400-M
- Patio home – RP-1500-M
- Single-family – R-1500-M

(Ord. No. 3038-A, § 1, 8-28-95; Ord. No. 3377-A, § 1, 1-14-02)

Sec. 3. Height regulations.

For nonresidential uses, including institutional uses, no building or structure shall exceed three stories of up to 40 feet in total height. In no event, however, shall any building or structure exceed one standard story of up to 25 feet in height when located within 150 feet of any property zoned for single-family or duplex purposes.

For all residential uses permitted in the A-950-M District, no building or structure shall exceed two stories of up to 40 feet in total height. In no event, however, shall any apartment building exceed one story of up to 25 feet in height when located within 150 feet of any property zoned for single-family or duplex purposes.

(Ord. No. 3038-A, § 1, 8-28-95)

Sec. 4. Area regulations.

All buildings hereinafter erected, constructed, reconstructed, altered, repaired or used in this district shall provide setbacks as follows:

(a) Front yard:

- (1) For all nonresidential uses, including institutional uses – 40 feet. Within this front yard area, a landscape strip a minimum of ten feet in width shall be provided adjacent to any street. Within the ten-foot landscape strip, the developer shall install, and all subsequent owners shall maintain, plant materials as follows:

A minimum of one canopy tree and one ornamental tree shall be required for every 50 lineal feet of street frontage, generally as indicated on the attached exhibit labeled “Mixed Use District, Landscape Buffer (Adjacent to Street)”. In addition, evergreen shrubs, which shall reach a minimum height of 30 inches, shall be installed to buffer any parking areas adjacent to a street.

Plants shall be selected from the “recommended plant list”, attached hereto and made a part of this ordinance.

- (2) For all residential uses permitted in the A-950-M District, the requirements of the appropriate zoning district shall apply as follows:
- Apartment – A-950-M
 - Duplex – D-1400-M
 - Patio home – RP-1500-M
 - Single-family – R-1500-M
 - Townhome – RA-1100-M

- (3) For properties developed as apartments, the 30-foot front yard setback shall be landscaped, at a minimum, with materials of the same type and in the same quantities as for nonresidential and institutional uses, except that a berm at least three feet in height may be substituted for all or a portion of the required evergreen shrubs.

(b) Side yard:

- (1) For nonresidential uses, including institutional uses – 25 feet, except where the side of a nonresidential development abuts on a single-family or duplex district, a 50-foot setback, exclusive of alley right-of-way, shall be required. This setback shall include a minimum eight-foot landscape strip adjacent to the required screening wall on the common property line between the residential and nonresidential uses and shall be measured from the face of the wall. Within this strip, the developer shall install, and all subsequent owners shall maintain, plant materials as follows:

A minimum of one canopy tree; or three ornamental trees; or an evergreen hedge which will reach a minimum height of 10 feet; or a combination thereof, shall be required for every 30 lineal feet along the side property line.

Plants shall be selected from the “recommended plant list”, attached hereto and made a part of this ordinance.

- (2) For apartment uses – 15 feet, except where the side of an apartment development abuts on a single-family or duplex district, a 50-foot setback, exclusive of alley right-of-way, shall be required. This setback shall include a minimum eight-foot landscape strip adjacent to the required screening wall on the common property line between the apartment and single-family or duplex uses and shall be measured from the face of the wall. Within this strip, the developer shall install and all subsequent owners shall maintain plant material as follows:

- (a) For every 30 lineal feet along the screening wall, one canopy tree or three ornamental trees shall be installed; or
- (b) A continuous evergreen hedge which will reach a minimum of ten feet in height shall be installed; or
- (c) A combination of canopy trees, ornamental trees and evergreen hedge materials may be used to satisfy the requirements of this section.

Plants shall be selected from the “Recommended Plant List”, attached hereto and made a part of this ordinance.

- (3) Where residential uses other than apartments occur, the side yard setback of the appropriate zoning district shall apply as follows:
- Duplex – D-1400-M
 - Patio home – RP-1500-M
 - Single-family – R-1500-M
 - Townhome – RA-1100-M

Where a development sides on a dedicated street, the front yard regulations shall apply to that side yard; provided, however, that the requirements of chapter 16, article IV and V, which are not in conflict with the provisions contained herein, shall apply.

(c) Rear yard:

- (1) For nonresidential uses, including institutional uses – 25 feet, except where the rear of a nonresidential development abuts on a single-family or duplex district, a 50-foot setback, exclusive of alley right-of-way, shall be required. This 50-foot setback shall be measured from the face of the required screening wall and shall include a minimum eight-foot landscape strip adjacent to the required screening wall on the common property line between the residential and nonresidential uses. Within this landscape strip, the developer shall install, and all subsequent owners shall maintain plant materials as follows:

A minimum of one canopy tree; or three ornamental trees; or an evergreen hedge which will reach a minimum height of ten feet; or a combination thereof, shall be required for every 30 lineal feet along the rear property line.

Plants shall be selected from the “recommended plant list”, attached hereto and made a part of this ordinance.

- (2) For apartment uses – 25 feet, except where the rear of an apartment development abuts on a single-family or duplex district, a 50-foot setback, exclusive of alley right-of-way, shall be required. This setback shall include a minimum eight-foot landscape strip adjacent to the required screening wall on the common property line between the apartment and single-family or duplex uses and shall be measured from the face of the wall. Within this landscape strip, the developer shall install, and all subsequent owners shall maintain, plant material as follows:

- (a) For every 30 lineal feet along the screening wall, one canopy tree or three ornamental trees shall be installed; or
- (b) A continuous evergreen hedge which will reach a minimum of ten feet in height shall be installed; or
- (c) A combination of canopy trees, ornamental trees and evergreen hedge materials may be used to satisfy the requirements of this section.

Plants shall be selected from the “recommended plant list”, attached hereto and made a part of this ordinance.

- (3) Where residential uses other than apartments occur, the rear yard setback of the appropriate zoning district shall apply as follows:
- Duplex – D-1400-M
 - Patio home – RP-1500-M
 - Single-family – R-1500-M
 - Townhome – RA-1100-M
- (d) *Floor area ratio:* For all nonresidential and institutional uses, a maximum floor area ratio of 0.5:1 shall be permitted.
- (e) *Residential density:* For multifamily uses, a maximum density of 18 units per acre shall be permitted. For all other residential uses permitted in the A-950-M District, the density regulations of the appropriate zoning district shall apply as follows:
- Duplex – D-1400-M
 - Patio home – RP-1500-M
 - Single-family – R-1500-M
 - Townhome – RA-1100-M
- (f) Where a development sides on a dedicated street, the front yard regulations shall apply to that side yard; provided, however, that the requirements of chapter 21, Subdivision and Development, of the Code of Ordinances, which are not in conflict with the provisions contained herein, shall apply.
- (Ord. No. 3038-A, § 1, 8-28-95; Ord. No. 3598, § 10, 3-26-07; Ord. No. 3726, § 1, 9-22-08; Ord. No. 3763, § 1, 10-12-09)

Sec. 5. Reserved.

Editor's note: Ord. No. 3598, § 10, adopted March 26, 2007, repealed § 5, which pertained to site plan approval and derived from Ord. No. 3038-A, § 1, adopted Aug. 28, 1995.

Sec. 6. Outside storage and display of goods, wares or merchandise.

The outside storage and display of goods, wares and merchandise is prohibited except as specifically authorized herein. Provided further, that the above prohibition shall not be construed to prohibit the following:

- The above limitation shall not apply to storage and display of Christmas trees for a period not to exceed 40 days prior to Christmas each year.
- The above prohibition shall not be construed to prohibit the outside storage and display of newspaper racks.
- The above prohibition shall not be construed to prohibit outdoor seating areas for restaurants.

(Ord. No. 3038-A, § 1, 8-28-95)

Sec. 7. Reserved.

Editor's note: Ord. No. 3598, § 10, adopted March 26, 2007, repealed § 7, which pertained to landscaping plan approval and derived from Ord. No. 3038-A, § 1, adopted Aug. 28, 1995.

Sec. 8. Lighting plan approval.

Approval of a lighting plan by the city plan commission shall be required at the time of site plan review for all multifamily, townhome, and nonresidential uses, including institutional uses as described above.

(Ord. No. 3038-A, § 1, 8-28-95)

Sec. 9. General provisions.

- (1) An MU District must contain a minimum of three acres.
- (2) No building or structure located on the premises which was used for residential purposes prior to zoning the property to MU, may be used for any of the nonresidential or institutional uses allowed herein.
- (3) In granting an MU zoning classification, the city council may impose reasonable conditions consistent with the purposes stated in this article.

(Ord. No. 3038-A, § 1, 8-28-95)

End of Article XXI-D

Article XXII. Nonconforming Uses

Sec. 1. Defined.

- (a) Any lawful use of property existing on July 1, 1950, which does not conform to the regulations prescribed herein, shall be deemed a nonconforming use and may be continued subject to such regulations as to the maintenance of premises and conditions of operations as may, in the judgment of the board of adjustment, be reasonably required for the protection of adjacent property. A nonconforming use may not be expanded within an existing building nor may the building be expanded or structurally altered to accommodate the nonconforming use. A nonconforming use of a building may be changed to another nonconforming use of the same or more restrictive classification; however once a change is made to a more restrictive use, the use shall not be changed back to the prior nonconforming use.
- (b) A nonconforming use, if changed to a conforming use, may not thereafter be changed back to any nonconforming use. If a nonconforming use is discontinued for a period exceeding six months, such nonconforming use shall be deemed to have been abandoned and any future use thereof shall conform to the terms of this ordinance.
- (c) If a structure occupied by a nonconforming use is destroyed by fire, the elements or other cause, it may not be rebuilt except to conform to the provisions of this ordinance. In the case of partial destruction of a nonconforming use not to exceed 50 percent of its reasonable value, reconstruction will be permitted but the size or function of the nonconforming use cannot be expanded or enlarged.
- (d) At the discretion of the director of development services, incremental site improvements, including, but not limited to, landscaping or screening, may be made without meeting the minimum requirements of this ordinance where no building or circulation changes are proposed.

(Ord. No. 3172-A, § 4, 4-13-98)

End of Article XXII

Article XXII-A. Special Permits

Sec. 1. Required for location in specified districts.

- (a) The city council of the City of Richardson, Texas, may, after public hearing and proper notice to all parties affected, and after recommendation from the city plan commission containing such requirements and safeguards as are necessary to protect adjoining property, as well as the public health, safety, morals and general welfare, authorize the location of special permit uses in specified districts.
- (b) Every special permit granted under the provisions of this article shall be considered as an amendment to the zoning ordinance as applicable to such property. In granting such permit, the city council may impose such conditions as may be necessary to promote and protect the public health, safety, order, morals, convenience, prosperity and general welfare. Said conditions shall be complied with by the grantee before a certificate of occupancy may be issued.

(Ord. No. 1093-A, § 4(1), 10-31-77)

Sec. 2. Use regulations.

- (a) Any use which is not contrary to city, county, state, or federal laws and which is not listed as an allowed use in the comprehensive zoning ordinance shall hereby be deemed a special permit use in any district and subject to the provisions of this article.
- (b) The following uses may be authorized by special permit in the specified districts upon compliance with all of the requirements of this article and other applicable city codes and ordinances:
 - (1) Ambulance service, in any industrial district.
 - (2) Amusement arcade, in any LR-M(2) or C-M District.
 - (3) Antenna-freestanding, in any LR-M(2), C-M, TO-M or O-M District, subject to the supplemental regulations of article XXII-E.
 - (4) Antenna-commercial and/or antenna equipment buildings, in excess of three commercial antennas or equipment buildings on a single lot in any industrial district, subject to the provisions of the I-M (1) District and the supplemental regulations of article XXII-E.
 - (5) Assisted living facility, in any district.
 - (6) Beer and wine package sales establishments that derive more than 75 percent of their gross revenue from the sale of beer and/or wine in any LR-M(1), LR-M(2), C-M District or PD District with the following conditions:
 - a) Shall not be located closer than 1,500 feet from another beer and wine package sales establishment that derives more than 75 percent of its gross revenue from the sale of beer and/or wine, measured building-to-building (or outer wall of the lease space) in a straight line;
 - b) Shall not be located closer than 800 feet from the building to the property line of a residential zoning district; and

- c) Shall not be located closer than 1,500 feet from the property line of a city park, or the property line of a property occupied by a religious institution, public hospital, public or private school, public or private college/university, rehabilitation-care institution, or child or adult day care, measured in a straight line from front door of the establishment to the nearest property line of a residential zoning district, city park, religious institution, public or private hospital, public or private school, public or private college/university, rehabilitation center or child or adult day care.
- (7) Boarding kennel, in any C-M or any industrial district.
- (8) Carwash, in any LR-M(2) or C-M District, provided all washing operations take place within a building.
- (9) Check cashing business, payday advance/loan business or car title loan business, in the C-M District.
- (10) Childcare center, in any district, subject to the supplemental regulations of article XXII-E.
- (11—15) Reserved.
- (16) Church parking lot, in any residential district where the parking lot is abutting the lot upon which the church is located, but is separated from that lot by a dedicated public street or alley, subject to the supplemental regulations of article XXII-E and the requirements of chapter 16 of the Code of Ordinances, as amended.
- (17) Commercial amusement center, in any LR-M(2), C-M or industrial district.
- (18) Controlled substance paraphernalia shop, in any C-M District and subject to the laws of the State of Texas.
- (19) Country club, in any district.
- (20) Electronic-cigarette establishments in any LR-M(1), LR-M(2) or C-M District.
- (21) Fine arts studio, in any industrial district.
- (22) Fortune-teller, psychic reader, or spiritual advisor in any C-M District.
- (23) Fraternal organization, in any O-M or TO-M District.
- (24) Golf course, except miniature golf course, in any district.
- (25) Helipad, in any C-M, O-M, TO-M, PD or any industrial district.
- (26—29) Reserved.
- (30) Hospital, in any district.
- (31) Hotel-full service, in any industrial district.
- (32) Hotel-limited service, in any C-M, PD or any industrial district, or in the TO-M District on a minimum site of five contiguous acres.
- (33) Hotel-suite, in any C-M, PD, or any industrial district, or in any TO-M District on a minimum site of five contiguous acres.
- (34) Independent living facility, in any district.
- (35) Large scale retail store in any LR-M(1), LR-M(2) or C-M District.
- (36—37) Reserved.
- (38) Manufacturing facility - heavy, in any industrial district.

- (39) Massage establishments, in any non-residential or non-apartment District.
- (40) Motor freight terminal, in any industrial district.
- (41) Motor vehicle body shop, in any industrial district, subject to the supplemental regulations of article XXII-E.
- (42) Motor vehicle rental, in any C-M District where the business is located in a single-tenant building or offers more than ten motor vehicles for rent.
- (43) Motor vehicle repair shop - minor, in any LR-M(2), C-M or industrial district, subject to the supplemental regulations of article XXII-E.
- (44) Motor vehicle repair shop - major, in any C-M or industrial district, subject to the supplemental regulations of article XXII-E.
- (45) Motor vehicle sales/leasing - used, in any C-M District, subject to the supplemental regulations of article XXII-E.
- (46) Motor vehicle service station, in any LR-M(2) or C-M District, subject to the development standards in chapter 21 of the Code of Ordinances, as amended.
- (47) Motor vehicle storage lot, in any C-M or industrial district.
- (48—50) Reserved.
- (51) Mortuary or funeral home, in any C-M, TO-M or any industrial district.
- (52) Nursery or greenhouse, retail sales only, in any district.
- (53) Nursing/convalescent home, in any district.
- (54) Private amenity center, in any single-family district.
- (55—59) Reserved.
- (60) Private club, in any industrial district.
- (61) Private recreation club, in any industrial district.
- (62) Restaurant without drive-through or curbside service, in any O-M, TO-M or industrial district or any combination of contiguous lots or parcels zoned as such and totaling ten acres or more. Said areas need not be under single ownership and shall be considered contiguous if not separated from each other by a street classified as an arterial, a regional arterial or a freeway/turnpike as defined in the master transportation plan.
- (63) Restaurant with curbside service, in any C-M District.
- (64) Restaurant with drive-through service, in any LR-M(1), LR-M(2) or C-M Districts.
- (65—69) Reserved.
- (70) Retail sales of prepackaged food or beverage for off-premises consumption in a drive-up, drive-through or drive-in facility, in any LR-M(1), LR-M(2), or C-M District.
- (71) Riding academy/public stable, in any district.
- (72) School—Parochial, where the school is not located on the same lot as the church of the sponsoring religious agency, in any district.
- (73) School—Private, in any district.
- (74) Self-service warehouse, in any industrial district.

- (75) "Self-service warehouse (secondary use), in C-M Commercial or any industrial district with the following conditions:
- a. The use shall be located within the rear portion of a building.
 - b. The individual storage units shall not exceed five hundred (500) square feet.
 - c. The storage of any toxic, explosive, corrosive, or hazardous material shall be prohibited.
 - d. The use shall be limited to only one (1) building per lot.
 - e. The hours of operation shall be limited to 7:00 a.m. to 9:00 p.m.
 - f. Controlled access into the facility and its individual units shall be limited to the hours of operation.
 - g. Individual storage units shall be directly accessed from internal hallways. No direct access to the individual storage units shall be provided from the exterior doors of the building. The primary entrance for the use shall not be located in the front of a building.
 - h. Electrical service to individual storage units shall be for lighting and climate control only, with no electrical outlets provided in the individual storage units.
 - i. The following items shall be submitted at the time of application:
 1. A demonstrated means of security and management,
 2. A floor plan depicting the layout of the storage units, internal hallways, and the entrance and the viability of the remaining non self-service warehouse portions of the building, and
 3. Building elevations including proposed signage.
- (76) Sexually oriented business, in any C-M district.
- (77) Smoking establishment in any LR-M(1), LR-M(2) or C-M District.
- (78) Temporary open air market in any LR-M(1), LR-M(2), C-M or portions of a PD Planned Development District which permits LR-M(1), LR-M(2) or C-M uses, subject to Article VIII, Chapter 12 of Code of Ordinances of the City of Richardson, as amended.
- (79) Wrecker service, in any industrial district."

(Ord. No. 1093-A, § 4(2), 10-31-77; Ord. No. 2159-A, § 1, 2-18-80; Ord. No. 2226-A, § 1(2), 12-22-80; Ord. No. 2665-A, § 5, 6-13-88; Ord. No. 2715-A, § 8, 2-13-89; Ord. No. 2872-A, § 11, 2-25-92; Ord. No. 3009-A, § 1H, 2-13-95; Ord. No. 3063-A, § 1, 2-26-96; Ord. No. 3172-A, § 3, 4-13-98; Ord. No. 3377-A, § 1, 1-14-02; Ord. No. 3581, § 2, 11-13-06; Ord. No. 3692, § 2, 1-14-08; Ord. No. 3715, § 7, 7-14-08; Ord. No. 3730, § 24, 11-10-08; Ord. No. 3766, § 2, 3-22-10; Ord. No. 3848, § 2, 12-19-11; Ord. No. 4013, § 1, 7-22-13; Ord. No. 4033, § 2, 11-25-13; Ord. No. 4039, § 1, 3-24-14; Ord. No. 4084, § 2, 11-10-14; Ord. No. 4150, § 2, 2-8-16)

Sec. 3. Recommendations of plan commission.

- (a) Where the city plan commission is considering a special permit, the city plan commission may, at its discretion, make the following recommendations to the city council.
- (1) Recommend approval as requested.
 - (2) Recommend a change in zoning to a more restrictive classification.
 - (3) Recommend that a special permit be granted, subject to requirements for the paving of streets, alleys and sidewalks, means of ingress and egress to the public street, provisions for drainage, parking, street layouts, screening and open space and any other requirement or condition deemed necessary by the city plan commission in the interest of promoting public health, safety, order, convenience, prosperity, and general welfare.
 - (4) Recommend denial of the special permit.
- (b) Where the city plan commission recommends approval as in subsections (a)(1), (2) or (3) above, the recommendation will be forwarded automatically to the city council and a date for a public hearing will be set.
- (c) Where the city plan commission recommends denial as in subsection (a)(4) above, the application will not automatically be placed on the city council agenda unless requested in writing by the applicant within ten days after the city plan commission recommendation to deny.

(Ord. No. 1093-A, § 4(3), 10-31-77; Ord. No. 3377-A, § 1, 1-14-02)

Sec. 4. Property owner protest.

If an application for a special permit is protested in accordance with Section 211.006 of the Texas Local Government Code as amended, the proposed special permit must receive, in order to take effect, the affirmative vote of at least three-fourths of all members of the city council.

(Ord. No. 1093-A, § 4(4), 10-31-77; Ord. No. 2872-A, § 12, 2-25-92; Ord. No. 3377-A, § 1, 1-14-02)

Sec. 5. Three-fourths vote required to overrule recommendation to deny.

The affirmative vote of at least three-fourths of all members of the city council is required to overrule a recommendation of the city plan commission that a proposed special permit be denied.

(Ord. No. 3377-A, § 1, 1-14-02)

Sec. 6. Resubmission of applications.

A recommendation to deny a request for a special permit by the city plan commission or a denial of the same by the city council may include a provision which imposes a waiting period of up to one year from the date of denial before any similar requests involving the same property may be considered. A substantially different application on a given piece of property may be considered with no waiting period, even where a time limit has been imposed; however, the same or a substantially similar request will not be considered within one year of a denial, if so specified.

(Ord. No. 3377-A, § 1, 1-14-02)

Sec. 7. Special permit time or operation restrictions.

- (a) In recommending or granting a special permit, the commission and city council may impose additional conditions, including, but not limited to, time limits and/or issuance of a special permit to a specific owner, operator or business. Any additional conditions shall be made a part of the ordinance granting the special permit. Said special permit shall automatically terminate upon expiration of the time period, change in ownership or operator, or change in the business name unless a new application is made and approved by the city council under the same process as the original application for special permit, including public hearings, notice and recommendation from the city plan commission.
- (b) If new construction is required to comply with a special permit or to be able to use property for the use for which a special permit is granted, a building permit for the property described in the special permit shall be obtained from the City not later than one hundred-eighty (180) calendar days after the effective date of the ordinance granting the special permit unless a different deadline for obtaining such building permit is specified in the granting ordinance. If no deadline for obtaining said building permit is specified in the granting ordinance, the director may authorize one or more extensions not to exceed one (1) year from the original one hundred-eighty (180) day deadline. A special permit and the ordinance granting same shall terminate and be of no further effect if (i) a required building permit has not been issued within the time required by this section, or (ii) if a building permit has been issued but has subsequently expired prior to completion of the required construction.
- (c) If no new construction is required to comply with a special permit or to make the property usable for the use for which a special permit is granted, the special permit and the ordinance granting same shall expire and be of no further effect if a certificate of occupancy is not obtained and use of the property for which the special permit is granted has not commenced on or before the one hundred-eightieth (180th) calendar day after the effective date of the ordinance granting the special permit or the date for commencement of such use set forth in the ordinance granting the special permit, whichever is later.
- (d) If for a period in excess of one hundred-eighty (180) calendar days (i) a building or property subject to a special permit is vacated, or (ii) a building or property, though still occupied, is not being used for the purpose for which the special permit was granted, the special permit shall terminate and the use of the building or property described in the special permit shall thereafter conform to the regulations of the original zoning district of such property unless a new and separate special permit is granted for continuation of the use for which the original special permit was granted.

(Ord. No. 3377-A, § 1, 1-14-02; Ord. No. 4290, § 1, 3-18-19)

Sec. 8. Conditions for reconsideration of a special permit.

The city plan commission, at the direction of the city council, may, at any time, initiate proceedings to reconsider an existing special permit, provided the conditions of operation or other circumstances surrounding the special permit call into question issues related to the public health, safety, morals, general welfare, or for any other reason.

(Ord. No. 3377-A, § 1, 1-14-02)

Sec. 9. Conformance regulations.

Unless the city council specifies otherwise, all special permit uses shall comply with the building, area and height regulations of the underlying zoning district.

(Ord. No. 3377-A, § 1, 1-14-02)

Editor's note: Ord. No. 1093-A, § 4, adopted Oct. 31, 1977, amended art. XXII-A to read as herein set out. Former art. XXII-A pertained to similar subject matter and was derived from Ord. No. 21-A, § 1, enacted Nov. 27, 1956; Ord. No. 243-A, enacted Jan. 24, 1961; Ord. No. 750-A, § 1, enacted Jan. 24, 1972; Ord. No. 763-A, § 1, enacted March 6, 1972; Ord. No. 875-A, § 1, enacted Sept. 17, 1973; and Ord. No. 989-A, § 1, enacted Dec. 30, 1975.

End of Article XXII-A

Article XXII-B. Performance Standards*

***Editor's note:** Ord. No. 474-A, § 1, adopted April 4, 1966, as an emergency measure, amended the zoning ordinance by adding art. XXII-B, consisting of §§ 1 and 2. Section 4 of Ord. No. 474-A provided an additional penalty to that set forth in art. XXVIII of the zoning ordinance, which has been included by the editors as art. XXII-B, § 3.

Sec. 1. Applicability.

The following performance standards shall be applicable to all zoning districts in the City of Richardson, and to all areas zoned under special permit under the zoning ordinance of the City of Richardson, and no use shall be permitted in the City of Richardson which does not conform to these performance standards.

(Ord. No. 474-A, § 1, 4-4-66)

Sec. 2. Performance standards.

All uses in all districts shall conform in operation, location and construction to the performance standards herein specified for noise, odorous matter, toxic and noxious matter, and glare.

All uses established in the O-M, TO-M, I-M(1), I-M(2), I-FP(1) and I-FP(2) Districts shall conform in operation, location and construction to the performance standards herein specified for noise, odorous matter, toxic and noxious matter, glare, smoke, particulate matter and other air contaminants, fire and explosive or hazardous matter, and vibration.

(A) General provisions.

- (1) Any use established after the effective date of this ordinance shall comply with all of the performance standards applicable to the district in which it is located.
- (2) All regulations of the City of Richardson or the State of Texas applicable to such matters as the emission of toxic, noxious or odorous matter, particulate material, radiation or the storage, manufacture, handling or transportation or use of explosive, inflammable or radioactive material shall be observed and nothing specified in this section shall be interpreted as authorizing any practice or operation which would constitute a violation of a statute, ordinance, rule or regulation of the City of Richardson or State of Texas.

(B) Noise.

- (1) **Measurement.** Measurement of noise shall be made with a sound level meter and octave band analyzer meeting the standards prescribed by the American Standards Association. The instruments shall be maintained in calibration and good working order. Octave band corrections may be employed in meeting the response specification. A calibration check shall be made of the system at the time of any noise measurement. Measurements recorded shall be taken so as to provide a proper representation of the noise source. The microphone during measurement shall be positioned so as not to create any unnatural enhancement or diminution of the measured noise. A windscreen for the microphone shall be used when required. Traffic and transportation noise sources and other background noises shall not be considered in taking measurements except where such background noise interferes with the primary noise being measured. Times when the level of the primary noise being measured does not exceed that of the background noise in all octave bands shall

be considered as “off times” of the primary noise in determining the corrections from table 5, (B)(6)(b).

- (2) Permissible noise level, O-M and TO-M districts.
 - (a) At no point at the bounding property line of any use in the O-M and TO-M Districts shall the sound pressure level of any operation or plant exceed the decibel limits specified in the octave bands designated in table 1, nor shall the sound pressure level at any O-M or TO-M District boundary line adjacent to a residential, retail or commercial district exceed the decibel limits specified in the octave bands designated by table 3 for residential districts and table 4 for retail and commercial districts.
 - (b) Maximum noise levels are as follows:

Table 1. Maximum Permissible Daytime Octave Band Decibel Limits at the Bounding Property Line of a Use in the O-M and TO-M Districts

Octave Band (cps)	37-75	75-150	150-300	300-600	600-1200	1200-2400	2400-4800	4800-9600	A-Scale
Decibel band limit (db re 0.0002 microbar)	86	76	70	65	63	58	55	53	65

Note: A-scale levels are provided for monitoring purposes only.

- (3) Permissible noise level, I-M(1), I-M(2), I-FP(1), and I-FP(2) Districts.
 - (a) At no point at the bounding property line of any use in the I-M(1), I-M(2), I-FP(1) or I-FP(2) Districts shall the sound pressure level of any operation or plant exceed the decibel limits specified in the octave bands designated in table 2, nor shall the sound pressure level at any I-M(1), I-M(2), I-FP(1) or I-FP(2) District boundary line adjacent to a residential, retail or commercial district exceed the decibel limits specified in the octave bands designated by table 3 for residential districts and table 4 for retail and commercial districts.
 - (b) Maximum noise levels are as follows:

Table 2. Maximum Permissible Daytime Octave Band Decibel Limits at the Bounding Property Line of a Use in the I-M(1), I-M(2), I-FP(1) and I-FP(2) Districts

Octave Band (cps)	37-75	75-150	150-300	300-600	600-1200	1200-2400	2400-4800	4800-9600	A-Scale
Decibel band limit (db re 0.0002 microbar)	90	80	74	69	65	62	60	58	70

Note: A-scale levels are provided for monitoring purposes only.

- (4) Permissible noise level, residential districts.
 - (a) At no point on the district boundary line of any residential type district nor at any point on the bounding property line of any use within the boundary of such districts shall the sound level pressure from any operation, use or occupancy exceed the decibel limits specified in the octave bands designated in table 3.

(b) Maximum noise levels are as follows:

Table 3. Maximum Permissible Daytime Octave Band Decibel Limits at or within the Bounding of a Residential District

Octave Band (cps)	37-75	75-150	150-300	300-600	600-1200	1200-2400	2400-4800	4800-9600	A-Scale
Decibel band limit (db re 0.0002 microbar)	80	68	61	55	51	48	45	43	56

Note: A-scale levels are provided for monitoring purposes only.

(5) Permissible noise level, retail and commercial districts.

(a) At no point on the district boundary line of any retail or commercial type district, nor at any point on the bounding property line of any use within the boundary of such districts shall the sound pressure level from any operation, use or occupancy exceed the decibel limits specified in the octave band limits designated in table 4.

(b) Maximum noise levels are as follows:

Table 4. Maximum Permissible Daytime Octave Band Decibel Limits at or Within the Bounding of a Retail or Commercial District

Octave Band (cps)	37-75	75-150	150-300	300-600	600-1200	1200-2400	2400-4800	4800-9600	A-Scale
Decibel band limit (db re 0.0002 microbar)	84	73	67	62	58	55	52	50	63

Note: A-scale levels are provided for monitoring purposes only.

(6) Special noise level corrections.

(a) Corrections shall be made to the basic octave band levels specified in tables 1, 2, 3 and 4 for the specific conditions listed in accordance with table 5.

(b) Permitted corrections are as follows:

Table 5. Corrections Permitted to Basic Octave Band Levels

Noise is present at nighttime: Subtract 7 db.

Noise contains strong pure-tone components or is impulsive (meter reading changes at a rate greater than ten decibels per second): Subtract 7 db.

Noise has an "On Time" of No More Than:	And an "Off Time" Between Successive "On Times" of at Least:	
0.5 minutes	1/2 hour	Add 10 decibels to permitted level
5.0 minutes	1 hour	
10.0 minutes	2 hours	
20.0 minutes	4 hours	

- (C) Odorous matter.
- (1) *Compliance.* Any use established or operated in the O-M, TO-M, I-M(1), I-M(2), I-FP(1) or I-FP(2) Districts shall comply with the performance standards herein specified for the emission of odorous matter.
 - (2) O-M and TO-M districts.
 - (a) Emission of odorous matter from a source of operation [sic] in the O-M and TO-M Districts shall not exceed the odor threshold at the boundary line of the tract on which such use or operation is located or beyond.
 - (3) I-M(1), I-M(2), I-FP(1), I-FP(2) districts.
 - (a) Emission of odorous matter from a source operation in the I-M(1), I-M(2), I-FP(1) and I-FP(2) Districts shall not exceed a concentration at the bounding property line or any point beyond which when diluted with an equal volume of odor free air exceeds the odor threshold (two odor units).
 - (4) *Determination of odor threshold.* The odor threshold as herein referred to shall be determined by observation by a person or persons. In any case where the operator of an odor-emitting use may disagree with the enforcing officer where specific measurement of odor concentration is required, the method and procedures specified by American Society for Testing Materials ASTM D 1391-57 entitled "Standard Method for Measuring Odors in Atmosphere" shall be used.
 - (5) *Emission of odorous matter regulated.* No use shall be operated in any zoning district of the City of Richardson in such a manner that the emission of odorous matter occurs in such quantity or volume as to produce a nuisance, source of discomfort or hazard beyond the bounding property lines of such use.
- (D) Toxic and noxious matter.
- (1) No operation or use permitted in any district shall emit a concentration across the bounding property line of such operation or use of toxic or noxious matter which will exceed ten percent of the concentration (exposure) considered as the threshold limit for an industrial worker as such standards are established by the Texas State Department of Health or as they may be amended in "Threshold Limit Values, Occupational Health Regulation No. 3."
 - (2) The storage, use and transportation of hazardous chemicals, poisonous gases, acids or radioactive material in the O-M, TO-M, I-M(1), I-M(2), I-FP(1) and I-FP(2) Districts shall be subject to approval of the fire marshal and the health officer of the City of Richardson and in accordance with all applicable ordinances and laws.
- (E) Glare.
- (1) No use in any district shall be operated so as to produce intense glare, or direct illumination across the bounding property line from a visible source of illumination of such intensity as to create nuisance or detract from the use or enjoyment of adjacent property. All outside lights shall be made up of a light source and reflector so selected that acting together the light beam is controlled and not directed across any bounding property line. With the exception of parks and recreational fields which are owned, leased, operated or managed by a municipality or independent school district, the allowable maximum intensity of light measured at the property line shall not exceed one foot candle.

- (F) Smoke, particulate matter and other air contaminants.
- (1) *Compliance.* Any use established or operated in the O-M, TO-M, I-M(1), I-M(2), I-FP(1) or I-FP(2) Districts shall comply with the performance standards herein specified covering the emission of air contaminants.
 - (2) Procedure for making observations to determine compliance for visible emissions.
 - (a) The following provisions shall govern observations of emissions to determine compliance with subsection (F)(7). These provisions shall be applied to each observation to the extent that they are applicable and to whatever extent time and physical circumstances permit.
 - (b) Observations shall be made from a position which is at a right angle to the line of travel of the emitted material.
 - (c) The plume shall be observed against a suitable background.
 - (d) Observations during daylight hours shall be made with the observer generally facing away from the sun.
 - (e) Observations during hours of darkness shall be made with the aid of a light source.
 - (f) Readings shall be noted at approximately 15-second intervals during observation, except that intervals up to one minute shall be permitted where the appearance of the emission does not vary during such intervals.
 - (g) The general color of the emission during the period of observation shall be noted as part of the record of observation.
 - (3) Standard sampling procedures for particulate matter in emissions from vents and stacks.
 - (a) All source test procedures shall be designed so as to obtain samples which are truly representative of the emissions of the particulate matter.
 - (b) Probe size and sampling rate shall be such as to obtain a reasonably representative sample.
 - (c) The sampling shall be carried out for a period of one hour which shall include the period of maximum emissions.
 - (d) In measuring emissions from type A and type B emission points the quantity of emission from a test area shall be increased by the proportion which the whole area bears to the test area. Such a test area may be taken as the cross-sectional area of the inlet to a sample probe. Emissions from the test area may be measured at the place and by the procedure which results in the highest measurement of air contaminants. The emission from any test area of a type B emission point shall be deemed to be representative in every respect of the emissions from the whole area of such type B emission point. This provision shall not apply if other sampling and testing facilities which will disclose the nature, extent, quantity and degree of air contaminants are provided by the person responsible for the emissions.
 - (e) Currently accepted engineering practice shall be followed in any test procedure employed for the determination of gas flow rate, gas composition, moisture content, density and process weight.

- (f) Prior to weighing of the sample, it shall be dried by methods and under conditions which do not permit significant change in the weight of particulate matter and where the requirements permit, the same shall be dried at a temperature not less than 218 degrees Fahrenheit nor more than 224 degrees Fahrenheit for a period of one to two hours after superficial dryness is reached. Samples dried in such manner shall be deemed to be free of uncombined matter.
- (4) Standard gas sampling procedures for vents and stacks.
 - (a) The following stack sampling procedures shall be adhered to in the determination of gassy emissions.
 - (b) Proper adjustments shall be made in the sampling procedure to compensate for significant stratification, and nonhomogeneity in the gas stream so that the sample of gas approaches a representative sample.
 - (c) Where liquid impingers are used for the sampler, any filter preceding the impingers shall be maintained at stack gas temperature.
 - (d) Where an evacuated flask is used for sample collection, any filter preceding the sampler may be maintained at ambient temperature.
 - (e) Where impingers on other continuous flow sampling devices are used, a gas measuring device placed in series with and downstream of the samples shall be used to determine the volume of gas sampled. Pressure and temperature indicators shall be installed at appropriate points to indicate sample gas conditions.
 - (5) *Dust and air contaminants from open storage.* Open storage and open processing operations including on-site transportation movements which are the source of windborne dust or other particulate matter, or which involve dust or other particulate air contaminant generating equipment such as used in paint spraying, grain handling, sand or gravel processing or storage, or sandblasting shall be so conducted that dust and other particulate air contaminants so generated are not transported across the boundary line of the tract on which the use is located in concentrations exceeding four grains per 1,000 cubic feet of air. All other visible emissions of air contaminants shall conform to the provisions of subsection (F)(7).
 - (6) *Application of standards.* The following standards shall apply to emission of air contaminants from industrial operations in the O-M, TO-M, I-M(1), I-M(2), I-FP(1) and I-FP(2) Districts and to the registration of each plant responsible for emissions of air contaminants whether or not limits are established by these regulations for emission of all such contaminants. All operations which involve the emission of particulate matter or other air contaminants shall register with the health officer before obtaining a certificate of occupancy.

These regulations apply, as herein provided, to:

- (a) Visible emissions from all operations.
- (b) Sulfur dioxide from all operations.
- (c) Particulate matter from all operations.
- (d) Hydrocarbons and carbonyl from incineration or salvage operations.
- (e) Fumes and gases from all operations.

- (f) Air contaminants which can cause injury, detriment, nuisance or annoyance to any considerable number of persons or to the public, or which endanger the comfort, repose, health or safety of any such person or to the public, or which cause or have a natural tendency to cause injury or damage to business or property.
- (7) *Visible emissions.* No operation shall cause, create or allow the emission of air contaminants for more than three minutes in any one hour which, at the emission point or within a reasonable distance of the emission point, are:
 - (a) As dark or darker in shade as that designated as No. 2 on the Ringelmann Chart as published by the United States Bureau of Mines Information Circular 7118.
 - (b) Of such opacity as to obscure an observer's view to a degree equal to or greater than does smoke described in (F)(7)(a); and the determination of such opacity shall be according to standard accepted procedures for such observations.
- (8) *Applicability of section (F)(7).* Section (F)(7) shall not apply under the following conditions:
 - (a) Where the presence of uncombined water is the only reason for the failure of an emission to meet the limitations of (F)(7).
 - (b) To any emission on the basis of any observation of an air contaminant observed while such contaminant is inside a bona fide building.
 - (c) If the operation responsible for an emission meets all the following requirements:
 - (1) The emission is from a type A emission point.
 - (2) The emission does not contain significant amounts of materials which are vapors at stack temperature and particulate matter at ambient temperature.
 - (3) The emission does not contain more than "n" grains of particulate matter per standard cubic foot ($n = 0.12L$ where L is the significant dimension of the emission point in feet).
 - (4) The emission does not contain particulate matter determined in (F)(8)(c)(3) or uncombined water or both that contributes significantly to the failure of the emission to meet the limitations of (F)(7).
 - (d) If the operation responsible for an emission of SO₃ (sulfur trioxide) or H₂ SO₄ (sulfuric acid) or both meet with the following requirements:
 - (1) From operations using elemental sulfur or pyrites as the principal raw material, such emission shall have a concentration of SO₃ or H₂ SO₄ or both, expressed as 100 percent H₂ SO₄ , not exceeding 0.02 grain per standard cubic foot of exhaust gas volume.
 - (2) From operations using as a principal raw material any sulfur containing material other than elemental sulfur or pyrites, such emission shall have a concentration of SO₃ or H₂ SO₄ or both, expressed as 100 percent H₂ SO₄ , not exceeding 0.2 grain per standard cubic foot of exhaust gas volume.
 - (3) Such emission shall not contain amounts of any material other than SO₃ , H₂ SO₄ , or uncombined water, which would contribute to the failure of the emission to meet the limitations of (F)(7)(b).

- (9) *Sulfur dioxide.* No operation shall cause, create or allow any emission of sulfur compounds calculated as sulfur dioxide from any emission point in excess of 2,000 ppm (vol.).
- (10) Particulate matter.
 - (a) No operation shall cause, create or allow the emission of particulate matter from any emission point in a concentration in excess of 0.04 grains per cubic foot of exhaust gas volume calculated to 12 percent carbon dioxide at standard conditions.
 - (b) No operation shall cause, create or allow the emission of particulate matter from any emission point, at a rate in excess of that specified in table 6 for the process weight rate allocated to such emission point.
 - (c) Allowable rate of emission is as follows:

Table 6. Allowable Rate of Emission Based on Process Weight Rate

Process Weight Rate		Rate of Emission
(lb/hr)	(tons/hr)	(lb/hr)
100	0.05	0.551
200	0.10	0.877
400	0.20	1.40
600	0.30	1.83
800	0.40	2.22
1,000	0.50	2.58
1,500	0.75	3.38
2,000	1.00	4.10
2,500	1.25	4.76
3,000	1.50	5.38
3,500	1.75	5.96
4,000	2.00	6.52
5,000	2.50	7.58
6,000	3.00	8.56
7,000	3.50	9.49
8,000	4.00	10.4
9,000	4.50	11.2
10,000	5.00	12.0
12,000	6.00	13.6
16,000	8.00	16.5
18,000	9.00	17.9
20,000	10.00	19.2
30,000	15.00	25.2
40,000	20.00	30.5
50,000	25.00	35.4
60,000	30.00	40.0
70,000	35.00	41.3
80,000	40.00	42.5

Process Weight Rate		Rate of Emission
90,000	45.00	43.6
100,000	50.00	44.6
120,000	60.00	46.3
140,000	70.00	47.8
160,000	80.00	49.0
200,000	100.00	51.2
1,000,000	500.00	69.0
2,000,000	1,000.00	77.6
6,000,000	3,000.00	92.7

(11) *Hydrocarbons and carbonyls.* No operation shall cause, create or allow the emission from any incineration operation or salvage operation of an exhaust gas containing a concentration of more than 50 ppm (vol.) of total hydrocarbons or a concentration of more than 50 ppm (vol.) of total carbonyls. For purposes of this section, total hydrocarbons shall be the sum of the concentrations of C 2 and higher saturated and unsaturated hydrocarbons as measured by gas chromatography. Total carbonyls shall include aldehydes and ketones calculated as formaldehyde. Each carbonyl group is deemed equivalent to one molecule of formaldehyde.

(G) Fire and explosive or hazardous matter.

(1) *Compliance.* Any use established or operated in the O-M, TO-M, I-M(1), I-M(2), I-FP(1) or I-FP(2) districts shall comply with the performance standards herein specified for the storage, manufacture and use of flammable, explosive or hazardous matter.

(2) O-M and TO-M districts.

(a) No use involving the manufacture or storage of compounds or products which decompose by detonation shall be permitted in the O-M or TO-M districts except that chlorates, nitrates, perchlorates, phosphorous and similar substances and compounds in small quantities for use by industry, schools, laboratories, druggists or wholesalers may be permitted in accordance with the provisions of the fire protection code of the City of Richardson.

(b) The storage and use of all flammable liquids and materials such as pyroxylin plastics, nitrocellulose film, solvents and petroleum products in the O-M and TO-M districts shall be in accordance with the provisions of the fire protection code of the City of Richardson for the storage and handling of such materials and liquids, except that no high-hazard flammable liquid having a flash point below 100 degrees Fahrenheit shall be stored aboveground in the O-M or TO-M districts except by special approval of the fire marshal and when the use and storage of such liquid is located a safe distance from adjacent uses and buildings.

(3) I-M(1), I-M(2), I-FP(1) and I-FP(2) districts.

(a) Operations or uses involving the manufacture, storage or use of compounds which decompose by detonation except those specifically prohibited by the fire protection code of the City of Richardson are permitted in the I-M(1), I-M(2), I-FP(1) and I-FP(2) districts, but only when such operations and uses are approved and a permit for same is issued by the fire marshal.

- (b) The storage in bulk or use of flammable liquids or materials and of liquefied petroleum gas are permitted in the I-M(1), I-M(2), I-FP(1) and I-FP(2) districts subject to the requirements and safeguards concerning the location, use and special precautions specified by the fire marshal for such storage or use.
- (4) *Compliance with fire protection code.* All uses and operation involving the use, storage or handling of explosive or flammable and hazardous matter shall be in compliance with the fire protection code of the City of Richardson as it exists or as it may hereafter be amended and shall be subject to approval by the fire marshal and nothing herein specified shall mitigate, interfere with or alter any provision of the fire protection code of the City of Richardson as it may apply to the use, storage or handling of explosives or flammable and hazardous material.

(H) Vibration.

- (1) No operation or use in the O-M or TO-M districts shall at any time create earthborne vibrations which when measured at the bounding property line of the source operation exceed the limits of displacement set forth in the following table:

Table 7. Allowable Displacement Earthborne Vibrations, O-M and TO-M Districts

Frequency (cycles per second)	Displacement (inches)
0 to 10	0.0010
10 to 20	0.0008
20 to 30	0.0005
30 to 40	0.0004
40 and over	0.0003

- (2) No operation or use in the I-M(1), I-M(2), I-FP(1) and I-FP(2) districts shall at any time create earthborne vibrations which when measured at the bounding property line of the source operation exceed the limits of displacement set forth in the following table:

Table 8. Allowable Displacement Earthborne Vibrations, I-M(1), I-M(2), I-FP(1) and I-FP(2) Districts

Frequency (cycles per second)	Displacement (inches)
0 to 10	0.0020
10 to 20	0.0016
20 to 30	0.0010
30 to 40	0.0006
40 and over	0.0005

(I) Definitions and standards applicable to (F)(1) through (H)(2).

- (1) The following definitions and explanatory notes supplement, restrict and define the meaning and intent of words and terms used in the performance standards provisions, (F)(1) through (H)(2) inclusive.
 - (a) *Background noise.* Noise from all sources other than that under specific consideration including traffic operating on public thoroughfares.
 - (b) *Frequency.* The number of oscillations per second in a sound wave.

- (c) *Octave band.* A term denoting all the frequencies between any given frequency and double that frequency.
- (d) *Octave band filter.* An electrical frequency analyzer designed according to the standards formulated by the American Standards Association and used in conjunction with a sound level meter to take measurements in specific octave intervals.
- (e) *Daytime.* The hours between sunrise and sunset on any given day.
- (f) *Bounding property line.* The far side of any street, alley, stream or other permanently dedicated open space from the noise source when such open space exists between the property line of the noise source and adjacent property. When no such open space exists the common line between two parcels of property shall be interpreted as the bounding property line.
- (g) *Residential districts.* Refers to the R-2000-M, R-1800-M, R-1500-M, R-1250-M, R-1100-M, R-1000-M, R-950-M, R-850-F, R-850-M, D-3000-M, D-2400-M, D-1400-M, A-1000-M, A-950-M, and A-850-F districts.
- (h) *Retail or commercial districts.* Refers to the LR-M(1), LR-M(2) and C-M districts.
- (i) *Atmospheric pollution.* The discharging from stacks, open storage, chimneys, exhausts, vents, ducts, openings, or open fires of such air contaminants as visible emissions, sulfur dioxide, particulate matter, hydrocarbons, fumes or similar material or gases.
- (j) *Atmosphere.* The air that envelops or surrounds the earth. Where air contaminants are emitted into a building not designed specifically as air pollution control equipment, such emission into the building shall be considered emission into the atmosphere.
- (k) *Combustion.* The rapid exothermic reaction of any material with oxygen.
- (l) *Containing device.* Any stack, duct, flue, oven, kettle or other structure or device containing a gas stream which may contain an air contaminant, and which is designed to prevent the gas stream from entering the atmosphere, except through such openings as may be incorporated for that purpose in the containing device; and excluding equipment used for air pollution abatement operations, or any other device which significantly changes the nature, extent, quantity or degree of air contaminants in the gas stream or in which such change does or has a natural tendency to occur.
- (m) *Emission.* The act of passing into the atmosphere an air contaminant or a gas stream which contains or may contain an air contaminant or the material so passed to the atmosphere.
- (n) *Emission point.* The location (place in horizontal plane and vertical elevation) at which an emission enters the atmosphere.
- (o) *Exhaust gas volume.* The total volume of gas emitted from an emission point.
- (p) *Odor threshold.* The concentration of odorous matter in the atmosphere necessary to be perceptible to the olfactory nerve of normal persons.
- (q) *Operation.* Any physical action resulting in a change in the location, form or physical properties of a material, or any chemical action resulting in a change in the chemical composition or chemical or physical properties of a material. The following are given as examples, without limitation of the generality of the foregoing: heat transfer,

calcination, double-decomposition fermentation, pyrolysis, electrolysis, combustion, material handling, evaporation, mixing, absorption, filtration, fluidization, screening, crushing, grinding, demolishing, shoveling, bagging, etc.

- (r) *Particulate matter.* Any material, except uncombined water, which exists in a finely divided form as a liquid or solid at standard conditions when released into the atmosphere.
- (s) *Person or operation.* Any person, firm association, organization, partnership, business, trust, corporation, company, contractor, supplier, installer, user or owner or any state or local governmental agency or public district or any officer or employee thereof. It includes the owner, lessor, lessee, tenant, licensee, manager and operator, or any of such, of an emission point or any source operation which may constitute a source of atmospheric pollution related thereto, or any interest in such emission point or operation source.
- (t) *ppm (vol.).* Parts per million by volume.
- (u) *Process weight.* The total weight of all materials introduced into a source operation, including solid fuels, but excluding liquids and gases used solely as fuels and excluding air introduced for the purposes of combustion.
- (v) *Process weight rate.* A rate established as follows:
 - (1) For continuous or long run steady state source operations, the total process weight for the entire period of continuous operation or a typical portion thereof, divided by the number of hours of such period or portion thereof.
 - (2) For cyclical or batch source operations the total process weight for a period which covers a complete operation or an integral number of cycles, divided by the number of hours of actual process operation during such periods.
- (w) *Significant dimension* of an area means the square root of the numerical value of the area.
- (x) *Source operation.* The last operation preceding the emission of an air contaminant which operation:
 - (1) Results in separation of air contaminants from the process materials or in the conversion of the process materials into air contaminants, as in the case of combustion of fuel; and
 - (2) Is not an air pollution abatement operation.
- (y) *Standard conditions.* A pressure of 14.7 pounds per square inch absolute, and a temperature of 60 degrees Fahrenheit.
- (z) Emission point.
 - (1) *Type A emission point.* An opening of reasonably regular geometry, preceded by a containing device which has a minimum length six times the significant dimension of the emission point and within such minimum length; has a reasonably straight gas flow channel; has smooth interior surface; has area and geometry essentially constant and equal to the emission point; and does not cause a significant change in the gross direction of gas flow.

- (2) *Type B emission point.* Any emission point not qualifying under subsection (1) above.

(Ord. No. 474-A, § 1, 4-4-66; Ord. No. 3214-A, § 1, 2-22-99)

Sec. 3. Reserved.

Editor's note: Section 3 of art. XXII-B, providing the penalty for violation of art. XXII-B, and derived from Ord. No. 474-A, § 4, adopted April 4, 1966, was repealed by Ord. No. 2420-A, § 2, adopted April 23, 1984.

End of Article XXII-B

Article XXII-C. Site Development Requirements

Sec. 1. Authority.

Notwithstanding any other ordinance or provision of this article, the city manager or designee is the final approving body for a development plan application; however, the city manager or designee may, for any reason, forward the development plan application for commission approval.

(Ord. No. 4330, § 4, 2-10-20)

Sec. 2. Purpose.

- (a) The regulations in this article are adopted by the council for persons intending to develop land located within the corporate limits of the city; and all land outside the corporate limits that the city may annex. The exercise of this supervision is in accordance with the City Charter, as may be amended.
- (b) The purpose of this article is to:
 - (1) Provide for the orderly, safe and healthy development of the land within the city;
 - (2) Protect and promote the health, safety, morals and general welfare of the city;
 - (3) Guide the future growth and development of the city;
 - (4) Insure the provision of adequate and efficient transportation, streets, storm drainage, water, wastewater, parks, and open space facilities;
 - (5) Establish procedures for development plans and design standards to promote the orderly layout and use of land;
 - (6) Ensure that public infrastructure facilities required by city ordinances are available with sufficient capacity to serve the proposed development; and
 - (7) Provide the cost of public infrastructure improvements that primarily benefit the proposed development is borne by the property owner.

(Ord. No. 4330, § 4, 2-10-20)

Sec. 3. Applicability.

This article shall apply to all land within the corporate limits of the city, all land outside the corporate limits that the city may annex.

(Ord. No. 4330, § 4, 2-10-20)

Sec. 4. Filing fees.

- (a) The council shall establish, by resolution, filing fees for development plans.
- (b) Fees shall be paid to the city at the time of development plan application submittal. The development services department will not process a development application until the applicable fees have been paid.
- (c) Fees shall be charged regardless of whether the development plans are approved or denied.

(Ord. No. 4330, § 4, 2-10-20)

Sec. 5. Submittal deadlines and requirements.

- (a) The city manager or designee may establish official submittal deadlines, application forms, submittal requirements, development plan requirements and review procedures for development applications.
- (b) Complete development applications submitted after the official submittal deadline shall be processed on the subsequent official submittal deadline.
- (c) The development plans shall not be considered until it has been determined by the city manager or designee that:
 - (1) The submittal is complete and in conformance with this article;
 - (2) All required plans and/or documents are submitted in a complete format; and
 - (3) All required fees, charges, assessments, and taxes established by resolution or ordinance have been paid.

(Ord. No. 4330, § 4, 2-10-20)

Sec. 6. Expiration dates.

- (a) Notwithstanding any other ordinance or provision of this chapter to the contrary, an individual permit shall expire two years after the date of development plan approval by the city manager or designee if no progress has been made towards completion of the project.
- (b) Notwithstanding any other ordinance or provision of this chapter to the contrary, a project shall expire five years after the date of development plan approval by the city manager or designee if no progress has been made towards completion of the project.

(Ord. No. 4330, § 4, 2-10-20)

Sec. 7. Variances.

Where in its judgment the public convenience and welfare will be substantially served and the appropriate use of the neighboring property will not be substantially injured, upon recommendation by the commission, the council may, in specific cases, at a regular meeting of the council, and subject to appropriate conditions and safeguards, authorize variances to the regulations in this article in order to permit reasonable development and improvement of property where the literal enforcement of these regulations would result in an unnecessary hardship. No written public notice shall be required prior to the granting of the variances provided for in this article.

(Ord. No. 4330, § 4, 2-10-20)

Sec. 8. Penalty and enforcement.

- (a) Building permits shall not be issued where proposed development plans do not conform to this article.
- (b) Any person, firm or corporation violating any of the provisions of this article shall be punished as provided in the general provisions of the Code of Ordinances.

- (c) All property developed under the provisions of this article shall be maintained by the property owner so as to comply with the requirements of this article at all times. Any such person failing to maintain property so as to comply with the requirements of this article shall be punished as provided in the general provisions of the Code of Ordinances.
- (d) Utility connections for individual lots are not authorized until development plans have been approved in accordance with this article.
- (e) No building permit shall be issued for the construction of a building upon any residential lot unless all required public improvements have been constructed and accepted by the city. Notwithstanding the foregoing, the city may, pursuant to administrative policy, issue building permits for residential structures prior to the city's final acceptance of the required public improvements.
- (f) No certificate of occupancy shall be issued for a building nor shall the city accept a residential subdivision without an officially recorded plat and until all required improvements have been completed and accepted by the city. Notwithstanding, the city manager and designee may authorize the occupancy of a structure provided that an agreement providing cash escrow, letter of credit, or other sufficient surety is approved by the city for the completion of all remaining public improvements.
- (g) The city shall withhold improvements of whatsoever nature, including the furnishing of water and sewer facilities and service, from any development that has not been approved and constructed in accordance with this article.
- (h) Any person, firm or corporation who shall violate any of the provisions of this article or who shall fail to comply with any provisions hereof within the corporate boundaries of the city shall be subject to any appropriate action or proceeding by the city to enjoin, correct, abate or restrain the violation of this article including the recovery of damages and civil penalties.

(Ord. No. 4330, § 4, 2-10-20)

Sec. 9. Development procedure.

- (a) The procedure for processing a development application typically requires three steps by the property owner: mandatory review conference, initial development plan review and development plan application submittal.
- (b) Except as otherwise permitted, the approval of development plans by the city is required prior to the issuance of any permit for the development of any property.
- (c) The approval of a site plan is required for townhome, apartment, nonresidential and mixed uses. A site plan is not required for detached single-family residential and duplex uses.
- (d) The approval of a landscape plan is required for apartment, nonresidential and mixed uses. A parkway and common area landscape plan is required for detached single-family residential, townhome and duplex uses.

(Ord. No. 4330, § 4, 2-10-20)

Sec. 10. Information required for development plans.

The development services department shall create and update a document titled "developer's checklist" to assist in the preparation of development plans. This document indicates the sheet format and information that constitute development plans.

(Ord. No. 4330, § 4, 2-10-20)

Sec. 11. Development plan process.

- (a) The purpose of development plans is to ensure that the proposed development conforms to city regulations and policies.
- (b) Prior to submitting development plans, the applicant and/or property owner must schedule a mandatory review conference with staff. The purpose of this meeting between staff and the applicant and/or property owner is to ensure that the appropriate development plans will be prepared in accordance with city requirements and policies.
- (c) Should staff determine the development plans are in accordance with city requirements and policies, staff will provide the applicant and/or property owner an initial development plan authorization form.
- (d) After receipt of the initial development plan authorization form, applicable development plans and other required documents, development services shall distribute the development plans to the development review committee.
- (e) Should staff determine the development plan application is incomplete, staff shall provide written notification to the applicant and/or property owner.
- (f) Development services will accumulate comments from the development review committee and schedule a meeting with the applicant and/or property owner to discuss the comments. The applicant and/or property owner must make the required corrections in order for the review process to proceed.
- (g) Upon receipt of the revised development plan submittal, staff shall verify that the comments have been addressed. Provided that the comments have been addressed, the applicant and/or property owner may submit a development plan application.
- (h) Approval of development plans shall certify compliance with city regulations.
- (i) The city shall distribute the approved and signed development plans to the appropriate city departments.
- (j) Once the development plans have been approved and distributed, permits may be requested by the applicant and/or property owner.

(Ord. No. 4330, § 4, 2-10-20)

Sec. 12. General approval standards.

- (a) The city manager or designee does not have the authority to waive requirements contained in the comprehensive zoning ordinance or any other ordinance of the city.
- (b) Development plans must conform to the design standards, applicable zoning and any other applicable regulations of the city.

- (c) All required fees, charges, assessments and taxes established by resolution or ordinance have been paid.
- (d) The city has received executed applications and other applicable documents, including but not limited to affidavits, property owners' association covenants and deed restrictions and separate instruments.
- (e) If a zoning change is contemplated for the property, the zoning change must be completed prior to the approval of the development plans for the property.
- (f) Development plans reflecting a condition not in accordance with city requirements shall not be approved until such condition is corrected or all necessary variances have been secured.

(Ord. No. 4330, § 4, 2-10-20)

Sec. 13. Additional approval standards for site plans or revised site plans.

- (a) A site plan or revised site plan is a detailed, scaled drawing that indicates existing and proposed site improvements.
- (b) The city manager or designee consideration shall include conformance with the comprehensive zoning ordinance, the provision of infrastructure, vehicular and pedestrian circulation, parking, screening, landscape area and any other aspect deemed necessary to consider in the interest of providing the public health, safety, order, convenience, prosperity and general welfare of the community.
- (c) The property owner is responsible for maintaining the property in accordance with the approved site plan or revised site plan.

(Ord. No. 4330, § 4, 2-10-20)

Sec. 14. General approval standards for a landscape plan.

- (a) A landscape plan is a detailed, scaled drawing that indicates existing and proposed landscape area and improvements.
- (b) There shall be permitted fountains, ponds, sculptures, planters, walkways, flagpoles, light standards and decorative screen-type walls as elements of landscaping in areas designated for landscaping. Decorative-type walls, planters and sculptures shall be 30 inches or less in height. The commission shall be authorized to permit heights in excess of 30 inches where such is in the best interest of landscaping and will not, in the commission's opinion, create a problem relative to public health, safety, convenience, prosperity and general welfare.
- (c) Landscape material shall be irrigated by a mechanical underground system with operating rain and freeze sensors.
- (d) The city manager or designee consideration of a landscape plan shall include conformance with the comprehensive zoning ordinance, city policies, adequacy of the proposed landscaping and any other aspect deemed necessary to consider in the interest of providing the public health, safety, order, convenience, prosperity and general welfare of the community.
- (e) Prior to the issuance of a certificate of occupancy or a final building inspection, all approved landscaping must be in place or, if seasonal considerations prohibit the completion of the landscaping, a temporary certificate of occupancy may be issued for such time as is reasonable to complete the landscaping.

- (f) The property owner is responsible for maintaining the landscape in accordance with the approved landscape plan and all irrigation systems shall be maintained and operable.
- (g) Dying plant material, as determined by the city, shall be replaced in accordance with the approved landscape plan.

(Ord. No. 4330, § 4, 2-10-20)

Sec. 15. Additional approval standards for residential district landscape plans or revised landscape plans.

Property that is zoned for residential uses and is developed only as a principal or accessory parking lot, a minimum of ten percent of the property shall be landscaped in accordance with a landscape plan or revised landscape plan approved by the city manager or designee.

(Ord. No. 4330, § 4, 2-10-20)

Sec. 16. Additional approval standards for nonresidential district landscape plans or revised landscape plans.

- (a) Landscape shall be provided on the same lot, parcel or tract as the building that is being served, and shall be provided in the following ratios:
 - (1) For a development having a building or buildings with a total gross square footage of less than 75,000 square feet, a minimum of seven percent of the gross land area is required.
 - (2) For lots, parcels or tracts of land having a building or buildings with a total gross square footage of 75,000 square feet or more, a minimum of ten percent of the gross land area is required.
- (b) With respect to landscaping parking areas, a minimum of 20 percent of the required landscaping shall be provided in areas that are internal to the parking areas. In parking lots having only one row of parking, this requirement may be met with perimeter landscaping.
- (c) For purposes of establishing compliance with the minimum area requirements for landscaping, no land within the 100-year floodway, as determined by the most recent FEMA study, shall be counted as fulfilling the minimum landscape area requirements.
- (d) The U.S. 75 amenities planning guidelines shall apply to properties having frontage along U.S. 75, except as otherwise required in an approved PD Planned Development District.
- (e) The President George Bush Highway design guidelines shall apply to properties having frontage along President George Bush Highway, except as otherwise required in an approved PD Planned Development District.

(Ord. No. 4330, § 4, 2-10-20)

Sec. 17. Design specifications.

The following design standards, as may be amended, are incorporated by reference into this article:

- (a) Master transportation plan;
- (b) Master water distribution plan;
- (c) Master wastewater collection plan;

- (d) Standard specifications for public works construction with City of Richardson Special Provisions;
 - (e) Manual for general procedures for the design of water and sewer lines;
 - (f) Storm drainage design manual;
 - (g) Standard construction details;
 - (h) Parking design manual;
 - (i) U.S. 75 amenities planning guidelines;
 - (j) President George Bush Highway design guidelines.
- (Ord. No. 4330, § 4, 2-10-20)

Sec. 18. Streets.

- (a) The master transportation plan approved by the city council and, as amended from time to time, is hereby adopted as the master transportation plan of the city, and all future streets to be platted or developed within the city shall conform to the requirements of such master transportation plan, as amended. The master transportation plan, as amended from time to time by the city council, is made a part of this article the same as if copied in full herein.
- (b) Existing streets shall be continued with the same or greater right-of-way and pavement widths as the existing street being connected where practical, as determined by the development services department.
- (c) Proposed streets shall:
 - (1) Align with existing streets in adjacent developments.
 - (2) Be named to provide continuity with existing streets.
 - (3) Avoid dead ends, except for future extension.
- (d) Block lengths in single-family residential subdivisions shall not exceed 1,000 feet without an intersection with another street. Blocks designed for nonresidential and multifamily uses may be of such length and width as determined suitable and appropriate by city manager or designee for the prospective use. In long blocks, the city manager or designee may require the reservation of an easement through the block to accommodate utilities, drainage facilities, or pedestrian access.
- (e) No street may be designed as a dead end without the installation of a cul-de-sac having at least a 50-foot right-of-way radius and a 40-foot paved radius. No cul-de-sac street may exceed 500 feet in length as measured along the street centerline from the projected curb intersection to the farthest curb location.
- (f) All paving shall be constructed in accordance with the design standards.

- (g) Where a proposed subdivision abuts an existing substandard street according to city requirements, the developer shall be required to improve the existing street, including sidewalks and storm drainage facilities, to bring the same to city standards, or to replace it with a standard city street, at no cost to the city other than as set out in the cost-sharing policy of the city in effect at the time of approval of the plat. Where the proposed subdivision is located along only one side of such substandard street, and where, in the city's judgment, it is not feasible to improve or replace such substandard street at the time of development of the adjacent subdivision, the city may permit the developer to pay into escrow an amount of money to be calculated by the city equal to the developer's share of the cost of such improvements as a condition precedent to approval of such plat of such subdivision.

(Ord. No. 4330, § 4, 2-10-20)

Sec. 19. Parkways, medians and median openings.

- (a) The property owner or mandatory property owners' association is required to maintain the parkway area between the property line and the edge of paving along the adjacent thoroughfare.
- (b) Where a parkway occurs between a required screening wall and the curb line of a street, whether such curb line exists or is future, the developer shall landscape such parkway at the time of the development of a subdivision in which such parkway is located. The parkway landscaping shall be in accordance with a plan approved by the city manager or designee.
- (c) When conditions make it impractical to complete such landscaping with the development of a subdivision; an amount may be deposited with the city to cover the cost of such landscaping, including irrigation, retaining walls, etc. The amount of the deposit shall be based on a firm bid from a landscaping firm whose work is acceptable to the city, such bid to be on the approved plans and specifications.
- (d) The landscaping and maintenance of medians are the responsibility of the city; except that cul-de-sac medians shall be landscaped by the developer at the time of the development of a subdivision in which such cul-de-sac is located. The cul-de-sac median landscaping shall be in accordance with a plan approved by the city manager or designee as approved on the plat of a subdivision in which such cul-de-sac is located.
- (e) Median openings shall be designed in accordance with the master transportation plan.

(Ord. No. 4330, § 4, 2-10-20)

Sec. 20. Alleys.

- (a) Townhome lots shall be served by means of an alley. Alleys within or abutting a townhome lot may be used for ingress and egress to parking, and service areas, provided a minimum paved alley width of 20 feet is provided from a street to the parking or service area.
- (b) Patio home lots shall have access to an alley with a right-of-way width of not less than 15 feet and a paved width of not less than ten feet. In such instances, a six-foot, 45-degree driveway easement shall be provided along the designated zero property line from the alley right-of-way to the zero property line. As an alternative, an alley with a 20-foot right-of-way and a 15-foot paved section may be provided. In such instances, no driveway easement shall be required.
- (c) Where provided, alleys in all other single-family detached residential and duplex subdivisions shall have a minimum right-of-way width of 15 feet and a paved width of not less than ten feet.

- (d) Where provided, alleys within or abutting an apartment community may be used for ingress and egress to parking, and service areas, provided a minimum paved alley width of 20 feet is provided from a street to the parking or service area while giving consideration to adjacent properties and appropriate screening.
- (e) Where provided, a nonresidential subdivision shall have a minimum alley right-of-way and paving width of 20 feet.

(Ord. No. 4330, § 4, 2-10-20)

Sec. 21. Sidewalks.

- (a) At the time of development, the developer shall construct concrete sidewalks in accordance with the design standards along adjacent streets at no cost to the city.
- (b) Property adjacent to a residential local or residential collector street must provide a minimum four-foot wide sidewalk along the street frontage, within the right-of-way.
- (c) Property adjacent to a nonresidential street must provide a minimum five-foot sidewalk along the street frontage, within the right-of-way.
- (d) Where necessary, the required sidewalk or portions thereof may be located within private property provided that a pedestrian easement is dedicated where the sidewalk is not located within the street right-of-way and is subject to city approval.

(Ord. No. 4330, § 4, 2-10-20)

Sec. 22. Screening and open space.

- (a) For religious institutions in residential districts, all parking areas shall be screened from the view of adjacent single-family residential districts by a masonry wall, not less than six feet in height, or a living screen within a landscape buffer at least eight feet in width, in conjunction with either a wrought-iron or vinyl-coated chain-link fence, or combination thereof.
- (b) In an apartment district and for apartments in areas zoned planned development, all parking and service areas shall be screened from the view of single-family or duplex properties by means of a screening wall not less than six feet in height of clay-fired brick, architectural concrete masonry unit block, stone or other material approved by the city.
- (c) Where single-family lots are permitted to back upon a dedicated or proposed street, a masonry wall, not less than six feet in height, or a living screen within a landscape buffer at least 20 feet in width, or combination thereof shall be provided to screen the residential lots from the street. Wrought iron may be used in combination with the masonry wall or living screen to provide a view to a landscape feature such as a landscaped median, common area or cul-de-sac.
- (d) In the event a nonresidential use backs or sides upon a residential, duplex, or apartment district, a masonry wall, not less than six feet in height, shall be constructed upon the non-residential property. The construction of this screening wall must be completed prior to a building permit being issued for the principal structure on the non-residential property.

- (e) In the event a building in a nonresidential district backs upon a dedicated street, such building shall be separated from the right-of-way by a minimum distance of 20 feet and such building shall be screened by a masonry wall, not less than eight feet in height, or a living screen within a landscape buffer at least eight feet in width, in conjunction with wrought iron, or any combination thereof.
- (f) For nonresidential uses, all ground level equipment, including fans, vents, air conditioning units, cooling towers, fuel tanks and generators, should be screened from the view of streets and adjoining properties by means of a masonry wall or living screen not less than the height of the tallest element of the equipment.
- (g) The required screening shall be constructed in accordance with plans and specifications approved by the city. The city manager or designee shall be responsible for approving the location and aesthetic characteristics of the masonry wall or living screen, to include color, pattern, texture and/or plant material at the time of development plan approval. Said screening shall not obstruct the vision of motorists at alley, street or drive intersections.
- (h) All trash receptacles shall be screened by a minimum six-foot-high masonry enclosure compatible in color with the main structure.
- (i) For nonresidential uses, all roof-mounted equipment, including fans, vents, air conditioning units and cooling towers, should be screened to eliminate the view from the ground level of adjacent properties.
 - (1) The screen shall be constructed of materials approved by the building official.
 - (2) Roof-mounted equipment should be placed and finished in a manner which minimizes its visibility from overhead views from nearby buildings and elevated thoroughfare sections.
 - (3) The overall screening height will be the height of the tallest element of roof-mounted equipment.
 - (4) The outside of the screening device should be painted or finished in a similar color to the building facade, trim or roof surface to minimize the visibility of the equipment and screen the view from ground level.
 - (5) Roof-mounted equipment and the inside of the screening device should be painted similar to the color of the roof surface in order to minimize the visibility of the equipment and screening device from overhead views.
- (j) Outdoor storage, permitted as an accessory use shall be screened in accordance with the following:
 - (1) Outdoor storage shall not be located within required setbacks or in front of any building unless approved by the city manager or designee in conjunction with an approved site plan depicting the type and location of screening.
 - (2) All outdoor storage shall be screened from the view of any adjacent public street or adjacent property by a solid masonry wall of not less than six (6) feet in height measured at the highest finished grade. The masonry wall shall be constructed and installed in accordance with the standards prescribed by this section.
 - (3) In lieu of a masonry wall, an evergreen, living screen within a landscape buffer may be installed. The species and location of the plant material shall be required to obtain a height of at least six feet and create a solid screen within two years of installation.

- (4) Wrought iron or vinyl-coated chain link fence may be used in combination with an evergreen living screen to meet the requirements of this section.
 - (5) A wood or chain link fence, with or without slat inserts, shall not constitute an acceptable screening device to satisfy the requirements of this section.
 - (6) Material, equipment or commodities shall be stacked no higher than the height of the screening wall.
 - (7) Motor vehicles or trailers shall be permitted to exceed the height of the required screening, provided that no motor vehicle or trailer shall be used for, nor constitute permanent storage.
 - (8) The City Plan Commission may waive the requirements of this section if no public purpose would be served or natural features (i.e. vegetation or topography) exist that sufficiently screen the outdoor storage. A written request to waive the requirements and supporting information must accompany the site plan.
 - (9) At the time of adoption of this section, existing outdoor storage as indicated on an approved site plan is not required to comply with the requirements of this section. Should new or an expansion of outdoor storage occur, the entire outdoor storage area must comply with the requirements of this section.
- (k) In a non-residential district or for non-residential and institutional uses in a Planned Development District, where the rear of any buildings in the development abuts on a residential district, open space to include alley right-of-way shall be a minimum of 60 feet.
 - (l) In a non-residential district or non-residential and institutional uses in Planned Development District where the side of the building in the development abuts on a residential district, open space to include alley right-of-way shall be a minimum of 46 feet.
 - (m) All other conditions requiring open space shall be those specified in the Comprehensive Zoning Ordinance and any amendments thereto pertinent to the subject site.
 - (n) In a non-residential district or for non-residential and institutional uses in a Planned Development District, no loading dock or loading area served by means of a mechanical lift shall be located closer than 100 feet from any residential property. Such loading dock or loading area shall be screened for a minimum distance of 100 feet in each direction along the common property line or alley right-of-way, by means of a living screen in addition to the required masonry wall. The design of the living screen shall be identified on the approved development plans.

(Ord. No. 4330, § 4, 2-10-20)

Sec. 23. Drainage and storm sewer.

Design and construction of storm sewer systems shall be in accordance with the design standards as approved by the city manager or designee.

(Ord. No. 4330, § 4, 2-10-20)

Sec. 24. Water and sanitary sewer.

- (a) All public water main lines must comply with the master water distribution plan and as approved by the city manager or designee.

- (b) All public sewer main lines must comply with the master wastewater collection plan and as approved by the city manager or designee.

(Ord. No. 4330, § 4, 2-10-20)

Sec. 25. Easements.

The property owner shall show easements required to serve the development as approved by the city manager or designee.

(Ord. No. 4330, § 4, 2-10-20)

Sec. 26. Access for nonresidential and apartment uses.

- (a) The standards set forth in the parking design manual shall serve as a guide to the city manager or designee in approving access for nonresidential districts.
- (b) Insofar as possible, major driveway access for nonresidential districts on the opposite side of a street shall be aligned with each other.

(Ord. No. 4330, § 4, 2-10-20)

Sec. 27. Fire access.

- (a) Refer to the Developer's Checklist for appropriate design standards.
- (b) Alternate designs or methods from the requirements of this section only, shall require approval by the city manager or designee.

(Ord. No. 4330, § 4, 2-10-20)

Sec. 28. Trash receptacles.

Trash receptacles for nonresidential and apartment uses shall meet the following criteria:

- (a) A concrete pad in accordance with standard details shall be provided for each trash receptacle.
- (b) All trash receptacles shall be oriented perpendicular to the principal means of access to such receptacle and located in such a manner as to provide a minimum turning radius of 40 feet for the collection vehicle.
- (c) Any trash receptacle not perpendicular to the principal means of access to such receptacle shall be oriented at a 30-degree angle from the fire lane, alley or other means of access.
- (d) Alternative design standards may be approved by the city manager or designee.

(Ord. No. 4330, § 4, 2-10-20)

Sec. 29. Provision of amenities.

When amenities are proposed as a part of a subdivision which will be owned and maintained by property owners in common or through an association of property owners, or where the amenities are to be dedicated to the city and are to be maintained publicly or privately through agreement with the city, the city may require plans and illustration of the proposed amenities which shall conform to the applicable city guidelines and require approved by the city manager or designee.

(Ord. No. 4330, § 4, 2-10-20)

Sec. 30. Mandatory property owners' association.

When a subdivision contains streets, sewers, sewage treatment facilities, water supply systems, drainage systems or structures, parks, landscaping systems or features, irrigation systems, screening walls, living screens, buffering systems, subdivision entryway features (including monuments or other signage), or other physical facilities or grounds held in common that are not to be maintained by the city, the city may require the establishment and creation of a mandatory property owners' association in accordance with Sec. 21-53 of the Code of Ordinances, as amended, to assume and be responsible for the continuous and perpetual operation, maintenance and supervision of such facilities or grounds."

(Ord. No. 4330, § 4, 2-10-20)

End of Article XXII-C

Article XXII-D. Vehicle and Bicycle Parking

Sec. 1. Off-street parking.

- (a) Notwithstanding any other ordinance or provision of this article to the contrary, the required off-street parking spaces shall be provided on the same platted lot as the use they are to serve.
- (b) Upon written application to the commission and at a regularly scheduled meeting, the commission shall be authorized to consider requests to allow the joint use of parking facilities which serve complementary land uses. When considering such requests, the commission shall consider hours of operation, proximity of such complementary uses and any other criteria it deems necessary in reaching a decision on the approval or denial of such requests. Each request shall be based on its individual merits and circumstances.
- (c) The parking design manual shall govern the design for off-street parking and corner clip requirements.
- (d) Off-street parking shall be constructed in accordance with the design standards.
- (e) Construction plans sufficient for review to ensure compliance with development and drainage requirements shall be submitted and approved by the development engineer prior to the construction of the parking area improvement.
- (f) All parking areas shall be maintained to minimum construction specifications and shall be free of holes and other defects which would collect water or other debris and cause further deterioration of the parking surface or would in any way impair the movement of a vehicle using said parking area. Repairs shall be done in accordance with the design standards.
- (g) Where an existing parking area is constructed of asphalt, the parking lot may be maintained and repaired in accordance with the city's asphalt repair procedure detail so long as the minimum amount of repair required to meet the minimum construction standard is less than 50 percent of the total area of the parking area as determined by the development engineer.
 - (1) Where the minimum amount of repair required to meet the minimum construction standard is 50 percent or more of the total area of the parking area as determined by the development engineer, the parking lot shall be reconstructed to conform to the design standards.
 - (2) In instances where improvements are required for asphalt lots requiring 50 percent or more repair or rehabilitation of the paved area, and no building expansion is requested, provision of landscaping improvements shall be limited to those areas adjacent to the parking lot and/or visible from the adjacent street, without regard to compliance with minimum landscape area requirements of the zoning ordinance. The city manager or designee shall determine appropriate limits of paving area and landscape improvements in order for a property to achieve compliance with this section.
- (h) The number of required off-street parking spaces shall be determined by the gross floor area or other measures as follows:
 - (1) Retail/commercial uses.
 - a. Bowling alleys. Six spaces per bowling alley.
 - b. Childcare center. One space per 300 square feet of gross building square footage.

- c. Furniture, home furnishings, and appliance sales. One space per 500 square feet of building floor area.
- d. Hotel--Full service. One and one-fourth spaces per guestroom.
- e. Hotel--Limited service; suite or motel. One space per guestroom.
- f. Motor vehicle repair facilities and service stations. Five spaces, plus two spaces per service bay.
- g. Motor vehicle sales and service center.
 - 1. Showroom, sales and administrative office areas shall provide parking in accordance with the retail sales and service facilities ratio.
 - 2. Service facilities shall provide parking in accordance with the motor vehicle repair facilities and service station ratio.
 - 3. Thirty percent of the required parking shall be designated as customer parking and shall not be used for storage or display of vehicles for sale.
- h. Movie theaters, theaters conducting live performances and dinner theaters. One space per three seats in the facility.
- i. Private recreation facilities, including dance studios, health studios, martial arts schools, and weight training facilities. One space per 100 square feet of activity area, excluding those areas used for locker rooms, bathing areas, offices, and other ancillary uses.
- j. Restaurants and establishments for the sale and/or consumption of food and/or drink on or off the premises, with seating provided for patrons. One space per 100 square feet of building floor area.
- k. Retail nurseries and greenhouses. One space for each 200 square feet of building floor area (including covered or greenhouse areas), plus one space per 1,500 square feet of outdoor sales and storage area.
- l. Retail sales and service facilities.
 - 1. Buildings of less than 10,000 square feet. One space per 333 square feet of building floor area.
 - 2. Buildings of 10,000 square feet or more. 30 spaces, plus one space per 200 square feet of building floor area in excess of 10,000 square feet.
 - 3. [Allowable reduction.] Retail buildings or centers having a combined gross building floor area of 100,000 square feet or greater on a single platted lot shall be allowed to reduce the overall number of required parking spaces by ten percent. The approved site plan for the retail center shall indicate the total number of spaces required for the property by use (office, retail, restaurant, etc.) and the total number required with the application of the ten percent reduction.
- m. Tennis, racquetball and squash facilities. Six spaces per game court, plus parking that may be required for exercise and weight room areas, excluding locker rooms, bathing areas and other ancillary uses.

- (2) Office uses, including banks, financial institutions, medical offices, and areas designated for office use within industrial buildings.
 - a. For buildings of less than 75,000 square feet. One space per 250 square feet of building floor area.
 - b. For buildings of 75,000 square feet or more. One space per 300 square feet of building floor area.
- (3) Industrial uses.
 - a. Areas designated for assembly, manufacturing, or research laboratory. One space per 400 square feet of building floor area.
 - b. Areas designated for showroom or warehouse. One space per 1,000 square feet of building floor area.
 - c. Self-storage warehouses. One space per 20 units plus parking required for office areas in accordance with the ratio for office uses. In no case shall fewer than five customer spaces be provided and indicated on the approved site plan.
 - d. Technical training school. One space per 100 square feet of classroom floor area.
- (4) Religious institution. One space for each three seats in the main sanctuary.
 - a. All religious institution parking shall be provided on the same lot as the sanctuary or on an adjacent lot, except that parking in excess of that required to meet the minimum city codes may be provided on school premises with the authorization of the appropriate school district authorities. Parking on a lot which abuts the lot upon which the main structure is located but is separated from said lot by a dedicated street or alley, is permitted only in accordance with the provisions of the comprehensive zoning ordinance.
 - b. Parking for a religious institution in residential districts shall not be permitted within any above-grade structure nor shall any parking lot configuration isolate eight or fewer lots from any other adjacent single-family lots.
 - c. If such parking area is to be illuminated, an illumination plan shall be approved by the city manager or designee prior to the installation of such lighting. All light standards shall be installed to direct glare away from adjacent residential properties.
- (5) Apartment. Off-street parking spaces shall be provided behind the front building line, in the side or rear setback in accordance with the following requirements:
 - a. Off-street parking spaces shall be provided to meet the requirements of the residents and their guests at a ratio of at least two spaces per apartment unit in the project.
 - b. Every apartment project shall provide enclosed garages or covered carports within the development. Garages and carports may be attached or detached and must be provided at a ratio of one-half garages and/or carports per dwelling unit within the development. Attached garages shall be constructed as an integral part of the apartment building. Detached garages shall be compatible with the apartment buildings in design and building materials, including roof coverings. Carports, whether attached or detached, shall be compatible with the main structure in design and building materials, including roof coverings. Where carports are constructed, they may not be built parallel to any street.

- c. The parking of boats, trailers and recreational vehicles shall be prohibited, except where storage area is provided for this purpose. Where such a storage area is provided, it shall accommodate the boats, trailers and other recreational vehicles owned by residents of the development only. The storage area shall not be located adjacent to any street or within any required front yard area and shall be screened from any abutting single-family or duplex property by means of a masonry screening wall. Parking provided in this storage area shall not count toward the required parking for the apartment development.
 - d. No parking area or vehicle storage space shall be used for the storage or parking of any truck, truck trailer or van, house trailer, except one panel or pickup truck, not exceeding one-ton capacity may be kept on the premises if used in connection with maintenance and management of the apartment project.
 - e. If such parking area is to be illuminated, an illumination plan shall be approved by the city manager or designee prior to the installation of such lighting. All light standards shall be installed to direct glare away from adjacent residential properties.
- (6) Increases in maximum occupancy (“maximum occupancy load”). Notwithstanding the above, if the maximum occupancy (“maximum occupancy load”) under the City Building Code allowed for a building or portion of a building increases, the number of required off-street parking spaces shall be increased above the required number of off-street parking spaces determined by the gross floor area of the building proportionate to the increase in the maximum allowed occupancy (“maximum occupancy load”). For example, a 20% increase in the maximum allowed occupancy would require a 20% increase in the number of required off-street parking spaces determined by the gross floor area even if there is no increase in the gross floor area of the building.

(Ord. No. 4330, § 5, 2-10-20)

Sec. 2. Bicycle Parking.

- (a) Definitions.
 - (1) **Bicycle Parking Space:** The volume of space that is used to accommodate the storage of one locked bicycle. Bicycle parking spaces are to be designed and spaced in a way that accommodates typical two-wheel bicycles and alternative bicycles, including but not limited to cargo bikes, bikes with trailers, recumbent bikes, etc.
 - (2) **Bicycle Parking, Long-Term:** Spaces intended to be used longer than 2 hours and are typically targeted to residents, employees, or other long-term users. Long-Term Parking typically offers increased security in lit, covered, and permanently anchored locations.
 - (3) **Bicycle Parking, Short-Term:** Spaces intended to be used shorter than 2 hours and typically targets to visitors, customers, or other short-term users. Short-term bicycle parking racks provide two points of contact for a bicycle and are securely anchored to the ground. It should be in a visible location near the main entrance of the building.
- (b) All new construction or expansions which affect the required vehicle parking will provide bicycle parking as required by this section.
- (c) The parking design manual shall govern the design for bicycle parking.

- (d) The number of required and provided bicycle parking spaces shall be shown in a chart format and depicted on the site plan submitted for review as well as on a zoning concept plan if zoning is required.
- (e) **Number of Bicycle Parking Spaces Required.** All non-residential uses, including apartments, shall provide one (1) bicycle parking space per twenty (20) vehicle parking spaces provided.
 - (1) A minimum of two bicycle parking spaces shall be provided per site. In the case of multi-building sites, parking shall be calculated per building with minimum required parking of two bicycle parking spaces per building.
 - (2) For building expansions, the calculation of required bicycle parking will be based off the total provided parking after expansion.
 - (3) Where fractional bicycle parking spaces result, the spaces required shall be rounded up to the nearest whole number. All nonresidential uses shall provide a minimum of two spaces per site.
- (f) **Vehicle Parking Reduction.** The number of required vehicle parking spaces for a site plan may be reduced by the number of bicycle parking spaces provided over the required minimum on that site plan, subject to a maximum reduction of five percent (5%).
- (g) **Parking Designation.** Bicycle parking requirements shall be designated as long-term or short-term parking.
 - (1) For apartments, including those in combination with other uses, at least ninety percent (90%) of required parking shall be designed as long-term parking.
 - (2) For all other uses, at least ninety percent (90%) of all bicycle parking shall be designed as short-term parking.
- (h) **Alternative Compliance.** Upon written request by the Applicant, the Director or designee may approve alternative compliance from the provisions of this section, which may include, but is not limited to, a reduction or deviation in the number, type, or location of the required bicycle parking, and may include a waiver of the requirement. Considerations used in the determination may include, but are not limited to:
 - (1) Physical site planning constraints;
 - (2) Proximity to existing bicycle parking;
 - (3) Projects that cannot be classified into the provided land use categories;
 - (4) Provision of enhanced bicycle facilities provided in the development; or
 - (5) Inclusion of the site within a larger development for which adequate bicycle parking is already provided.

(Ord. No. 4499, § 1, 6-10-24)

Sec. 3. Variances.

Where in its judgment the public convenience and welfare will be substantially served and the appropriate use of the neighboring property will not be substantially injured, upon recommendation by the commission, the council may, in specific cases, at a regular meeting of the council, and subject to appropriate conditions and safeguards, authorize variances to the regulations in this article in order to permit reasonable development and improvement of property where the literal enforcement of these regulations would result in an unnecessary hardship. No written public notice shall be required prior to the granting of the variances provided for in this article.

(Ord. No. 4330, § 5, 2-10-20; Ord. No. 4499, § 1, 6-10-24)

End of Article XXII-D

Article XXII-E.

Supplemental Regulations for Certain Uses

Sec. 1. Antennas.

- (a) Antenna, accessory.
 - (1) The antenna installation shall comply with the height and area regulations of the applicable zoning district and the support structure shall not exceed 125 feet in height.
 - (2) Administrative approval of the antenna installation shall be required.
- (b) *Antenna, commercial*, located entirely within any nonresidential structure allowed under the applicable zoning district regulations:
 - (1) Any necessary equipment building shall be of a material allowed by the applicable zoning district, similar in color and character to the principal building on the site; or the necessary equipment shall be contained entirely within the principal building on the property or in an underground vault.
 - (2) Any necessary equipment building shall be enclosed by a decorative iron fence surrounded by a screening hedge which will achieve a height of at least six feet at maturity or a masonry screening wall at least eight feet in height, compatible in color with the principal building and the equipment building.
 - (3) At least one paved parking space with paved access thereto shall be provided at the antenna location; said parking space need not be reserved exclusively for use in conjunction with the antenna installation and may be one of the spaces provided for the principal use on the property.
 - (4) Administrative approval of the antenna installation shall be required prior to the issuance of any permits for construction.
 - (5) No more than three separate equipment buildings shall be located on a single lot.
- (c) *Antenna, freestanding*, when attached to a utility installation or a light pole in a public park or on public school property:
 - (1) The height of the utility installation or light pole upon which the antenna is attached shall be greater than 75 feet but no more than 150 feet.
 - (2) The antenna shall extend no more than ten feet above the maximum height of the utility structure.
 - (3) A minimum clearance of 15 feet shall be maintained from the ground to the lowest element of the antenna.
 - (4) A minimum setback of 20 feet shall be maintained from the utility installation, light pole or any equipment building to the lot line of the nearest property developed for residential occupancy.
 - (5) Any necessary equipment building may be constructed of metal with a baked-on or prepainted surface and shall not exceed seven feet in height and 75 square feet in area. The exterior surfaces shall be covered in paint or a similar coating; or the building may be built of a material allowed by the applicable zoning district for the principal building; or the necessary equipment may be contained entirely within a principal building on the property or in an underground vault. All equipment buildings shall be maintained free from graffiti.

- (6) At least one paved parking space with paved access thereto shall be provided at the antenna location; said parking space need not be reserved exclusively for use in conjunction with the antenna installation and may be one of the spaces provided for the principal use on the property, if any.
 - (7) Administrative approval of the antenna installation shall be required prior to the issuance of any permits for construction.
 - (8) No more than three separate antennas and three equipment buildings shall be located on a single lot or structure.
- (d) Antenna, freestanding, other.
- (1) The antenna installation shall comply with the height and area regulations of the applicable zoning district and the support structure shall not exceed 125 feet in height.
 - (2) The antenna shall not extend more than ten feet above the maximum height of the support structure.
 - (3) Any necessary equipment building shall be of a material allowed by the applicable zoning district, similar in color and character to the principal building on the site; or the necessary equipment shall be contained entirely within a principal building on the property or in an underground vault.
 - (4) The antenna and any equipment buildings shall be enclosed by a decorative iron fence surrounded by a screening hedge which will achieve a height of at least six feet at maturity or by a masonry screening wall at least eight feet in height, compatible in color and character with the principal building and the equipment building.
 - (5) At least one paved parking space with paved access thereto shall be provided at the antenna location; said space need not be reserved exclusively for use in conjunction with the antenna facility and may be one of the spaces required for the principal use on the property.
 - (6) Administrative approval of the antenna installation shall be required prior to the issuance of any permits for construction.
 - (7) No more than three separate antennas and three equipment buildings shall be located on a single lot or structure.
- (e) *Antenna, mounted*, 12 feet or less in height, on nonresidential structures allowed under the applicable zoning district regulations:
- (1) The total height of the structure, including the antenna, shall not exceed the maximum height of the zoning district by more than 12 feet.
 - (2) A minimum clearance of 15 feet shall be maintained from the ground to the lowest element of the antenna.
 - (3) Any necessary equipment building shall be of a material allowed by the applicable zoning district, similar in color and character to the principal building; or the necessary equipment shall be contained entirely within a principal building on the property or in an underground vault.

- (4) The antenna and any necessary equipment building shall be enclosed by a decorative iron fence surrounded by a screening hedge, which will achieve a height of at least six feet at maturity or a masonry screening wall at least eight feet in height, compatible in color and character with the principal building and the equipment building.
- (5) At least one paved parking space with paved access thereto shall be provided at the antenna location; said space need not be reserved exclusively for use in conjunction with the antenna facility and may be one of the spaces required for the principal use on the property.
- (6) Administrative approval of the antenna installation shall be required prior to the issuance of any permits for construction.

(Ord. No. 3377-A, § 1, 1-14-02)

Sec. 2. Childcare centers and private schools.

Childcare centers and private schools shall provide a minimum of 30 square feet of indoor building area per pupil and a minimum of 80 square feet of fenced outdoor play space per pupil occupying the playground at any one time.

(Ord. No. 3377-A, § 1, 1-14-02)

Sec. 3. Church parking lots, remote.

Where a church parking lot in any residential district is separated from the lot upon which the church is located by a dedicated public street or alley, any application for a special permit shall include a site plan showing traffic circulation and access, a landscape plan, and a lighting plan if illumination is to be installed, said plans to be approved by the city plan commission.

(Ord. No. 3377-A, § 1, 1-14-02)

Sec. 4. Incidental retail, restaurant, or personal service activities.

Incidental retail, restaurant, or personal service activities as defined herein shall be permitted in an office or industrial building as allowed in the applicable zoning district, provided that the office or industrial building is in excess of 30,000 square feet in size and the total square footage of the incidental retail, restaurant, or personal service activities does not exceed ten percent of the gross area of the building in which the activity is located.

(Ord. No. 3377-A, § 1, 1-14-02)

Sec. 5. Motor vehicle activities.

- (a) Motor vehicle body shop.
 - (1) No other uses or activities shall be permitted on the same lot, tract, or parcel on which a motor vehicle body shop is located.
 - (2) A motor vehicle body shop may not be located in a multi-tenant building or in a multi-use project.
- (b) *Motor vehicle rental/leasing.* A maximum of ten vehicles may be stored on-site for purposes of rental or leasing to customers when a motor vehicle rental/leasing facility is located in a multitenant building or in a multi-use project.

- (c) *Motor vehicle repair shop, minor.* A motor vehicle repair shop minor, shall be permitted to occupy a portion of a multitenant building or a multi-use project if adequate tenant separation measures as required by the building code exist or are provided prior to the issuance of a certificate of occupancy for the motor vehicle repair shop.
- (d) Motor vehicle repair shop, major.
 - (1) A motor vehicle repair shop, major, shall not be permitted to occupy any portion of a multi-tenant building.
 - (2) A motor vehicle repair shop, major, shall be permitted to occupy a single-tenant building in a multi-use project.
- (e) Motor vehicle sales and service center.
 - (1) No other uses or activities shall take place on the same lot, tract, or parcel on which a motor vehicle sales and service center is located.
 - (2) A motor vehicle sales and service center may not be located in a multitenant building or in a multi-use project.
- (f) Motor vehicle body shop, repair shop, and service center uses. All work shall be conducted inside a building.
- (g) Combination self-service gasoline facilities.
 - (1) Gas pumps and any related facilities shall be located other than in a designated parking area, a parking area being defined as the parking space or spaces, and the drive and maneuvering area necessary to use the parking spaces. Gas pumps and related facilities shall not be located in any required driveway or accessway necessary for normal ingress and egress to the property, or in any driveway which might be required for normal traffic movement through the property.
 - (2) There shall be an area designated for the location of pumps and pump islands which shall be paved with six-inch reinforced concrete at least 30 feet by 30 feet. Should there be more than one pump island, the designated area shall be designed to allow 22 feet between pump islands (interior) and 12 feet on the exterior side of each pump island. Pumps shall be located so that the pumps will be visible from the checkout stand, such that the gasoline sales operation shall be supervised at all times.
 - (3) Pumps may be located so as to provide adequate parking spaces for one vehicle at each pump and one vehicle waiting behind those using the pumps (waiting space). There shall be a minimum of three feet between such spaces.
 - a. All of these spaces must be located so that no conflict is created with traffic to and from a parking area or with the general ingress and egress to the development or with the development's maneuvering and parking spaces.
 - b. All parking or waiting spaces using the pumps shall be clearly marked with paint or other appropriate means.
 - (4) There also shall be a minimum of 12 feet exterior to the pump island(s) and the designated pump island area and waiting spaces to allow free access of movement around such pump island areas. If 12-foot driveway access is used, such driveway shall be designated as one-way. Two-way movement shall require a minimum of 24 feet in width.

- (5) No pump islands shall be approved if a blind corner will be created by the pumps or by automobiles using the pumps.
- (6) All pumps shall be located on a six-inch raised concrete island, surrounded by a No. 12 gauge, commercial quality, steel edge.
- (7) Guard posts or rails will be located as necessary around the pumps and shall be shown with specific construction detail on the site plan.
- (8) A system to light the area of the gas pumps shall be provided. Such lighting shall be designated to light the pump area adequately without becoming an unnecessary nuisance to traffic or citizens' nearby property.
- (9) Gasoline pumps or canopies shall be considered as structures and no portion of any pump, pump island or canopy shall be located nearer than 46 feet from any residential, duplex or apartment district. Fuel storage tank location and fill opening location shall be subject to the approval of the fire marshal.
- (10) Where in its judgment the public convenience and welfare will be substantially served and the appropriate use of the neighboring property will not be substantially injured, upon recommendation by the commission, the council may, in specific cases, at a regular meeting of the council, and subject to appropriate conditions and safeguards, authorize variances to the regulations in this sub-section in order to permit reasonable development and improvement of property where the literal enforcement of these regulations would result in an unnecessary hardship. No written public notice shall be required prior to the granting of the variances provided for in this sub-section."

(Ord. No. 3377-A, § 1, 1-14-02; Ord. No. 3530, § 2, 11-28-05; Ord. No. 4330, § 6, 2-10-20)

Sec. 6. Retail activities in conjunction with a wholesale activity.

Retail activities shall be permitted in conjunction with a wholesale establishment, provided such activities are strictly accessory to the industrial use and the retail activities do not constitute more than ten percent of the gross sales of the wholesale establishment.

(Ord. No. 3377-A, § 1, 1-14-02)

Sec. 7. Veterinary offices, pet sales and grooming, and boarding kennels.

- (a) Veterinary offices, pet sales and grooming businesses, and boarding kennels shall be permitted to locate within a multi-tenant building provided an eight-inch masonry wall, sealed to the roof deck, is constructed to separate tenants and protect from insects and the transmission of sound and noxious odors.
- (b) In lieu of the required eight-inch masonry wall in a multi-tenant building, a wall system constructed of one layer of gypsum board, sprayed with a minimum of two and one-half inches of cellulose fiber insulation treated for insect control, followed by two additional layers of gypsum board, may be utilized to separate this space from adjacent tenants. The wall shall be properly sealed at all penetrations and at the roof deck and soffit.

(Ord. No. 3377-A, § 1, 1-14-02)

Sec. 8. Accessory use of parking lots.

- (a) The following are authorized accessory uses in parking lots:
 - (1) Flea markets, rummage sales or other similar activity when conducted by a nonprofit charitable or philanthropic organization in any district.
 - (2) Collection centers for recyclable material when conducted by charitable organizations, provided no money or other valuable consideration is paid for the recyclable material delivered to the collection site.
- (b) All above authorized accessory uses shall set back from all dedicated street rights-of-way a distance of not less than 40 feet.
- (c) No accessory use of a parking lot shall utilize nor encumber more than ten percent of the parking lot.
- (d) No fire lane, fire hydrant, access easement, nor other area necessary for proper traffic circulation within the parking lot may be obstructed by such accessory use.
- (e) Any structure, sign or electrical device used in conjunction with an accessory use of a parking lot shall be subject to all provisions of the building codes of the city and all required permits for same shall be obtained prior to operation.

(Ord. No. 3598, § 21, 30-26-07)

Sec. 9. Check cashing businesses, payday advance/loan businesses, car title loan businesses.

- (a) No check cashing business, payday advance/loan business or car title loan business may be located within 1,000 feet of another check cashing business, payday advance/loan business or car title loan business, within 500 feet of the right-of-way of Central Expressway/US 75 or President George Bush Turnpike/State Highway 190, or within 500 feet of the Richardson City limit line.
- (b) For purposes of this section, measurement shall be made in a straight line, without regard to intervening structures or objects:
 - (1) From the nearest portion of the property line of the premises where the existing business is located to the nearest portion of the property line of the premises where the new business is proposed, if confirming separation between businesses;
 - (2) From the nearest portion of the right-of-way line of Central Expressway/US 75 or President George Bush Turnpike/State Highway 190 to the property line of the premises where the new business is proposed if confirming buffering from these roadways; or
 - (3) From the nearest portion of the city limit line to the property line of the premises where the new business is proposed if confirming buffering from the city limit.

(Ord. No. 3692, § 3, 1-14-08)

End of Article XXII-E

Article XXII-F. Residential Exterior Construction Standards

Sec. 1. Residential exterior construction standards.

- (a) Except as otherwise provided in [subsections] (d), (e), (f) and (g) below, the exterior construction standards contained in subsections (b) and (c) shall apply to the construction of all new single-family residential structures in zoning districts R-1500-M residential, R-2000-M residential, R-1800-M residential, R-1250-M residential, R-1100-M residential, R-1000-M residential, R-950-M residential, R-850-M residential, RP-1500-M patio home, D-1400-M duplex, D-2400-M duplex, and D-3000-M duplex for property that has not received preliminary or final plat approval prior to January 27, 2003, and to the reconstruction of the exterior walls of all single-family residential structures in zoning districts R-1500-M residential, R-2000-M residential, R-1800-M residential, R-1250-M residential, R-1100-M residential, R-1000-M residential, R-950-M residential, R-850-M residential, RP-1500-M patio home, D-1400-M duplex, D-2400-M duplex, and D-3000-M duplex after January 27, 2003.
- (b) All building facades, excluding doors, windows, breezeways and courtyards, of single-family residential structures, regardless of height or number of stories, shall have at least 75 percent of the total exterior wall constructed of masonry construction. Exterior walls facing a porch or patio shall be included in the total wall area calculation for purposes of this article. Chimneys for newly constructed single-family structures or additions to existing dwellings shall be of 100 percent masonry construction in accordance with the building regulations for the applicable zoning district in which the residential structure is located. Where nonmasonry construction is permitted, hardboard siding material is prohibited except as provided in this article.
- (c) Where a second-story exterior wall of a single-family residential structure is offset a minimum of three feet from the plane of the first-floor exterior wall below, or a dormer window is offset a minimum of one foot from the plane of the first-floor exterior wall below, the wall of the offset portion shall be excluded from the wall area calculation for purposes of this article.
- (d) Nothing contained in this article shall require any change in the plans or construction of a single-family residential structure located on a platted lot of record to conform to these standards for which a building permit has been issued prior to January 27, 2003, or a single-family residential structure for which substantially complete application for a building permit was accepted by the building official on or before January 27, 2003, provided, however, such single-family residential structure shall comply with all applicable ordinances of the city in effect on the date of such application was filed and the building permit is issued within 30 days thereafter.
- (e) A single-family residential structure with exterior construction of hardboard siding materials destroyed by fire, the elements, or other cause may not be rebuilt except to conform to the provisions of this article. In the case of partial destruction not to exceed 60 percent of its total appraised value, reconstruction will be permitted, provided, however, the previously existing percentage or area of the structure covered by such material may not be expanded or increased.
- (f) A single-family residential structure with exterior construction of hardboard siding materials may be repaired with hardboard siding materials when required by law to preserve such structure in a sound condition provided the repairs do not exceed 60 percent of the previous existing total wall area of the structure covered by such material.

- (g) A single-family residential structure with exterior construction of hardboard siding materials may be enlarged, increased or extended with hardboard siding materials when necessary for a continuation of such materials, provided the extension or addition does not exceed 25 percent of the previous existing total wall area of the structure covered by such materials.
- (h) Where a garage is converted for use as living space or converted into space other than vehicle storage space, the conversion shall be constructed of brick, stone, cementitious material or a combination thereof in conformance with the residential exterior construction standards in subsection 2(b) herein. The converted space and the new required garage to accommodate two off-street parking spaces for two motor vehicles, or one off-street parking space for one motor vehicle where the original garage accommodated a single motor vehicle, shall be architecturally compatible with the principal building as determined by the chief building official, or designee. Nothing contained in this subsection (h) shall require any change in the plans or construction of structure located on a platted lot of record to conform to these standards for which a building permit has been issued prior to January 27, 2004, or for which substantially complete application for a building permit was accepted by the building official on or before January 27, 2004, if the building permit is issued within 30 days thereafter, provided, however, such structure shall comply with all applicable ordinances of the city in effect on the date such application was filed.

(Ord. No. 3412-A, § 3, 1-27-03; Ord. No. 3448, § 2, 1-26-04)

End of Article XXII-F

Article XXII-G. Neighborhood Development Overlay District

Sec. 1. Findings and Purpose.

- (a) The City Council finds and determines that the construction of new single-family structures and the renovation, remodel, repair and expansion of existing single-family structures that are incompatible with existing single-family structures within certain established neighborhoods may be detrimental to the character, stability, and livability of that neighborhood and the City as a whole. The Neighborhood Development Overlay District shall function as an overlay zoning district. The requirements of a Neighborhood Development Overlay District shall supersede the regulations of the underlying zoning district where the regulations of the underlying zoning district are in conflict with the provisions of the neighborhood development overlay district or this Article. All regulations of the underlying zoning district shall be in effect except as otherwise provided in the Neighborhood Development Overlay District regulations.
- (b) The neighborhood development overlay district is intended to encourage compatible development and redevelopment in established neighborhoods without preventing the construction of new single-family structures or the renovation, remodel, repair or expansion of existing single-family structures, and to encourage the preservation of the character, stability, and livability of the specific neighborhoods. A neighborhood development overlay district imposes specific area regulations that reflect the existing character of the neighborhood. The neighborhood development overlay does not prevent construction of new single-family structures or the renovation, remodel, repair or expansion of existing single-family structures, but rather ensures that new single-family structures and the renovation, remodel, repair or expansion of existing single-family structures are compatible with existing single-family structures. A neighborhood development overlay district is an additional set of regulations that apply to the existing zoning regulations of the specific area and may be either more or less restrictive than the existing zoning regulations that apply to the proposed district or a combination thereof.

Sec. 2. Definitions.

In this Article the following words and phrases shall have the assigned meanings unless the context clearly indicates otherwise.

Architectural design characteristics mean the architectural design features of single-family structures illustrated in a pattern book and include chimneys, roof style, slope, and overhang; materials; window style; vent style; balconies; towers; wing walls; eave overhangs; window sashes; front porches; crowns; pilasters; and other exterior architectural features.

Blockface means the linear distance of lots along one side of a street between the two nearest intersecting streets. If a street dead-ends or ends in a cul-de-sac, the terminus of the dead-end street or cul-de-sac will be treated as an intersecting street.

Department means the Development Services Department of the City

Development Plan means a plan drawn to scale, which graphically depicts the existing conditions of a lot or tract and which also indicates the specific elements and requirements of the article which are the subject of the requested variance(s).

Director means the director of the Development Services Department, or designee.

District means a neighborhood development overlay district.

Garage orientation and location means the manner in which a garage for a single-family structure within a district is oriented (towards the street, alley or the main structure), how the garage is accessed (front-entry, side-entry, rear-entry, swing-entry), and whether the garage is attached or detached and may include, for example, front-entry attached garages, rear-entry detached garages or other combinations above.

Height means the vertical distance of a building or portion thereof measured from the mean level of the ground surrounding the building to (1) the highest point of the roof's surface if a flat surface, (2) the deck line for a mansard roof, (3) the mean level for a shed roof, or (4) the mean level between eaves and the ridge for hip and gable roofs.

Median means the middle in a set of numbers where one-half of the numbers are less than the median number and one-half of the numbers are greater than the median number. For example, 4 is the median of 1, 3, 4, 8, and 9. If the set of numbers has an even number of numbers, then the median is the average of the two middle numbers. For further example, if the set of numbers is 1,3,4,6, 8, and 9, then the median is the average of 4 and 6, or 5.

Neighborhood committee means ten (10) different owners of ten (10) different lots or tracts of land within a proposed neighborhood development overlay district that have submitted an application for the creation of a neighborhood development overlay district. A quorum of the neighborhood committee shall consist of seven (7) members and the committee chair.

Non-conforming structure means a structure in existence and lawfully used prior to the establishment of a neighborhood development overlay district which does not conform to the regulations of the neighborhood development overlay district.

Pattern book means a graphic and narrative identification of the various architectural styles found in a particular neighborhood illustrating key components, such as shapes of windows and doors, exterior colors, roof pitches, eave details and types of porches that are appropriate for the architectural styles, prepared by a licensed architect on behalf of a neighborhood committee for a neighborhood development overlay district.

Petition means a petition in a form provided by the department for all owners of a lot or tract of land on which a single-family structure is located within a proposed neighborhood development overlay district to sign to indicate whether such property owner is in favor or opposition to the establishment of the proposed neighborhood development overlay district. The petition must contain the notarized signature of all owners of a lot or tract within the proposed district for such lot or tract to count towards the required percentage of lots for the creation of the proposed district. The petition shall contain the following statement in bold print in font larger than the text of the petition: "BY SIGNING THIS PETITION YOU ARE REQUESTING THAT THE CITY OF RICHARDSON REZONE YOUR PROPERTY. YOUR LEGAL RIGHTS TO USE YOUR PROPERTY MAY BE AFFECTED. YOU MAY WANT TO CONSULT YOUR LEGAL ADVISOR OR REAL ESTATE PROFESSIONAL IF YOU HAVE QUESTIONS".

Single-family structure means a main structure designed for a single-family use, without regard to whether the structure is actually used for a single-family use.

Sec. 3. Application and Petition Process.

- (a) **Zoning Ordinance Applies.** Except as otherwise provided in this Article, the procedures for zoning amendments contained in the City of Richardson Comprehensive Zoning Ordinance shall apply.
- (b) **General.** A neighborhood development overlay district may only be placed on an area that is zoned a single-family residential district and developed primarily with single-family structures. A neighborhood development overlay district may be placed on an established neighborhood even though it contains vacant lots or tracts. A neighborhood development overlay district may not be placed on a new subdivision being developed on a tract of land.
- (c) **District Boundaries.** A district must contain at least fifty (50) separate lots or tracts of land on which single-family structures are located in a compact, contiguous area, or be an original subdivision if the subdivision contains fewer than fifty (50) single-family structures. A proposed district with boundaries may contain fewer than fifty (50) separate lots or tracts of land on which single-family structures are located based on unique circumstances as determined by the City Council upon recommendation by staff. Boundary lines should be drawn to include blockfaces on both sides of a street, and to logical edges of the area or subdivision, as indicated by a creek, street, subdivision line, utility easement, zoning boundary line, or other boundary. Boundary lines that split blockfaces in two should be avoided. No lots along the blockface shall be excluded. Where a physical constraint, such as the presence of a creek or the lack of an alley, makes it infeasible for certain lots to meet certain requirements of the proposed district, special provisions may be developed for those lots only as described in Section 3(g) below.
- (d) **Initiation of Process.** A request for the establishment of a neighborhood development overlay district is initiated by submitting an application to the director on a form provided by the department. The application must be signed by the owners of at least ten (10) separate lots or tracts of land on which single-family structures are located in the proposed district and include a map of the boundaries of the proposed district. The boundaries of the proposed district must comply with the requirements of this section. The persons signing the application shall constitute the neighborhood committee. The neighborhood committee shall designate on the application a person as the neighborhood committee chair to serve as the point of contact between the neighborhood committee and the city.
- (e) **Review of application and conference.** After receipt of an application, the department shall review the boundaries of the proposed district to ensure compliance with the requirements of this section, inspect the site of the proposed district and review the existing zoning regulations and any land use studies for the proposed district area. Applications for proposed districts that do not comply with the requirements of this section shall not be processed, and the department shall notify the neighborhood committee in writing of such action and reasons therefore. As soon as practical after receipt of an application and petition that meets the requirements of this section, the department shall schedule a conference with the neighborhood committee at which the department will explain the neighborhood development overlay district process, the requirements of a district, and the possible regulations that may be imposed in a district. A quorum of the neighborhood committee must attend this conference.
- (f) **Initial Meeting of Neighborhood Committee.** The neighborhood committee is required to conduct at least one meeting with the property owners within the proposed district after the proposed district boundaries and regulations are identified. A quorum of the neighborhood committee must attend this meeting. The neighborhood committee shall send a written notice of the date, time, location and purpose of the meeting to all owners of lots or tracts of land on which single family

structures are located within the proposed district at least ten (10) calendar days prior to the scheduled meeting by United States mail, postage prepaid, first class mail addressed to the property owners at the address set forth on the most recent city tax roll or hand delivered. The city shall provide the neighborhood committee the name and address of the owners of the lots and tracts of land within the proposed district based upon the current city tax roll. The purpose of the meeting is for the neighborhood committee to discuss the neighborhood committee's interest in the creation of the proposed district and to answer questions from property owners within the proposed district.

- (g) **Preparation of district regulations by Neighborhood Committee.** After department review and approval of an application for a proposed district, the neighborhood committee is responsible for calculating the medians for the elements desired to be regulated in the proposed district, and for the preparation and development of proposed regulations for consideration and discussion at the neighborhood meeting. Where lots are unable to meet the requirements of the proposed overlay district due to physical hardships or conditions, such as the presence of a creek or the lack of an alley, such lots may be excluded from the requirements that are directly related to those physical hardships or conditions. For example, if a proposed district requires a rear-entry garage, but a lot does not have alley access, such lot may be excluded from the alley connection requirement; however, such lot must meet all of the other requirements of the proposed district unrelated to the physical hardship or condition. If regulations for architectural design characteristics are desired, the neighborhood committee shall be required, at its cost, to engage a licensed architect to prepare a pattern book for the proposed district. The neighborhood committee shall submit the proposed neighborhood development overlay district regulations to the department for review to ensure compliance with this Article.
- (h) **Neighborhood Meeting.** As soon as practical after submission of a set of proposed district regulations that meet the requirements of this Article, the department shall schedule a neighborhood meeting. The department shall give written notice of the date, time, location and purpose of the neighborhood meeting accompanied by a copy of the proposed district regulations to all owners of lots and tracts of land on which single family structures are located within the proposed district as evidenced by the last approved City tax roll at least ten (10) days prior to the date of the scheduled neighborhood meeting.
- (i) **Conduct of Neighborhood Meeting.** The department and the neighborhood committee shall conduct the neighborhood meeting. A quorum of the neighborhood committee members must attend the meeting. At the neighborhood meeting the department shall provide an overview of the purpose for, and the process to establish a neighborhood development overlay district including the regulations proposed by the neighborhood committee for the proposed district. At the neighborhood meeting, all owners of real property within the proposed district and interested citizens shall be provided an opportunity to speak and ask questions of the department and the neighborhood committee. The department shall cause written minutes of each neighborhood meeting to be kept, including the names of persons present, any motion made, any action taken, and the record of any vote taken.
- (j) **Petition available.** At the neighborhood meeting, the department shall have a petition available for each owner of real property within the proposed district. In addition, a petition may be obtained from the department. The petition shall include a map of the boundaries of the proposed district, a list of the proposed regulations, the name and address of each property owner signing the petition, and a statement that by signing the petition the signer is indicating such property owner's support or opposition to the establishment of the proposed district. The

department shall also mail a copy of the petition form to all owners of the lots and tracts of land within the proposed district; however only one petition per lot or tract within the proposed district shall be accepted as described in Section 3(k) herein.

- (k) **Submission of Petition.** The neighborhood committee and the owners of lots or tracts on which single-family structures are located within a proposed district shall have until 180 calendar days after the date of the neighborhood meeting required in Section 3 (j) to submit the petitions for a proposed district to the director. The director shall stamp each petition received with the date and time of filing. If the 180th date falls on a Saturday, Sunday or City holiday, the date of required filing shall be extended to the next business day that is not a Saturday, Sunday or City holiday. Any petition filed after that date shall not be considered by the department in the determination of whether a sufficient percentage of property owners are in support of the proposed district. The petition(s) must contain the dated, notarized signatures of the owners of each lot or tract in the proposed district wishing to register support or opposition. The petition(s) in support of the proposed district must be submitted by the owners of at least seventy percent (70%) of the lots or tracts within the proposed district to initiate the public hearing process. A petition may be submitted for each lot within the proposed district indicating the support or opposition of the lot owner(s) or a petition may be submitted for one or more lots provided the signature of all owners of such lots are notarized. The petition for each lot shall contain the notarized signature of each owner.
- (l) **Verification of Petition.** The department shall verify the petitions and signatures. Only one petition per lot or tract within the proposed district shall be accepted. If more than one petition is submitted for a single lot or tract, the petition with the most recent date shall be considered to represent the support or opposition of the owner of the lot or tract. A proposed district for which untimely and/or insufficient petitions have been submitted shall not be processed by the department. A property owner may withdraw such owner's signature from a petition by submitting to the director a dated notarized statement of withdrawal from the petition at anytime prior to the date of the first public hearing on the proposed district before the City Plan Commission. As of the date and time of the opening of the first public hearing before the City Plan Commission, all signatures and petitions shall be considered final. Any petition submitted after the expiration of the 180-day period shall be deemed void and any subsequent request to create a district shall require a new application and petition processed pursuant to the provisions of this article.
- (m) **Petition treated as City initiated zoning.** A public hearing before the City Plan Commission to create a district is initiated by submission of a complete petition(s) to the director. Once the required petitions have been timely submitted to the director, the proposed district shall be treated as a City-initiated zoning amendment. The notification and public hearing process applicable for a zoning amendment shall apply to the proposed neighborhood development overlay district ordinance. In addition to any other required notice, at least ten (10) days prior to the date of the public hearing before the City Plan Commission at which the proposed district is to be considered, the director shall mail a copy of the proposed neighborhood development overlay district ordinance and a reply form to all owners of real property within the area of notification. The reply form shall allow the recipient to indicate support or opposition to the proposed neighborhood development overlay district and to give any written comments. The director shall report to the City Plan Commission and to the City Council the percentage of replies in favor and in opposition, and summarize any comments.

- (n) **Denial of Proposed District.** A proposed district ordinance denied by the City Plan Commission, regardless of whether the denial is made with or without prejudice, may not be appealed to, nor shall it go forward to the City Council. If a proposed district ordinance is denied by the City Council, regardless of whether the denial is made with or without prejudice, a petition for the same or similar neighborhood development overlay district ordinance may not be considered for a period of at least one year following such denial.
- (o) **Repeal or Amendment of District.** Once adopted, a district may be repealed or amended utilizing the same application, petition and hearing process set forth for the initial adoption of the district, except that the calculation of medians shall not be required for the repeal of the overlay and the involvement of a licensed architect shall not be required to remove architectural design regulations. A new application/petition to repeal or amend a district may not be considered for a period of one year following the date of a denial recommendation by the City Plan Commission or a denial by the City Council of an application to amend or repeal the district.
- (p) **Deviation to District Regulations.** Once a district is adopted, the owner of a lot or tract within the district may request a deviation to the regulations of the district by submitting to the director an application for a deviation to the district regulations accompanied by a specific development plan which sets forth the specific regulations for which a deviation is requested and includes the reasons for such deviation. The application for a variance and specific contents of development plan shall be submitted on a form as prescribed the City. Such application shall be processed in the same manner as an application for a zoning change under the Comprehensive Zoning Ordinance except that the following additional provisions shall apply:
- (i) in addition to the notice and public hearings required by state law, written notice of the request for deviation shall be given to all owners of lots or tracts within the district and to the owner of any property within 200 feet of the property which is the subject of the requested deviation that is outside of the district but located within the city limits; and
 - (ii) the City Plan Commission shall make a recommendation to the City Council as to whether the requested deviation should be granted.
- (q) **City Authority to Repeal or Amend District.** The provisions of Sections 3 (n), (o) and (p) above shall not prohibit the City Plan Commission and/or the City Council from initiating the repeal and/or amendment of a neighborhood development overlay district.

Sec. 4. Neighborhood Development Overlay – More Restrictive.

The provisions of Section 4 govern a district that provides for regulations that are more restrictive than the existing zoning regulations of a proposed district.

- (a) **General.** A district is not required to specify standards for each category of area regulation (front setback, interior side setback, corner lot side setback, and rear setback), height, garage orientation, or architectural design characteristics as provided in this section, but if it does, the regulations must be selected from the menu of options described in this section. A district may combine or contain regulations that are either more restrictive or less restrictive than the existing zoning district regulations, or combination thereof. Except, as otherwise provided in the district ordinance, the regulations of the underlying zoning remain in effect. The regulations of the district apply only to single-family structures. In the event of a conflict between the neighborhood development overlay district and the regulations of the underlying zoning, the regulations of the neighborhood development overlay district control.

- (b) **Front Setback.** The minimum front setback must be within the range between the setback of the underlying zoning district regulations and the median front setback of the single-family structures within the district. This range may require a front setback that is greater than the front setback in the underlying zoning. For example, if the minimum front setback of the underlying zoning district regulations is thirty (30) feet and the median front setback of single-family structures within the district is forty (40) feet, the minimum front setback selected for the overlay district must be between thirty (30) feet and forty (40) feet as illustrated in figure 1 and figure 1a below.

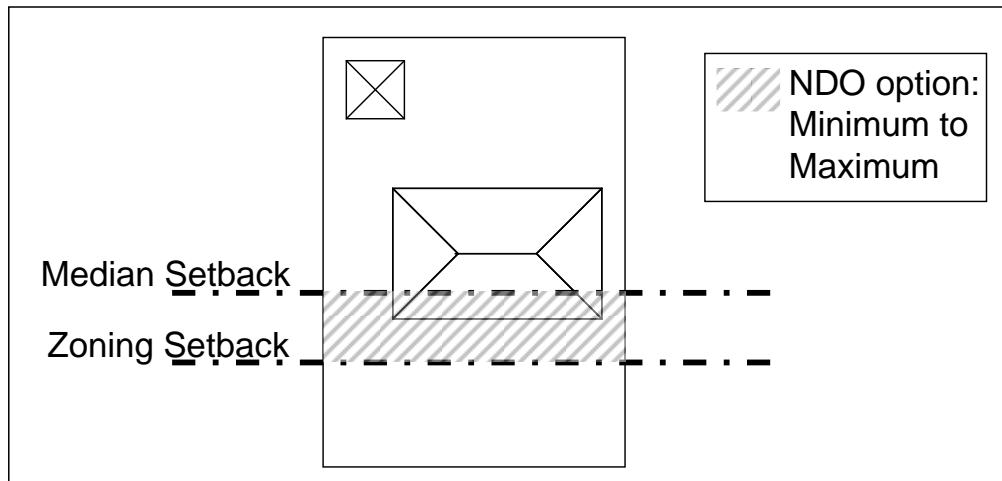


Figure 1

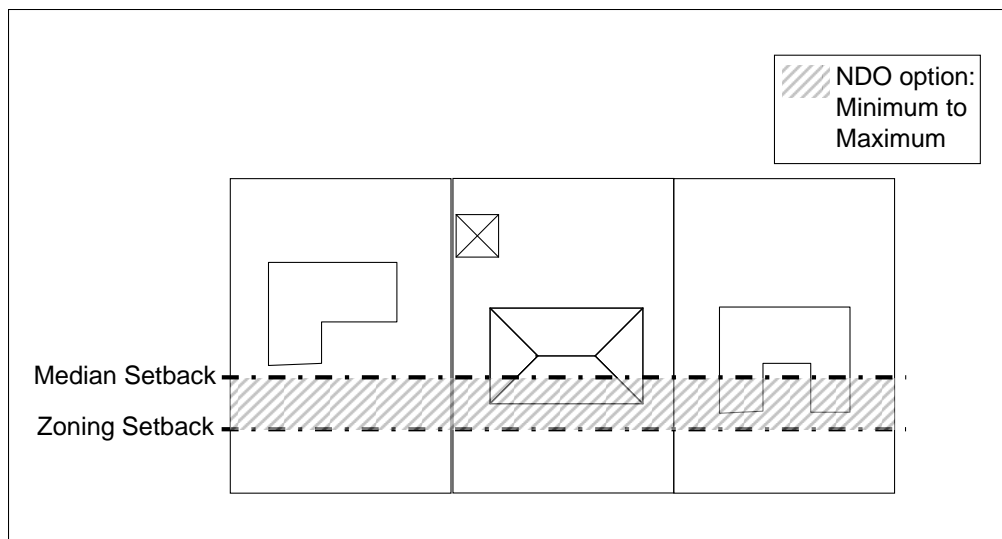


Figure 1a

- (c) **Interior Side Setback.** The minimum interior side setback must be within the range between the setback of the underlying zoning district regulations and the median interior side setback of the single-family structures within the district. This range may require an interior side setback that is greater than the interior side setback of the underlying zoning. For example, if the minimum side setback in the underlying zoning district regulations is seven (7) feet and the median side setback of single-family structures within the district is twelve (12) feet, the minimum side setback selected for the overlay district must be between seven (7) feet and twelve (12) feet as illustrated in figure 2 below. The minimum interior side setback for each interior side yard may be separately

established provided each interior side setback is within the range between the side setback of the underlying zoning district regulations and the median interior side setback of the single-family structures within the district.

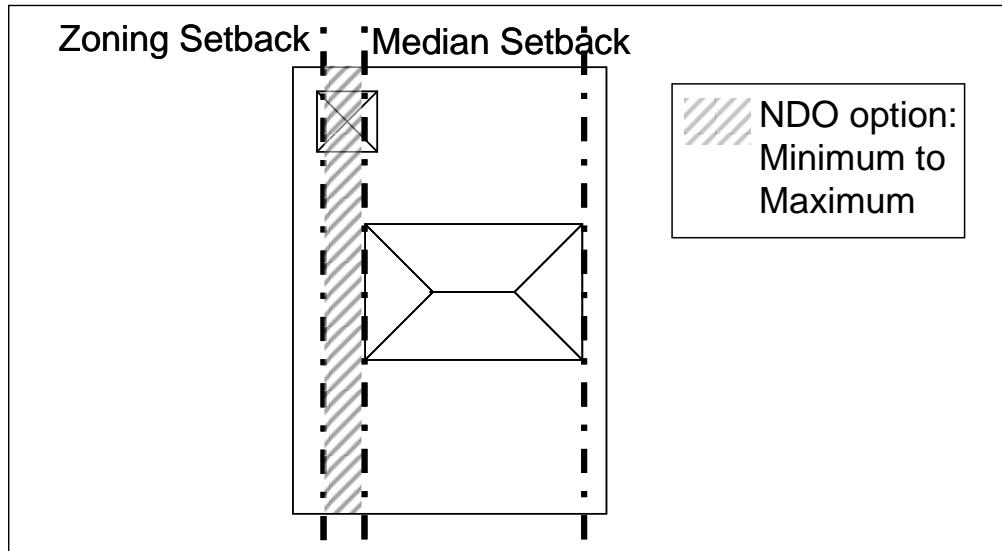


Figure 2

- (d) **Corner Lot Side Setback.** The minimum corner lot side setback must be within the range between the setback of the underlying zoning district regulations and the median corner lot side setback of the single-family structures within the district. This range may require a corner lot side setback that is greater than the corner lot side setback of the underlying zoning. For example, if the minimum corner lot side setback in the underlying zoning district regulations is twenty (20) feet and the median corner lot side setback of single-family structures within the district is thirty (30) feet, the minimum corner lot side setback selected for the overlay district must be between twenty (20) feet and thirty (30) feet as illustrated in figure 3 below.

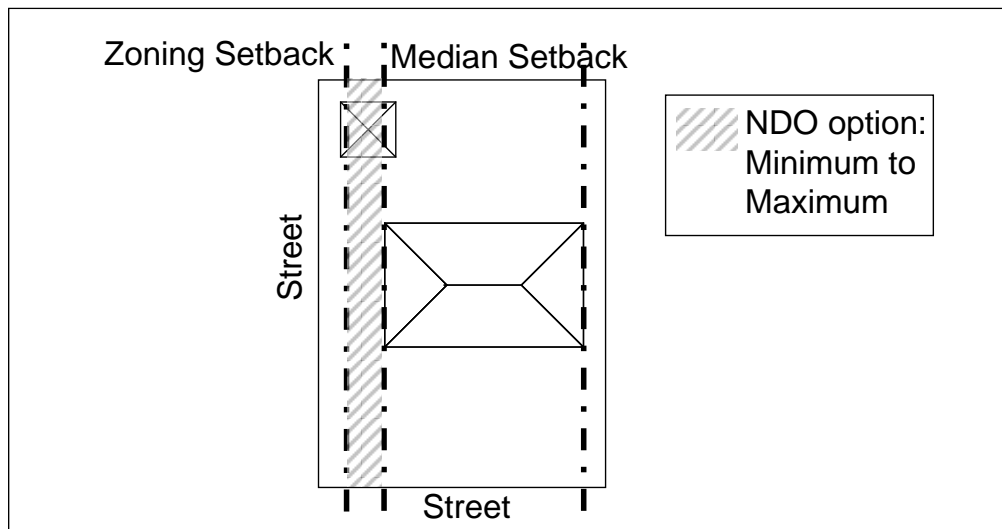


Figure 3

- (e) **Rear Setback.** The minimum rear setback must be within the range between the setback of the underlying zoning district regulations and the median rear setback of the single-family structures within the district. This range may require a rear setback that is greater than the rear setback in the underlying zoning. For example, if the minimum rear setback of the underlying zoning district regulations is twenty-five (25) feet and the median rear setback of single-family structures within the district is thirty-five (35) feet, the minimum rear setback selected for the overlay district must be between twenty-five (25) feet and thirty-five (35) feet as illustrated in figure 4 and figure 4a below.

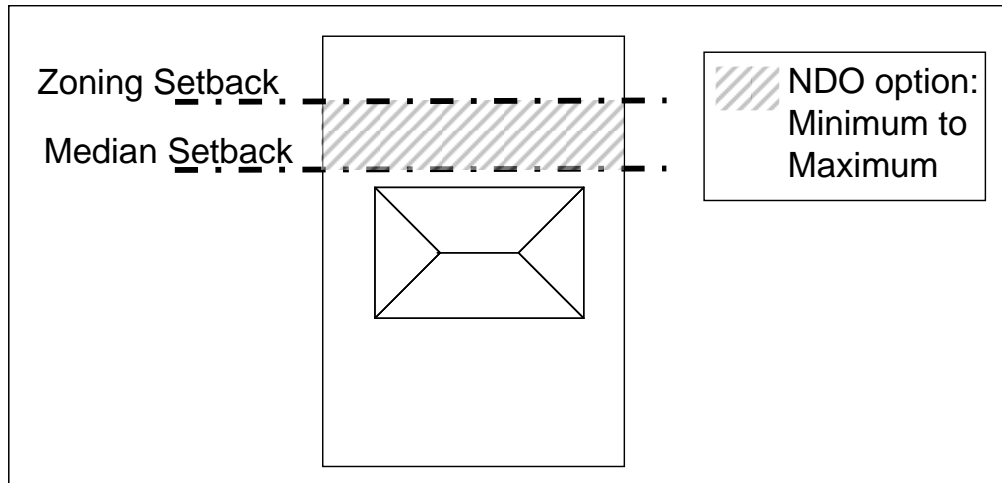


Figure 4

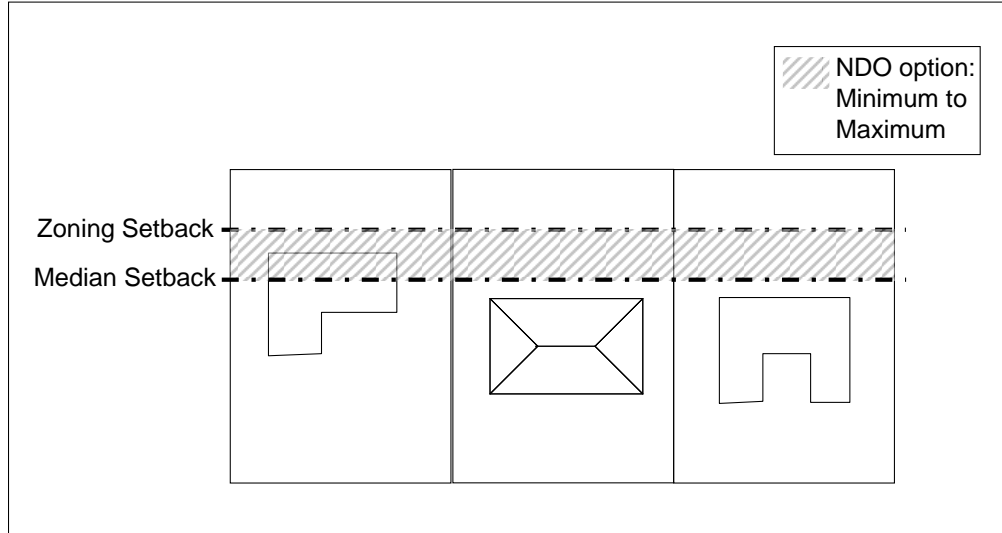


Figure 4a

- (f) **Height for Single-story or Two-story Neighborhoods.** For a district consisting of entirely existing single-story single-family structures, the maximum height of single-family structures must be within the range between the maximum height of the underlying zoning district regulations for single-family structures and the median height of the single-story single-family structures within the district. For example, if the maximum height of a single-story single-family structure in the underlying zoning district regulations is twenty-five (25) feet, and the median height of the single-story single-family structures within the district is twenty (20) feet, the maximum height of a

single-family structure selected for the overlay district must be between twenty-five (25) feet and twenty (20) feet as illustrated in figure 5 below. For a district consisting of entirely two-story single-family structures, the maximum height of single-family structures must be within the range between the maximum height of the underlying zoning district regulations for two-story single-family structures and the median height of the two-story single-family structures within the district. For example, if the maximum height of a two-story single-family structure in the underlying zoning district regulations is forty (40) feet and the median height of the two-story single-family structures within the district is thirty-five (35) feet, the maximum height of a single-family structure selected for the overlay district must be between forty (40) feet and thirty-five (35) feet as illustrated in figure 5a below.

- (g) **Height for Combination of Single-story and Two-story Structures.** For a district consisting of a combination of single-story and two-story single-family structures, the maximum height of a single-story single-family structure must be within the range between the maximum height of a single-story single-family structure in the underlying zoning district regulations and the median height of the single-story single-family structures within the district, and the maximum height of a two-story single-family structure must be within the range between the maximum height of a two-story single-family structure in the underlying zoning district regulations and the median height of the two-story single-family structures within the district. For example, if the underlying zoning district regulations provide that a single-family structure shall not exceed two stories in height, with the first story height limited to twenty-five (25) feet and the second story height limited to fifteen (15) feet, the maximum height of a single-story single-family structure in the underlying zoning district is twenty-five (25) feet and maximum height of a two-story single-family structure in the underlying zoning district is forty (40) feet. If the median height of the single-story structures within the district is twenty (20) feet and the median height of the two-story structures is thirty-five (35) feet, the maximum height of a single-story single-family structure selected for the overlay district must be between twenty-five (25) feet and twenty (20) feet and the maximum height of a two-story single-family structure must be between forty (40) feet and thirty-five (35) feet as illustrated in figure 5 and figure 5a below.

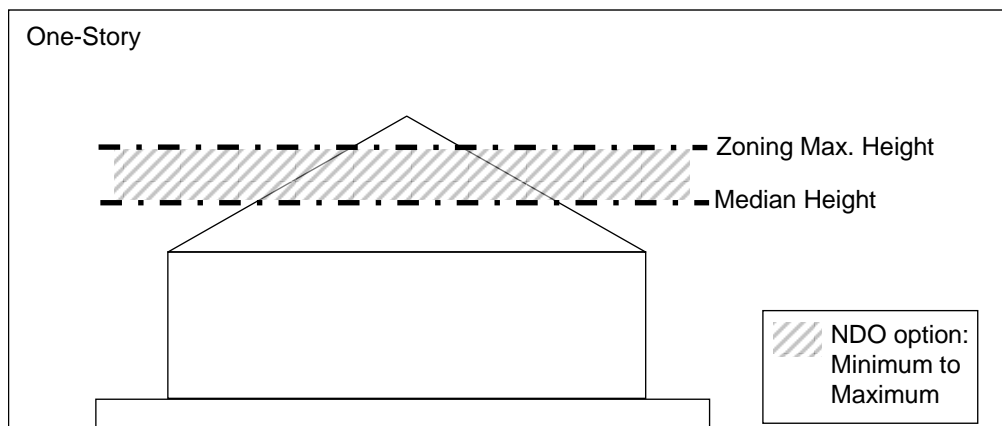


Figure 5

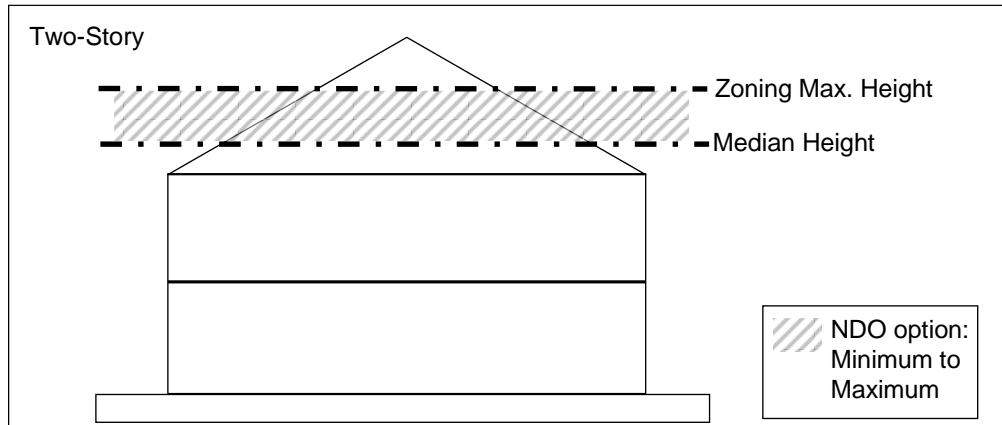


Figure 5a

- (h) **Lot Coverage.** The maximum lot coverage selected for a district must be within the range between the maximum lot coverage of the underlying zoning district regulations and the median lot coverage for the single-family structures within the district. For example, if the maximum lot coverage in the underlying zoning district regulation is forty percent (40%) and the median lot coverage for the single-family structures within the district is thirty percent (30%), the maximum lot coverage selected for the overlay district must be between forty percent (40%) and thirty percent (30%) as illustrated in figure 6 below.

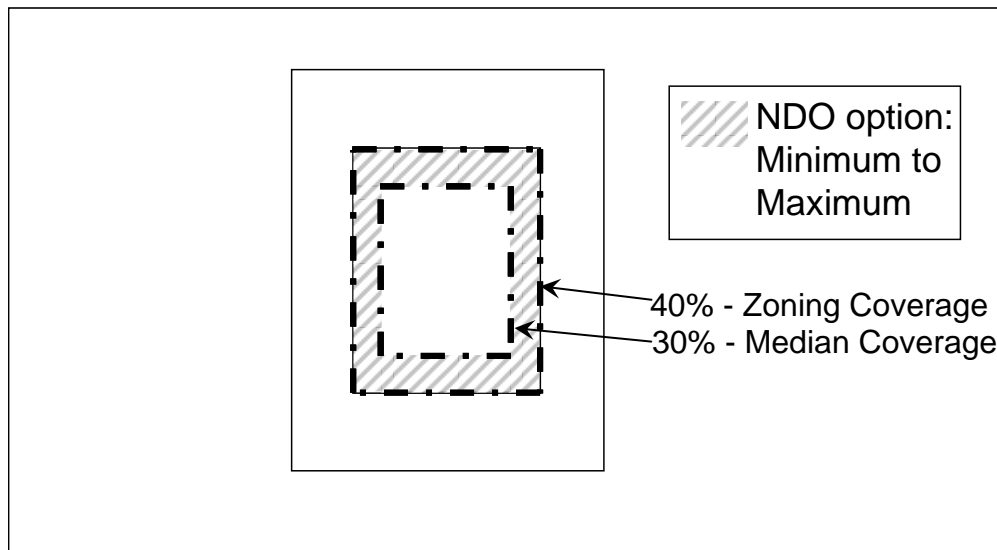


Figure 6

- (i) **Garage Orientation and Location.** Garage access, connection, or location must be selected from one or more of the following options:
 - (A) garage access of:
 - (i) front-entry;
 - (ii) side-entry;
 - (iii) rear-entry; or
 - (iv) swing-entry;

- (B) garage connection of:
 - (i) attached to the single-family structure; or
 - (ii) detached from the single-family structure;
- (C) garage location:
 - (i) in front of the single-family structure;
 - (ii) to the side of the single-family structure; or
 - (iii) to the rear of the single-family structure.

The selected garage characteristics must be present in at least seventy percent (70%) of the homes in the proposed neighborhood overlay development district. If there is no significant pattern to the neighborhood, this regulation shall not be proposed.

- (j) **Architectural Design Characteristics.** The architectural design features selected for new construction, renovation, remodel, repair and expansion of single-family structures in a district shall be from the pattern book prepared by a licensed architect for the proposed overlay district.

Sec. 5. Neighborhood Development Overlay – Less Restrictive.

The provisions of Section 5 govern a neighborhood development overlay district that provides for regulations that are less restrictive than the existing zoning district regulations of a proposed district.

- (a) **General.** The district regulations may specify regulations that are less restrictive than the existing zoning regulations for the proposed district as provided in Section 5 above. A district may combine or contain regulations that are either more restrictive or less restrictive than the existing zoning district regulations, or a combination thereof. The categories that may be less restrictive include front setback, interior side setback, corner lot side setback, rear setback, height for single-story or two-story single-family structures, and lot coverage, but excluding garage orientation and location, and architectural design characteristics.
- (b) The application and petition process for the creation of a proposed district with standards less restrictive than the existing zoning regulations shall be the same as for the creation of a neighborhood development overlay district under Section 3 above.
- (c) In the application for the creation of a proposed district with standards less restrictive than the existing zoning district regulations, the calculation of the medians for the proposed overlay district shall be provided for informational purposes only.

Sec. 6. Nonconforming structures.

Notwithstanding any other provision of the Comprehensive Zoning Ordinance the following regulations shall govern nonconforming structures within a neighborhood overlay district.

- (a) A non-conforming structure may be renovated, repaired, or remodeled provided the degree of non-conformity, including the area or size of the non-conforming structure, is not increased, except in conformance with the neighborhood development overlay district.
- (b) A non-conforming structure may not be enlarged, expanded, or extended to occupy a greater area of land than was occupied at the time the land and/or structure became non-conforming, except in conformance with the neighborhood development overlay district.

- (c) A non-conforming structure destroyed by fire, the elements, act of God or other casualty may be rebuilt provided the non-conforming structure is not enlarged, expanded, or extended to occupy a greater area of land than was occupied at the time the structure was destroyed, except in conformance with the neighborhood development overlay district.
- (d) A non-conforming structure demolished for the convenience or business purposes of the owner may not be rebuilt, except in accordance with the provisions of the neighborhood development overlay district.”

(Ord. No. 3719-A, § 1, 12-8-06)

End of Article XXII-G

Article XXIII.
Permits and Certificates

Sec. 1. Required.

It shall be unlawful for any person, firm or corporation to commence the construction, enlargement or structural alteration of any building in the City of Richardson, or using or occupying same without first applying for and securing a building permit, or to use or occupy the same without first securing a certificate of occupancy and compliance from the city secretary. Application shall be made on forms furnished by the city secretary.

End of Article XXIII

Article XXIII-A. Temporary Use Permits

Sec. 1. Temporary accessory buildings.

- (a) Temporary use permits may be issued by the building official for temporary accessory buildings for nonresidential uses, subject to the following conditions:
- (1) *Duration:* A permit for a temporary building shall be issued for a period of six months with one extension allowed for a period not to exceed six months.
 - (2) *Construction materials:* The building may be of nonmasonry construction approved by the building official.
 - (3) *Area regulations:* Temporary accessory buildings shall be prohibited:
 - a. In any front yard area between the wall of any existing building and the front lot line;
 - b. In any side yard area adjacent to a street, between the wall of any existing building and the side lot line adjacent to the street;
 - c. Within 16 feet of any other building unless all walls within 16 feet of any other building have a fire resistive rating of at least two hours with openings protected for a two-hour wall as required by the building code.
 - (4) *Site plan:* Administrative approval of a site plan shall be required, if site plan approval is required for the principal building.
 - (5) *Parking:* No additional parking shall be required for the temporary accessory building.
 - (6) *Zoning districts:* Temporary accessory buildings shall be allowed in any zoning district in which nonresidential uses are allowed.
 - (7) *Maximum number:* No more than three temporary accessory buildings shall be allowed on the same site, lot, or tract of land.
 - (8) *Maximum height:* Temporary accessory buildings shall be limited to one story not to exceed 15 feet in height.
 - (9) *Principal building required:* Temporary accessory buildings are not permitted without a principal building on the same site, lot, or tract.
- (b) Temporary use permits may be approved by the city council without recommendation by the city plan commission for temporary accessory buildings for nonprofit, charitable or philanthropic organizations, or for churches and schools, subject to the following conditions:
- (1) *Duration:* A permit for a temporary building may be issued for a period not to exceed two years.
 - (2) *Construction materials:* The building may be of nonmasonry construction approved by the building official.

- (3) *Area regulations:* Temporary accessory buildings shall be prohibited:
 - a. In any front yard area between the wall of any existing building and the front lot line;
 - b. In any side yard area adjacent to a street, between the wall of any existing building and the side lot line adjacent to the street;
 - c. Within 16 feet of any other building unless all walls within 16 feet of any other building have a fire resistive rating of at least two hours with openings protected for a two-hour wall as required by the building code.
- (4) *Site plan:* Administrative approval of a site plan shall be required, if site plan approval is required for the principal building.
- (5) *Parking:* No additional parking shall be required for the temporary accessory building.
- (6) *Zoning districts:* Temporary accessory buildings shall be allowed in any zoning district in which a nonprofit, charitable, or philanthropic organization or a church or school use is allowed.
- (7) *Maximum number:* No more than three temporary accessory buildings shall be allowed on the same site, lot or tract of land.
- (8) *Maximum height:* Temporary accessory buildings shall be limited to one story not to exceed 15 feet in height.
- (9) *Principal building required:* Temporary accessory buildings shall not be permitted without a principal building on the same site, lot, or tract.

(Ord. No. 3377-A, § 1, 1-14-02)

End of Article XXIII-A

Article XXIV.

Special Parking and Area Regulations and Exceptions

Sec. 1. Vision clearance.

On any corner lot on which front and side yards are required, no wall, fence, structure, sign, tree, shrub, or hedge may be maintained as to cause danger to traffic by obstructing the view and when topography prevents a clear view, this bank shall be removed.

Sec. 2. Building lines.

(a) The front building line of the main dwelling hereafter constructed in residence districts, or altered in such manner as to change the position of such front building line, shall be located the distance required from the front lot line as may be required in the residential district in which such dwellings are located.

(b) Reserved.

(Ord. No. 895-A, § 1, 2-11-74)

Sec. 3. Lot area.

On any lot separately owned on August 18, 1956, a single-family dwelling may be erected even though such lot has less area than required by these regulations.

Sec. 4. Location of dwellings and buildings.

Only one main building for single-family, two-family, or multiple-family use, with permitted accessory buildings, may be located upon a lot or unplatted tract. Every dwelling shall face or front upon a street or officially approved place, other than an alley, which means of access shall have a minimum width of 30 feet. Where a lot or tract of land is used for commercial or industrial purposes, more than one main building may be located upon the lot but only when such buildings conform to all the open space, parking and density requirements applicable to the uses and district, and when all such main buildings face upon a street or officially approved place, other than an alley. Whenever two or more main buildings, or portions thereof, are placed upon a single lot or tract and such buildings will not face upon a street or officially approved place, the same may be permitted when the site plan for such development is approved by the city plan commission so as to comply with the normal requirements for platting.

Sec. 5. Protection of municipal telecommunications networks.

(a) No building or other structure, or portions thereof, shall be erected or maintained by any property owner, lessee, licensee, contractor or government entity not otherwise exempt by law, which creates interference or obstruction to the City of Richardson's law enforcement, public safety, general government or emergency telecommunications networks.

- (b) To ensure compliance with this section, any person or entity intending to construct or erect, within the City of Richardson, a building or structure greater than 50 feet in height, shall submit plans, either as part of the building permit review process or, if a site plan is required, as a part of the site plan process, that indicates the location and height of all buildings or structures in excess of 50 feet in height. Said application shall request of the city a determination of compliance of the proposed construction. The city shall determine within 30 days, whether or not the proposed building or structure would create a disturbance or interference to the City of Richardson's telecommunications network.
- (c) If a determination is made that the proposed building or structure would create a disturbance or interference, the property owner, lessee, licensee, contractor or government entity may:
 - (1) Modify their plans in such a manner as to remove the interference or disturbance; or
 - (2) Provide appropriate facilities and/or equipment at no cost to the city to ensure the continued satisfactory operation of the telecommunications network.

(Ord. No. 2872-A, § 15, 2-25-92)

Sec. 6. Use of required off-street parking and other parking spaces.

Where off-street parking spaces are provided in LR-M(1), LR-M(2), C-M,I-M(1), I-M(2), I-FP(1), I-FP(2), TO-M, O-M or PD districts, in the duplex or residential district for uses other than single-family residential uses, under special permit zoning or other such district classifications as are hereafter adopted, such parking spaces may be used only for the parking of motor vehicles of the owner, employees or customers and shall not be used for the storage or display of merchandise, automobiles or other property being offered for sale, lease, rent, exchange or use, and such parking spaces shall not be used for repairing, refurbishing or replacing parts or component parts of any property of any kind, class or character except as permitted in article XXII-A of the comprehensive zoning ordinance or in chapters 5 1/2 and 13 of the Code of Ordinances [now chapters 12 and 13].

(Ord. No. 440-A, § 1, 12-13-65; Ord. No. 2159-A, § 2, 2-18-80; Ord. No. 2816-A, § 30, 1-14-91; Ord. No. 2878-A, § 2, 5-11-92)

Editor's note: Section 34 of Ord. No. 2816-A, adopted Jan. 14, 1991, provided as follows:

"The paving and screening requirements for approved parking places in existing areas developed for residential purposes, as provided in Article XXIV, Section 6 of [this] Comprehensive Zoning Ordinance, as amended herein, and as set forth in Section 30 of this ordinance, shall not be enforced for a period of one (1) year from the date of adoption of this ordinance."

Subsequently, Ord. No. 2878-A amended the effective date to be June 1, 1996.

End of Article XXIV

Article XXV. Board of Adjustment*

***Charter references:** Zoning board of adjustment, § 9.10.

Cross references: Appeals generally, § 16-1; appeal filing fee, § 16-2.

Sec. 1. Purpose.

It is the declared purpose of this ordinance that nonconforming uses be eliminated and be required to conform to the regulations prescribed in the preceding articles of this ordinance, having due regard for the property rights of the persons affected when considered in the light of the public welfare and the character of the area surrounding the designated nonconforming use and the conservation and preservation of property. The board shall from time to time on its own motion or upon cause presented by interested property owners inquire into the existence, continuation or maintenance of any nonconforming use within the city.

Sec. 2. Created.

There shall be a board of adjustment consisting of five members, or as many as provided by law, appointed by the city council. It shall have all the powers granted by and be organized and controlled by the provisions of section 7, chapter 283, of the Laws of 1927 and any amendments thereto [now V.T.C.A., Local Government Code § 211.008 et seq.].

Sec. 3. Appeals.

No appeal to the zoning board of adjustment for the same or a related variance on the same property under the comprehensive zoning ordinance shall be allowed prior to the expiration of six months from a previous ruling by the zoning board of adjustment on any appeal to such board.

(Ord. No. 3598, § 18, 3-26-07)

End of Article XXV

Article XXVI. Unplatted Property

Sec. 1. Approval.

The city planning commission of the City of Richardson shall not approve any plat of any subdivision within the city limits of the City of Richardson until the area covered by the proposed plat shall have been permanently zoned by the city council of the City of Richardson.

Sec. 2. Annexation.

The city planning commission of the City of Richardson shall not approve any plat of any subdivision within any area where a petition or ordinance for annexation or a recommendation for annexation to the City of Richardson is pending before the city council.

Sec. 3. Hearings.

In the event the city planning commission holds a hearing on proposed annexation, it may, at its discretion, at the same time hold a hearing upon the permanent zoning that is to be given to the area or tract to be annexed, and make a recommendation on both matters to the city council so that the city council can, if it desires, act on the matter of permanent zoning and annexation at the same time.

End of Article XXVI

Article XXVII. Enforcement

Sec. 1. By city secretary.

The provisions of this ordinance shall be administered and enforced by the city secretary of the City of Richardson, or such other person as may be designated by the city council. All applications for building permits shall be accompanied by a plat in duplicate, drawn to scale, showing the actual dimensions of the lot to be built upon, the size of the building to be erected, the use of the property, and such other information as may be necessary to provide for the enforcement of these regulations. A careful record of such applications and plats shall be kept in the office of the city secretary or such other person as may be designated by the city council.

End of Article XXVII

Article XXVIII. Penalty for Violation

Sec. 1. Maximum fine prescribed.

Any person or corporation who shall violate any of the provisions of this ordinance or any amendment thereto, or fail to comply therewith or with any of the requirements thereof, or who shall build or alter any building or use in violation of any detailed statement or plan submitted and approved hereunder, shall be guilty of a misdemeanor and shall be liable to a fine of not more than \$2,000.00, and each day such violation shall be permitted to exist shall constitute a separate offense. The owner or owners of any building or premises or part thereof where anything in violation of this ordinance shall be placed or shall exist, and any architect, builder, contractor, agent, person or corporation employed in connection therewith and who may have assisted in the commission of any such violation shall be guilty of a separate offense and, upon conviction, shall be fined as herein provided.

(Ord. No. 1077-A, § 2, 5-23-77; Ord. No. 2420-A, § 1, 4-23-84)

State law references: Penalties for ordinance violations, V.T.C.A., Local Government Code § 54.001 et seq.

End of Article XXVIII

Article XXIX. Changes and Amendments*

***State law references:** Zoning ordinance adoption and amendment procedures, V.T.C.A., Local Government Code § 211.006.

Sec. 1. By governing body.

The governing body may from time to time amend, supplement, or change by ordinance the boundaries of the districts or the regulations herein established.

Sec. 2. City planning commission to recommend.

Before taking action on any proposed amendment, supplement or change, the governing body shall submit the same to the city planning commission for its recommendation and report.

Sec. 3. Public hearings.

- (a) Public hearings shall be held only after notices required by the laws of the State of Texas shall have been given in the manner required by law.
- (b) In accordance with the provisions and authority of the Texas Local Government Code, the council may hold any public hearing, after published notice as required by law, jointly with any public hearing which is required by law to be held by the commission. Provided, however, that in such case the council shall not take action on any such matter before the joint hearing until it has received the final report of the commission.

(Ord. No. 3598, § 19, 3-26-07)

Sec. 4. Location of zoning map.

The official zoning map of the City of Richardson shall be kept in the office of the city secretary. It shall be the duty of the city secretary, or such other person as may be designated by the governing body, to keep the official map current by entering on such map any changes which the governing body may from time to time order by amendments to the zoning ordinance and map. The city secretary, upon the adoption of this ordinance, shall affix a certificate identifying the map in his office as the official zoning map of the City of Richardson.

Sec. 5. Recommendations of plan commission.

- (a) Where the city plan commission is considering a change in zoning classification or special conditions, the city plan commission may, at its discretion, make the following recommendations to the city council.
 - (1) Recommend approval as requested.
 - (2) Recommend a change in zoning to a more restrictive classification.
 - (3) Recommend a change in classification or special conditions subject to requirements for the paving of streets, alleys and sidewalks, means of ingress and egress to the public street, provisions for drainage, parking, street layouts, screening and open space and any other requirement or condition deemed necessary by the city plan commission in the interest of promoting public health, safety, order, convenience, prosperity, and general welfare.

- (4) Recommend denial of the change in zoning or special conditions.
- (b) Where the city plan commission recommends approval as in (1), (2) or (3) above, the recommendation will be forwarded automatically to the city council and a date for a public hearing will be set.
- (c) Where the city plan commission recommends denial as in (4) above, the application will not automatically be placed on the city council agenda unless requested in writing by the applicant within ten days after the city plan commission recommendation to deny.

(Ord. No. 3377-A, § 1, 1-14-02)

Sec. 6. Property owner protest.

If a proposed change to a zoning regulation or boundary is protested in accordance with Section 211.006 of the Texas Local Government Code, as amended, the proposed change in zoning must receive, in order to take effect, the affirmative vote of at least three-fourths of all members of the city council.

(Ord. No. 3172-A, § 5, 4-13-98; Ord. No. 3377-A, § 1, 1-14-02)

Sec. 7. Three-fourths vote required to overrule recommendation to deny.

The affirmative vote of at least three-fourths of all members of the city council is required to overrule a recommendation of the city plan commission that a proposed change to a zoning regulation or boundary be denied.

(Ord. No. 3172-A, § 5, 4-13-98; Ord. No. 3377-A, § 1, 1-14-02)

Sec. 8. Appeal of city plan commission recommendation to deny.

Where the city plan commission makes a recommendation to deny a change in zoning classification or change in special conditions, the application will not automatically be placed on the city council agenda unless requested in writing by the applicant within ten days after the city plan commission recommendation to deny.

(Ord. No. 3377-A, § 1, 1-14-02)

Sec. 9. Denial with prejudice.

A recommendation to deny a request for a change in zoning classification or change in special conditions (as opposed to a special permit) by the city plan commission or a denial of the same by the city council is considered to be with prejudice unless specifically stated otherwise. Denial with prejudice imposes a one-year waiting period from the date of denial on any applications for a zoning change or special conditions involving the same property. Denial without prejudice will permit a substantially different application on a given piece of property with no waiting period; however, the same or a substantially similar application for zoning change shall not be considered within one year of a denial. A recommendation by the city plan commission to deny a request for a change in zoning classification or change in special conditions shall not be considered to be with prejudice if such request is appealed to the city council and there denied without prejudice.

(Ord. No. 3377-A, § 1, 1-14-02)

Sec. 10. Fees.

All applications for appeals to the zoning board of adjustment for variances from the comprehensive zoning ordinance shall be accompanied by a nonrefundable filing fee.

(Ord. No. 3598, § 20, 3-26-07)

End of Article XXIX

Article XXX.
Preserving Rights in Pending Litigation and
Violations Under Existing Ordinances

Sec. 1. Effect of ordinance.

By the passage of this ordinance, 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 ordinance that no offense committed, and no liability, penalty or forfeiture, either civil or criminal, incurred prior to the time the existing zoning ordinance was repealed and this zoning ordinance adopted, shall be discharged or affected by such repeal; but prosecutions and suits for such offenses, liabilities, penalties or forfeitures may be instituted or causes presently pending proceeded with in all respects as if such prior ordinance had not been repealed.

End of Article XXX

Article XXXI.
Validity

Sec. 1. Severability clause.

If any section, paragraph, subdivision, clause, phrase, or provision of this ordinance shall be adjudged invalid or held unconstitutional, the same shall not affect the validity of this ordinance as a whole or any part or provision thereof other than the part so decided to be invalid or unconstitutional.

End of Article XXXI

**Article XXXII.
When Effective**

Sec. 1. Date.

The fact that the present zoning regulations are inadequate to properly safeguard the public welfare, health, peace, and safety, creates an urgency and an emergency, and requires that this ordinance shall become effective immediately upon its passage and publication, and it is accordingly so ordained.

DULY PASSED BY THE CITY COMMISSION ON THE 5TH DAY OF JUNE, 1956.

APPROVED:

/s/R.V. Thompson

Mayor

Duly Enrolled:

/s/M.F. James

City Secretary

End of Article XXXII