

Chapter 17

ZONING

ARTICLE I. TITLE, PURPOSE AND ESTABLISHMENT OF ZONING DISTRICTS

Sec. 17-1. Title.

This Zoning Ordinance shall be known as the Comprehensive Zoning Ordinance of the City of Dalhart, originally adopted in 1962 with major amendments in 1995 and 2006.

Sec. 17-2. Purpose.

The purpose of this Zoning Ordinance is to provide for division of the City into separate districts which, in combination with regulations pertaining to such districts, are designed in accordance with a comprehensive plan to achieve objectives which include, but are not limited to, the following:

- (a) Guide and regulate the appropriate use and development of land, in a manner which will promote the public health, safety, and general welfare.
- (b) Secure safety from fire, flood, panic and other dangers.
- (c) Provide adequate light and air.
- (d) Promote the establishment of appropriate population densities by preventing the overcrowding of land and avoiding undue concentration of people.
- (e) Provide sufficient space in appropriate locations for a variety of residential, recreational, commercial, and industrial uses and open space in order to meet the needs of all citizens.
- (f) Lessen congestion in the streets.
- (g) Facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public improvements.

Sec. 17-3. Establishment of Zoning Districts.

The City of Dalhart, Dallam and Hartley Counties, Texas, is hereby divided into thirteen (13) zoning districts. The use, height, and area regulations as set out in this Chapter shall be uniform within each district. These districts herein established shall be known and cited as:

<u>Abbreviated Designation</u>	<u>Zoning District Name</u>
AO	Agricultural Open Space district
R-1	Residential Single Family district, 8,000 square foot lot minimum
R-2	Residential Single Family district, 7,000 square foot lot minimum
R-3	Residential Single Family district, 6,000 square foot lot minimum
MD	Medium Density Residential district
A	Apartment district
MH	Manufactured Home district
O	Office district
LR	Local Retail district
SC	Shopping Center district
C	Commercial district
I	Industrial district
PD	Planned Development district

Sec. 17-4. Specific Purposes of Zoning Districts. Each zoning district herein established is provided a specific purpose, in accordance with the Comprehensive Plan for the location of various activities throughout the City, as follows:

(a) *Agricultural Open Space (AO) District.* The “AO” district is composed mainly of unsubdivided lands within the corporate limits of the City that are vacant or in agricultural use, with some dwellings and some accessory uses (structures). The applicable regulations are designed to preserve valuable agricultural lands and to preserve, in a more permanent manner, open space located within the corporate limits of the City. This district is also used as a “holding zone” for land annexed into the City of Dalhart, until a request for a more intensive category of land use is approved.

(b) *Residential Single-Family Detached (R-1, R-2, R-3) Districts.* The regulations for “R-1”, “R-2”, and “R-3” residential districts are designed to:

- (1) Protect the residential character of the areas by excluding commercial and other incompatible activities, as appropriate.
- (2) Encourage a suitable environment for family life by permitting certain appropriate institutions and facilities to be located in residential neighborhoods.
- (3) Preserve open space and avoid overcrowding by requiring certain minimum yards, open spaces, and lot areas.
- (4) Make available a variety of dwelling types and densities in a variety of areas to serve a wide range of individual requirements.

The R-1, R-2, and R-3 districts are intended to accommodate neighborhoods where individual lots are occupied by single-family detached residences and permitted accessory structures only. As such, more than one (1) single family dwelling unit on a lot is prohibited.

In addition to the general purposes applying to all residential districts, regulations of “R” districts are designed to encourage the provision of single-family detached residences in three (3) permitted densities.

(c) *Medium Density (MD) Residential District.* The “MD” Medium Density residential district allows a greater density of housing units than single family detached homes, but not as high as the apartment district, and may be used as a buffer zone between lower and higher density districts. This district is designed to include townhouses (each housing unit is located on a separate lot, but attached to another housing unit) and duplexes (two housing units adjoin each other on one lot).

(d) *Apartment (A) Districts.* The regulations for “A” Apartment districts are designed to allow housing choices of a higher density and to protect the residential character of these areas by excluding most commercial activities, to encourage a suitable environment by permitting certain appropriate institutions and facilities to be located in residential neighborhoods, and to preserve open space and avoid overcrowding by requiring certain minimum yards and restricting occupancy densities.

(e) *Manufactured Home (MH) District.* The requirements set forth in the “MH” district are designed to regulate those areas where manufactured home development appears desirable. This district is designed to permit and encourage the development of properly planned and improved manufactured home parks and manufactured home subdivisions at appropriate locations within a residential environment.

(f) *Office (O) District.* The regulations of the “O” Office district are intended to encourage office development of high character in a generally noncommercial environment. The selected businesses and/or professional offices allowed in an “O” district have relatively low traffic generation characteristics, handle no products, and require limited identification by signs and other such devices.

(g) *Local Retail (LR) District.* The regulations of the “LR” district are designed to accommodate a limited range of retail trade, services and office activities, The level of intensity and scale of development permissible

within the LR district are designed for compatibility with nearby residential use. Many permitted uses within the LR district are, in fact, aimed toward meeting the day-to-day needs of nearby residents for food, pharmaceuticals, personal services, etc. The LR district is not intended in any way to advocate spot zoning of individual lots within already-developed areas or newly developing areas. The district regulations are further designed to prevent congestion and to assure provision of adequate light and air to buildings within and adjacent to the district.

(h) *Shopping Center (SC) District.* The purpose of the “SC” district is to provide for attractive and efficient retail shopping facilities of integrated design in appropriate locations to serve residential neighborhoods and/or the community. It is intended that the district shall be laid out and developed as a unit, according to an approved plan so that the purpose of the district may be accomplished.

(i) *Commercial (C) District.* The design and regulations of the “C” Commercial district are established to provide a wide range of retailing activities, personal and business services, and other commercial activities. Since there is little interdependence of activities, establishments can be dispersed over considerable areas with each establishment having its own vehicular parking. An adequate amount and properly designed vehicular accessibility is essential to these districts.

The “C” district regulations are designed to permit development of commercial activities which are generally not appropriate for shopping centers. Residential uses are not compatible with the environment created in the “C” district, due to the character and high intensity of activity characterized by permitted uses.

(j) *Industrial (I) District.* The “I” Industrial district consists of land and improvements used or to be used for a wide range of manufacturing, wholesale and medium intensity activities. The “I” Industrial district regulations are designed to permit such activities, subject to limitations intended to protect nearby residential and commercial districts, and to protect the permitted uses from one another. Residential uses are not compatible with the environment created in the “I” district, due to the character and high intensity of activity characterized by the permitted uses.

(k) *Planned Development (PD) District.* Planned Development districts must be planned and developed as a unit. For example, Planned Development districts may encompass industrial parks, office or other commercial centers, shopping centers, residential developments of multiple or mixed housing, or any appropriate combination thereof. PD districts may be created by approval of detailed site, use, and building plans on tracts suitable in location and character for proposed uses and structures. The suitability of such tracts for the proposed plans and development shall be determined by reference to the Comprehensive Plan as well as the existing and future character of surrounding development.

Within PD districts, regulations are intended to control development on a unified rather than a lot-by-lot basis. PD district regulations are furthermore intended to promote economical and efficient land use, and improved level of amenities, appropriate and harmonious variety in physical development, creative design, and a better urban environment.

Sec. 17-5. Zoning District Map.

(a) *Adoption.* The boundaries of zoning districts set out herein are delineated on the Zoning District Map of the City of Dalhart, Dallam and Hartley Counties, Texas. Such map is adopted by reference as part of this Zoning Ordinance as fully as if the same were set forth herein in detail.

(b) *Maintenance.* The original of the Zoning District Map shall be filed in the office of the City Secretary. This map shall be the official Zoning District Map, and shall bear the signature of the Mayor and attestation of the City Secretary. The map shall be used for reference and shall be maintained by posting thereon all subsequent changes and amendments. In case of any questions, this map, together with amending ordinances, shall be controlling.

(c) *Annexed territory.* All territory hereafter annexed to the City of Dalhart shall be classified in the AO, Agricultural Open Space district, until a permanent zoning classification is given to the area by the City Council. The procedure for establishing more permanent zoning on annexed territory shall be the same as is provided by law for the amendment of the Zoning Ordinance.

- (1) No person shall erect, construct or add to any building or structure in any newly annexed territory to the City of Dalhart without first applying for and obtaining a building permit or certificate of occupancy and compliance for that building or structure from the Building Inspector.
- (2) No permit for the construction or modification or use of land shall be issued by the Building Inspector other than a permit that will allow the construction or modification of a building permitted in the AO Agricultural Open Space District.

(d) *Rules for interpretation of district boundaries.* The district boundary lines shown on the Zoning District Map are usually along streets, alleys, property lines, or extensions thereof. Where uncertainty exists as to the boundaries of districts as shown on the official Zoning District Map, the following rules shall apply:

- (1) Boundaries indicated as approximately following the centerline of streets, highways or alleys shall be construed to follow such centerlines.
- (2) Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
- (3) Boundaries indicated as approximately following city limits shall be construed as following city limits.
- (4) Boundaries indicated as following railroad lines shall be construed to be the centerline of the railroad right-of-way or, if no centerline is established, the boundary shall be interpreted to be midway between right-of-way lines of such railroad.
- (5) Boundaries indicated as following shore lines shall be construed to follow such shore lines. In the event of change in the shore lines, the boundary shall be construed as moving with the actual shore line; boundaries indicated as approximately following the centerlines of streams, drainageways, draws, or other bodies of water shall be construed to follow such centerlines. In the event of change in the centerline, the boundary shall be construed as moving with the centerline. The centerline shall be interpreted as being midway between the shore lines.
- (6) Boundaries indicated as parallel to or an extension of features in paragraphs (d) (1) through (5) above shall be so construed. Distances not specifically indicated on the Zoning District Map shall be determined by the scale of the map or by amending ordinances.
- (7) Whenever any street, alley or other public way is vacated or abandoned by official action of the City Council, or whenever such an area is franchised for building purposes, the zoning district line adjoining each side of such street, alley or other public way shall be automatically extended to the centerline of such abandoned street, alley or public way. All areas so involved shall then and henceforth be subject to all regulations of the extended districts.
- (8) Boundaries indicated as dividing a lot shall be construed as being located as shown on the Zoning District Map. Distances not specifically indicated on the Zoning District Map shall be determined by the scale of the map or by amending ordinances.
- (9) Where physical or cultural features existing on the ground differ from the information shown on the official Zoning District map or when a question arises as to the official zoning classification of a parcel of property that cannot be resolved by the application of paragraphs (d) (1) through (8) above, the Planning and Zoning Commission shall interpret the district boundaries.

Sec. 17-6. Other general provisions.

(a) *Aesthetics.* Civic beauty, to which the community aspires, is an economically sound policy as well as being of aesthetic benefit to the people. In order to preserve and promote the growth of the area in an attractive manner, aesthetic factors in zoning shall be considered.

(b) *Buffers.*

- (1) **Buffer Space and Visual Barriers:** Open space, fencing or planting areas may be required to separate different land uses. These requirements shall be imposed on the less restricted or heavier uses rather than on the more restricted or lighter uses.
- (2) **Buffer Districts:** Incompatible uses may be separated by transitional uses, such as offices and apartments, to mitigate or minimize the effect of differences in use along district boundaries.
- (3) **Other Transitional Considerations:** Ideally, adjacent zoning district boundaries should transition at alleyways or rear property lines. If transitioning is not possible at alleyways or rear property lines, the second choice is to transition at streets. The least desirable transition is mid-block where incompatible land uses side onto one other. All efforts shall be made to transition zoning district boundaries at alleys or rear property lines wherever possible.

(c) *Major intersections.* To retain maximum use of streets as traffic-carrying arteries, vehicular access should be strictly regulated at major intersections. Nonresidential zoning at major intersections may be restricted to maintain the traffic-carrying capabilities of streets. A major intersection shall be any street intersection at least as significant as one including both an arterial and a collector street.

(d) *Spot zoning.* Spot zoning may be considered the rezoning of an area into a district which is unrelated to the immediate area or is inconsistent with the Comprehensive Plan for the community. Such rezoning may be a special privilege or an inconsistent restriction of one property which is not applicable to other property in the area. Spot zoning gives preferential treatment to one property that is not enjoyed by other properties in the same area and the same zoning district. Zoning patterns are established to accomplish the purposes of the Comprehensive Plan and to protect those who comply with the law. Spot zoning constitutes a disregard for the public welfare as well as the growth policies and sound planning principles embodied in the Comprehensive Plan. Requests which would result in spot zoning shall be denied.

(e) *Strip zoning.* Strip or ribbon zoning is a nonresidential district which parallels a highway or street, and which is characterized by one or more of the following: Shallow lot depth with abutting residences in the rear, separate lot ownership which exacerbates harmful vehicular access to the street, and inadequate provisions for off-street parking. Strip zoning hinders traffic flow and encourages incompatible uses to the detriment of abutting property.

- (1) **Permitted Extension of Strip Zoning:** Extensions of strip zoning shall be permitted only when a reasonable use of the property as zoned is prohibited, adequate buffering is in existence or will be provided, and traffic flow and capacity are not adversely affected.
- (2) **Unpermitted Extensions of Strip Zoning:**
 - a. **Vehicular Access.** Extension of strip zones that permit vehicular access to commercial uses from a residential street shall be denied.
 - b. **Inadequate Right-of-Way.** Applications for rezoning of land abutting onto major streets shall be denied if the right-of-way width is inadequate to serve the anticipated uses, or if the proposed use would be incompatible with the existing development.

(f) *Access to structures.* Every building thereafter erected or moved shall be on a lot adjacent to a public street. All structures shall be so located on lots as to provide safe and convenient access for servicing, fire protection, and required off-street parking.

ARTICLE II. GENERAL

Sec. 17-7. Classification of new and unlisted uses. It is recognized that new types of land use will develop and forms of land use not anticipated may seek to locate in the City of Dalhart. In such circumstances, a determination as to the appropriate classification of any new or unlisted form of land use shall be made as follows:

(a) All questions concerning the classification of new or unlisted uses shall be referred to the Building Inspector for a determination as to the zoning classification into which such use should be placed. Referral of the use interpretation question shall be accompanied by a statement of facts listing the nature of the use and whether it involves dwelling activity; sales or processing, the type of product; the nature and amount of storage, particularly open storage; and anticipated employment; requirements, nature and time of occupancy or operation of the premises; the amount of noise, odor, fumes, dust, toxic materials, and vibration likely to be generated; and the requirements for public utilities such as sanitary sewer and water.

(b) The Building Inspector shall consider the nature and described performance of the proposed use and its compatibility with the uses permitted in the various districts and determine the zoning district or districts within which such use should be permitted.

(c) The Board of Adjustment is authorized to hear and decide appeals where it is alleged there is error in any order, decision or determination made by the Building Inspector or any administrative official of the City in enforcement of this Zoning Ordinance, except the classification of new and unlisted uses as described in (d) below.

(d) The Building Inspector shall transmit to the Planning and Zoning Commission any recommendation for addition of any new or heretofore unlisted use to this Zoning Ordinance. Addition of any use to any zoning district classification shall be by amendment to this Zoning Ordinance.

(e) A revised use list including all additions made to the uses permitted in the several zoning classifications shall be published periodically.

ARTICLE III. DISTRICT REGULATIONS

Sec. 17-8. Compliance required. Land and buildings in each of the zoning districts may be used for any of the listed uses allowed therein, but no land shall hereafter be used, and no building or structure shall hereafter be erected, altered, converted, arranged, or used for other than those activities specified as permitted uses in the zoning district in which such land and buildings are located. All land and structures thereon shall be used in compliance with the zoning regulations prescribed for the zoning district in which such land is located.

Sec. 17-9. Use of land and buildings. No land shall hereafter be used and no structure or appurtenance shall hereafter be erected, altered, converted or modified for other than those uses specified for the zoning district in which it is located as set forth by the following Schedule of Uses in this Zoning Ordinance. If a use is not listed (or is blank) in the Schedule of Uses, it is not allowed in any zoning district.

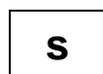
Legend for Interpreting Schedule of Uses



Land use is ALLOWED in zoning district indicated.



Land use is PROHIBITED in zoning district indicated.



Land use may be approved as a SPECIAL USE in zoning district indicated.

City of Dalhart Zoning Ordinance - Schedule of Uses

Type Use	Def. No.	AO	R-1	R-2	R-3	MD	A	MH	O	LR	SC	C	I	PD
		Agricultural Open Space	Single Family-1	Single Family-2	Single Family-3	Medium Density	Apartment	Manufactured Home	Office	Local Retail	Shopping Center	Commercial	Industrial	Planned Development
RESIDENTIAL USES														
Bed and Breakfast Inn	1		S	S	S	S		S						
Group Living Quarters	2	S												
Hotel or Motel	3									S	S			
Industrialized Housing (Modular Home)	4													
Manufactured Home <i>(built after June 15, 1976) See Sec. 17-13</i>	5	S	S	S	S	S	S		S	S	S	S	S	
Manufactured Home Park	6													
Manufactured Home Subdivision	7													
Mobile Home <i>(built before June 15, 1976)</i>	8													
Multi-Family Dwelling (Apartments)	9													
Patio Home (Zero Lot Line Home) <i>(Site plan required)</i>	10	S	S	S	S	S	S	S	S	S	S	S		
Recreational Vehicle Park	11													
Single Family Housing Unit, Attached (Townhouse)	12													
Single Family Housing Unit, Detached	13													
Two Family Housing Unit (Duplex)	14													
ACCESSORY & INCIDENTAL USES														
Accessory Building, Residential & Non-residential	15a 15b													
Carport	15c													
Farm Accessory Building	16													
Home Occupation	17													
Off-Street Parking Incidental to Main Use	18													
Caretaker's/Guard's/Servant's Quarters	19													
Swimming Pool (Private)	20													
Temporary Field or Construction Office	21													

Type Use	Def. No.	AO	R-1	R-2	R-3	MD	A	MH	O	LR	SC	C	I	PD
		Agricultural Open Space	Single Family-1	Single Family-2	Single Family-3	Medium Density	Apartment	Manufactured Home	Office	Local Retail	Shopping Center	Commercial	Industrial	Planned Development
UTILITY SERVICE USES														
Electrical Substation	22		S	S	S	S	S	S						
Electrical Transmission Line	---													
Fire Station	---													
Local Utility Line	23													
Public Building - Shop or Yard of Local, State, or Federal Agency	24	S	S	S	S	S	S	S	S	S	S			
Public Building – Office of Local, State, or Federal Agency	25	S	S	S	S	S	S	S						
Radio, Television, Microwave, or Telecommunication Tower	26	S	S	S	S	S	S	S	S					
Radio or Television Transmitting Station	---	S												
Sewage Pumping Station	---													
Sewage Treatment Plant	---	S										S		
Telephone Line & Exchange	---													
Utility Shops, Storage Yards or Storage Buildings (Private)	27	S									S			
Water Reservoir, Well, or Pumping Station	---													
Water Standpipe or Elevated Water Storage (Water Tower)	---													
Water Treatment Plant	---	S										S		
EDUCATIONAL & INSTITUTIONAL USES														
Art Gallery or Museum	28													
Cemetery, Mausoleum, or Crematory	---	S							S	S	S	S	S	
Church or Parsonage	29													
College	30													
Community Center (Public)	31													
Criminal Justice Halfway House	32											S	S	
Day Care Center (for over 6 people)	33	S	S	S	S									
Fairgrounds or Exhibition Area	---	S												
<i>Educational & Institutional Uses continued on next page ...</i>														

Type Use	Def. No.	AO	R-1	R-2	R-3	MD	A	MH	O	LR	SC	C	I	PD
		Agricultural Open Space	Single Family-1	Single Family-2	Single Family-3	Medium Density	Apartment	Manufactured Home	Office	Local Retail	Shopping Center	Commercial	Industrial	Planned Development
EDUCATIONAL & INSTITUTIONAL USES (CONTINUED)														
Family Care Facility for Children (<i>foster home for 6 or less children</i>)	34	S	S	S	S	S		S						
Family Day Care Home (<i>day care for 6 or less people</i>)	35													
Fraternity, Sorority or Membership Association	36								S	S				
Group Care Facility for Children (<i>foster home for 7 or more children</i>)	37	S												
Rehabilitation Care Facility (Halfway House)	38													
Hospital	39	S												
Institution of Religious, Charitable or Philanthropic Nature	40	S	S	S	S	S	S	S						
Library (Public)	---	S	S	S	S	S								
Public or Denominational Day Care Center	41													
School, Business	42								S					
School, Commercial Trade	43													
School, Elementary or Secondary (Private)	44		S	S	S									
School, Public or Denominational	45													
Shelter (<i>for homeless or transient people</i>)	46										S			
RECREATIONAL & ENTERTAINMENT USES														
Adult Entertainment Enterprise	47													
Topless Establishment	48													
Carnival or Circus (Temporary)	---													
Commercial Amusement (Indoor)	49													
Commercial Amusement (Outdoor)	50													
Country Club (Private)	51	S	S	S	S	S	S	S						
Dance Hall or Night Club	52										S			
Day Camp	53													
Golf Course (Commercial, Not Miniature Golf)	54	S								S				
Movie Theater or Playhouse (Indoors)	---								S					

Recreational & Entertainment Uses continued on next page ...

Type Use	Def. No.	AO	R-1	R-2	R-3	MD	A	MH	O	LR	SC	C	I	PD
		Agricultural Open Space	Single Family-1	Single Family-2	Single Family-3	Medium Density	Apartment	Manufactured Home	Office	Local Retail	Shopping Center	Commercial	Industrial	Planned Development
RECREATIONAL & ENTERTAINMENT USES (CONTINUED)														
Park or Playground (Public)	55													
Playfield, Stadium or Neighborhood Recreation Center (Public)	56													
Riding Club (Private)	57	S												
Rodeo Grounds	---	S												
Sports Club Other Than Listed	---	S							S	S				
Swim or Tennis Club (Private)	58	S	S	S	S	S	S	S						
Swimming Pool (Commercial)	59	S							S					
Zoo	60	S												
AGRICULTURAL USES														
Animal Hospital (Outside Pens)	61													
Animal Lot (Private) & Associated Stable	62		S	S	S	S	S	S	S	S	S			
Animal Lot (Commercial) & Associated Stable	63													
Animal Pound or Shelter	64													
Farm, Ranch, Garden, or Orchard	65													
Farmer's Market	---									S				
Feedlot (Commercial)	66	S												
Feed Store	67													
Greenhouse or Plant Nursery	---		S	S	S	S	S	S	S					
Hatchery, Poultry	---													
Kennel	68													
Veterinarian Office Only (No Hospital or Outside Pens)	69													

Type Use	Def. No.	AO	R-1	R-2	R-3	MD	A	MH	O	LR	SC	C	I	PD
		Agricultural Open Space	Single Family-1	Single Family-2	Single Family-3	Medium Density	Apartment	Manufactured Home	Office	Local Retail	Shopping Center	Commercial	Industrial	Planned Development
AUTOMOTIVE SERVICE USES														
Auto Parts & Accessory Sales, including tires (Indoors Only)	---													
Auto Parts & Accessory Sales, including tires (Outdoor Display)	---													
Auto Storage or Auto Auction	---													
Automotive Repair (Major)	70													
Automotive Repair (Minor) or Service Station	71													
Car Wash	---													
Motorcycle Sales & Service	---													
New or Used Auto Sales & Rental (Outdoor Display)	72													
New or Used Heavy Machinery Sales, Storage & Repair	---													
Tire Retreading	---													
OFFICE & RELATED USES														
Ambulance Service	---								S					
Bank, Credit Union, or Financial Institution	---													
Clinic, Medical or Dental	---	S												
Laboratory, Medical or Dental	73								S					
Mortuary or Funeral Parlor	---													
Offices, General Business or Professional	74													
Office, Wholesale and Showroom	75													
Optical Shop or Laboratory	---								S					
Print Shop (Major)	76													
Print Shop (Minor)	77													
Studio, Health, Reducing, Massage Therapy or Similar Health Service	---													
Studio, Photographer, Artist, Music, Drama or Dance	---													

Type Use	Def. No.	AO	R-1	R-2	R-3	MD	A	MH	O	LR	SC	C	I	PD
		Agricultural Open Space	Single Family-1	Single Family-2	Single Family-3	Medium Density	Apartment	Manufactured Home	Office	Local Retail	Shopping Center	Commercial	Industrial	Planned Development
RETAIL & RELATED USES														
Antique Shop	78													
Bakery or Retail Confectionery	---													
Camera or Photographic Supply Shop	---													
Catering Services	---													
Cleaning Shop or Laundry (Limited Area)	79													
Cleaning or Laundry Self--Service Shop (Laundromat)	80													
Clothing or Apparel Store	---													
Convenience Store (with or without fuel sales)	81													
Custom Personal Service Shop	82													
Department Store	---													
Drug Store or Pharmacy	---													
Florist (Retail)	---													
Food/Grocery Store	---													
Furniture, Home Furnishings, or Appliance Store	---													
Garage Sale (<i>Limited to 3 days, twice per year</i>)	83													
Garden Shop or Plant Sales	---													
Gift Shop	---													
Handcraft & Art Objects Sales	---													
Hardware Store or Hobby Shop	---													
Jewelry and/or Watch Sales & Repair	---													
Key Shop & Lock Repair	---													
<i>Retail Uses continued on next page ...</i>														

Type Use	Def. No.	AO	R-1	R-2	R-3	MD	A	MH	O	LR	SC	C	I	PD
		Agricultural Open Space	Single Family-1	Single Family-2	Single Family-3	Medium Density	Apartment	Manufactured Home	Office	Local Retail	Shopping Center	Commercial	Industrial	Planned Development
RETAIL & RELATED USES (CONTINUED)														
Liquor Store, off-premise consumption, beer & wine sales	84a													
Liquor Store, off-premise consumption, unrestricted sales	84b													
Liquor Store, on-premise consumption, beer & wine only	84c													
Mailing Service	---													
Meat or Fish Market	---													
Medical Appliances, Fitting, Sales or Rental	---													
Musical Instrument Sales	---													
Office Supply Sales & Equipment	---													
Pawn Shop	---													
Pet Shop & Pet Grooming	---													
Repair Shop for Household Items	85													
Restaurant or Cafeteria	86													
Restaurant or Eating Establishment (Drive-in service)	87													
Retail Stores and Shops	---													
Shoe Repair Shop	---													
Sporting Goods & Athletic Equipment Sales	---													
Small Engine Repair Shop	88													
Tattoo Parlor or Body Piercing Shop	---													
Tavern, Lounge or Private Club	89													
Tool & Light Vehicle Rental (not heavy machinery)	---													
Video or Music Media Store	---													

Type Use	Def. No.	AO	R-1	R-2	R-3	MD	A	MH	O	LR	SC	C	I	PD
		Agricultural Open Space	Single Family-1	Single Family-2	Single Family-3	Medium Density	Apartment	Manufactured Home	Office	Local Retail	Shopping Center	Commercial	Industrial	Planned Development
COMMERCIAL TYPE USES														
Auction Sales Facility	90													
Bakery, Wholesale	---													
Cabinet Shop, Furniture Repair & Upholstery Shop	---													
Christmas Tree and Seasonal Sales (temporary outdoor lot)	---													
Cleaning, Laundry or Dry Cleaning Plant	91													
Service Contracting Operation (no outside storage)	92													
Service Contracting Operation (with outside storage)	93													
Flea Market	94													
Laboratory, Manufacturing	95													
Laboratory, Scientific or Research	---													
Light Fabrication & Assembly Processes	96													
Manufactured Home Sales	---													
Milk or Ice Cream Plant	---													
Mini-Storage Warehouse	97													
New Building Material Sales and/or Storage (Lumber Yard)	98													
Outdoor Storage (Screened)	99													
Outdoor Storage (Unscreened)	99													
Paint Shop	100													
Pest Control, Exterminating Service	---													
Petroleum Products Storage & Wholesale Sales	---													
Plumbing Shop	---													
Portable Building Sales	---										S			
Secondhand Merchandise Dealers or Storage (Screened)	101													
Secondhand Merchandise Dealers or Storage (Unscreened)	101													
Sign Manufacturing Shop	---													
Storage Warehouse (not mini-storage)	102													

Commercial Uses continued on next page ...

Type Use	Def. No.	AO	R-1	R-2	R-3	MD	A	MH	O	LR	SC	C	I	PD
		Agricultural Open Space	Single Family-1	Single Family-2	Single Family-3	Medium Density	Apartment	Manufactured Home	Office	Local Retail	Shopping Center	Commercial	Industrial	Planned Development
COMMERCIAL TYPE USES (CONTINUED)														
Taxidermist	---													
Used Building Material Sales and/or Storage	103													
Welding or Machine Shop	---													
Wholesale Storage or Sales Facility	---													
TRANSPORTATION RELATED USES														
Bus Station or Terminal	---													
Heliport	104	S								S	S			
Motor Freight Terminal	---													
Moving or Hauling Company	---													
Parking Lot or Structure (Commercial Auto)	105								S	S				
Railroad Freight Terminal	---													
Railroad Team Track & Unloading Docks	106													
Railroad Track or Railroad Right-of-Way	---													
Truck Parking Lot, Truck Storage or Truck Stop	107				S			S	S	S	S			
SPECIAL INDUSTRIAL PROCESSES (Public Hearing Required)														
Asphalt or Concrete Batching Plant	---	S										S		
Caliche Pit & Storage Area	---	S										S		
Junk or Salvage Yard	108													
Landfill (Inert Material Only)	109													
Manufacturing or Industrial Use	110													
Meat Packing Plant	---													
Recycling Collection Facility (publicly-owned only)	111													
Sand or Gravel Storage	---	S										S		

Type Use	Def. No.	AO	R-1	R-2	R-3	MD	A	MH	O	LR	SC	C	I	PD
		Agricultural Open Space	Single Family-1	Single Family-2	Single Family-3	Medium Density	Apartment	Manufactured Home	Office	Local Retail	Shopping Center	Commercial	Industrial	Planned Development
SIGNS & IDENTIFICATION USES														
Advertising Sign (Billboard)	112	S												
Apartment, Manufactured Home Park, or Manufactured Home Subdiv. Sign	113													
Construction Sign	114													
Development Sign	115													
General Business Sign	116													
Institutional Sign	117													
Name Plate	118													
Political Sign (Temporary)	119													
Real Estate Sign (Temporary for sale or rent sign)	120													
Recreational Vehicle Park Sign	121													

Sec. 17-10. Land use definitions and explanations. The following definitions and explanations supplement, restrict, and define the meaning and intent of the uses listed in Sec. 17-9, Schedule of Uses table. The definition number below corresponds to the definition number identified for each use in the table. General definitions of terms, excluding land uses, which are used in this Zoning Ordinance are included in Article XVIII.

RESIDENTIAL USES

- (1) ***Bed and breakfast inn.*** An owner (or operator) occupied housing unit with five (5) or fewer bedrooms/guest-rooms available for overnight guests where short-term lodging and meals are provided for compensation; however, no food preparation shall be permitted in guest bedrooms.
- (2) ***Group living quarters.*** A housing facility that provides residence to four (4) or more individuals unrelated by blood, marriage, or adoption. Group living quarters include such land uses as a boarding or rooming house, dormitory, convent or monastery (without a church on-site), a nursing home, hospice, or residence for the aged, assisted living facility, residential facilities for fraternities, sororities or membership associations, and any other residential facility where the number of occupants per housing unit exceeds the Dalhart Zoning Ordinance definition of “family”.
- (3) ***Hotel or motel.*** A building or group of buildings designed for and occupied as a temporary dwelling place for individuals and providing a minimum of six (6) individual guest-rooms or units where customary hotel services such as linen, maid service, telephone, and upkeep of furniture is provided. Restaurants shall be permitted as a secondary use within the building.

- (4) ***Industrialized housing (formerly known as a modular home).*** A detached residential structure that is designed for the use and occupancy of one family; constructed in one or more modules or constructed using one or more modular components built at a location other than the permanent site; and that is designed to be used as a permanent residential structure when the modules or modular components are transported to the permanent site and are erected or installed on a permanent foundation system. Industrialized housing includes the structure's plumbing, heating, air conditioning, and electrical systems. Industrialized housing does not include a residential structure that exceeds three (3) stories in height or forty-nine (49) feet as measured from the finished grade elevation at the building entrance to the peak of the roof; housing constructed of a sectional or panelized system that does not use a modular component; or a ready-built home constructed in a manner in which the entire living area is contained in a single unit or section at a temporary location for the purpose of selling and moving the home to another location.
- (5) ***Manufactured home.*** A structure constructed on or after June 15, 1976, according to the rules of the U.S. Department of Housing and Urban Development (HUD), transportable in one (1) or more sections which, in the traveling mode, is eight (8) feet or more in width, or forty (40) feet or more in length, or when erected on site, is three hundred twenty (320) or more square feet in area, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities and includes the plumbing, heating, air-conditioning, and electrical systems of the home. The term does not include a recreational vehicle.
- (6) ***Manufactured home park.*** A unified development of three (3) or more manufactured home spaces arranged on a tract of land under single ownership and which meets the requirements for manufactured home parks in Chapter 18 of the Dalhart Code of Ordinances.
- (7) ***Manufactured home subdivision.*** A unified development of manufactured home sites on platted lots which have been divided for the purpose of individual ownership, meeting the area, yard and development standards of this Zoning Ordinance for such development and which is governed by the provisions of the subdivision regulations of the City of Dalhart.
- (8) ***Mobile home.*** A structure that was constructed before June 15, 1976, transportable in one (1) or more sections which, in the traveling mode, is eight (8) feet or more in width, or forty (40) feet or more in length, or when erected on site is three hundred twenty (320) or more feet in area and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities and includes the plumbing, heating, air-conditioning, and electrical systems of the home.
- (9) ***Multi-family housing unit (Apartment).*** Any building or portion thereof, which is designed, built, rented, leased or let to be occupied as three (3) or more housing units or apartments or which is occupied as a home or place of residence by three (3) or more families living in independent housing units. The term includes cooperative apartments, condominiums and other land uses of a similar density. For the purpose of these regulations, regardless of how rental units are equipped, any multi-family dwelling in which units are available for rental periods less than one (1) week shall be considered a hotel or motel.
- (10) ***Patio home (Zero lot line home).*** A single-family dwelling on a separate platted lot which is designed such that one side yard is reduced to zero feet, or any amount less than the required side yard setback in the zoning district where the patio home is located, in order to maximize the width and usability of the other side yard, and which permits the construction of a detached single-family dwelling with one side of such dwelling placed on the side property line.
- (11) ***Recreational vehicle park.*** A unified development under private ownership and containing three (3) or more spaces where recreational vehicles are parked, situated or used as a temporary parking place for

such transient vehicles and which meets the requirements for a recreational vehicle park in Chapter 18 of the Dalhart Code of Ordinances.

- (12) **Single family housing unit, attached (Townhouse).** A one family housing unit which is joined to another one family housing unit at one (1) or more sides and each unit is located on a separate platted lot with dimensions meeting regulations for the district. At points of attachment, such buildings shall be separated from each other by fire walls, extending from footings or basement through roofs without openings which would permit the spread of fire from one building to another.
- (13) **Single family housing unit, detached.** A housing unit designed and constructed for occupancy by only one (1) family and located on a separate building tract or platted lot and having no physical connection to a building located on any other separate lot or tract.
- (14) **Two family housing unit (Duplex).** A building on a single lot containing two (2) connected housing units, each housing unit having a separate entrance and separate accommodations for and occupied by only one family per housing unit.

ACCESSORY & INCIDENTAL USES:

- (15) **Accessory building.** A detached building or use that is subordinate to the main building on the lot, which is used for a purpose customarily incidental to the main building. In no instance shall the use of the detached subordinate building be contrary to the land uses permitted in the zoning district in which the building is located. An accessory building shall not be used as a residence or any other living quarters. Where one (1) or more walls of an accessory building are part of a wall or walls of the main building or where an accessory building is attached to the main building by a roof, the accessory building shall be considered as part of the main building and is subject to the same codes, ordinances and development standards that apply to the main building.
 - a. **Residential** - A detached building that is clearly subordinate to and functionally related to the main residential building on a lot which is used for a purpose customarily incidental to the main residential building such as a private garage, tool house, greenhouse, home workshop, or children's playhouse.
 - b. **Non-residential** – A detached building subordinate to the main non-residential building on the lot, which is used for a purpose customarily incidental to the main building.
 - c. **Carport.** A roofed accessory building (either portable or permanent structure) used to provide covered parking for vehicles. A carport shall be open on a minimum of three (3) sides when attached to the main building and open on four (4) sides when detached from the main building, covered with a roof supported by structural steel, wood columns or masonry piers. Vehicular access to a carport shall not contain an overhead, sliding or swinging door or gate and shall have no enclosing walls.
- (16) **Farm accessory building.** A structure, other than a housing unit, on a farm as herein defined, for the housing, protection, or storage of the usual farm equipment, animals, and crops.
- (17) **Home occupation.** A home occupation is an occupation carried on in the occupant's home by a member of the occupant's family, without the employment of additional persons and without offering any commodity for sale to the general public on the premises, and without the keeping of stock for trade, and without the storage of supplies and equipment, and with only the use of a nameplate to identify the occupation. The occupation must not create unreasonable noise or other unreasonable conditions to abutting residential property, such as emission of odors, increased traffic, parking or generation of light or smoke.

- (18) ***Off-street parking incidental to main use.*** Off-street parking spaces, provided in accordance with requirements specified by this Chapter, include accompanying maneuvering area and driveway access. Required off-street parking shall be located on the lot or tract occupied by the main use, or an immediately adjacent lot or tract, or on an immediately adjacent lot or tract across an alley or a street and located within the same zoning district as the main use or a zoning district which would permit the establishment of the main use or a commercial parking lot or parking structure. An off-street parking space is not located on public right-of-way such as a street or alley, but has an all-weather surface together with an all-weather driveway connecting the parking space with a street or alley.
- (19) ***Caretaker's/guard's/servant's quarters.*** A detached secondary housing unit, located on the same lot as a main residential or nonresidential structure, 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, guard or caretaker and not rented or otherwise used as a separate dwelling and which shall not have kitchen facilities or separate utility connections.
- (20) ***Swimming pool (private).*** A swimming pool constructed for the exclusive private use of the residents of a single-family, two-family or multiple-family housing unit.
- (21) ***Temporary field or construction office.*** A building or structure, subject to removal by order of the Building Inspector, used in connection with a development or construction project for housing on the site of temporary administrative and supervisory functions related to the development or the sale of real estate properties within the active development or construction project.

UTILITY SERVICE USES:

- (22) ***Electrical substation.*** An electrical facility consisting of transformers and associated equipment having a primary purpose of reducing the transmission voltage of a bulk electrical power source for distribution to specific areas within the City.
- (23) ***Local utility line.*** The facilities provided by a municipality or a franchised utility company for the distribution or collection of gas, water, surface drainage, sewage, electric power or telephone service or cable television including pad and pole mounted transformers.
- (24) ***Public building, shop or yard of local, state or federal agency.*** Facilities such as maintenance yards or shops required by branches of local, state or federal government for service to an area such as highway department yard or city service center.
- (25) ***Public building, office of local, state or federal agency.*** Office facilities required by branches of local, state or federal government.
- (26) ***Radio, television, microwave, or telecommunication tower.*** Structures supporting antennae for transmitting or receiving any portion of the radio spectrum including cellular/wireless communication facilities, but excluding noncommercial antennae installations for home use of radio or television.
- (27) ***Utility shops, storage yards or storage buildings (private).*** Facilities such as maintenance yards or shops, indoor storage and screened outdoor storage for any private individual or company, including private utility companies.

EDUCATIONAL & INSTITUTIONAL USES:

- (28) ***Art gallery or museum.*** An institution for the collection, display and distribution of original works of art or where limited editions thereof are bought, sold, loaned, appraised, displayed or exhibited to the general public, and which is sponsored by a public or quasi-public agency.

- (29) ***Church or parsonage.*** A building for regular assembly for religious worship which is used primarily for such purpose and those accessory activities which are customarily associated therewith, and the place of residence for ministers, priests, nuns, rabbis and similar staff personnel on the premises.
- (30) ***College.*** An academic institution, accredited or recognized by the State, established for educational purposes and offering courses for study beyond the secondary level but excluding trade schools and commercial schools.
- (31) ***Community center, public.*** A building or complex of buildings that house cultural, recreational, athletic, or entertainment facilities owned and/or operated by a governmental agency or private non-profit agency to benefit the community.
- (32) ***Criminal justice halfway house.*** A residential facility operated to house individuals who have been in confinement for a criminal conviction or are placed in a regulated living environment as part of the disposition of a criminal allegation on the condition that the individuals must live within such facility for a specified period of time as a requirement of parole or probation from a county, State or federal judicial system.
- (33) ***Day care center.*** An establishment where more than six (6) people are housed for care or training during the day or portion thereof.
- (34) ***Family care facility for children.*** A facility which provides room, board, care and supervision to four (4) through six (6) children, exclusive of a family unit of individuals related by blood, marriage or adoption, on a twenty-four hour a day basis. Such family care facility for children must be licensed or supervised by the State of Texas and shall be limited to foster homes and homes for the temporary placement of children for evaluation.
- (35) ***Family day care home.*** A housing unit operated by a person (caregiver), where such caregiver houses people not to exceed six (6) in number, excluding the caregiver's own dependents, for care or training or both during ten (10) hours or less per day. The caregiver may house up to three (3) additional people for not more than three (3) hours per day.
- (36) ***Fraternity, sorority, or membership association.*** Meeting places for social organizations or associations to which entrance is permitted to members only and their invited guests and specifically excluding private clubs licensed by the Texas Alcohol Beverage Commission.
- (37) ***Group care facility for children.*** A facility which provides room, board, care and supervision to seven (7) or more children, exclusive of a family unit of individuals related by blood, marriage or adoption, on a twenty-four hour a day basis. Such group care facility for children must be licensed or supervised by the State of Texas and shall be limited to foster homes and homes for the temporary placement of children for evaluation.
- (38) ***Rehabilitation care facility (halfway house).*** A residential facility for persons who are receiving therapy and counseling from support staff who are present at all times the residents are present, for one (1) or more of the following purposes:
- a. To help residents recuperate from the effects of drugs or alcohol addiction;
 - b. To help homeless persons or families achieve independence and obtain permanent housing;
 - c. To help persons with family or school adjustment problems that require specialized attention and care in order to achieve personal independence; or
 - d. To provide temporary shelter for persons who are victims of domestic abuse.
- (39) ***Hospital.*** A medical facility or institution providing primary health services and medical and surgical care to persons, primarily inpatients suffering from illness, disease, injury, and other abnormal physical

or mental conditions and including, as an integral part of the institution, related facilities such as laboratories, outpatient facilities, or training facilities as licensed by the State of Texas.

- (40) ***Institution of religious, charitable or philanthropic nature.*** A non-profit organization supported mainly by charitable donations and whose principal function is the performance of charitable work.
- (41) ***Public or denominational day care center.*** A nonprofit public or religious agency, including but not limited to churches, schools, and colleges, where people are housed for care or training during the day or portion thereof.
- (42) ***School, Business.*** A business organized to operate for a profit and offering instruction and training in a service or art such as secretarial school, barber, beauty school or commercial art school, but not including manual trade schools.
- (43) ***School, Commercial trade.*** A business organized to operate for a profit and offering instruction and training in a trade such as welding, bricklaying, machinery operation and similar trades.
- (44) ***School, Private elementary or secondary.*** 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, but not including trade or commercial schools.
- (45) ***School, public or denominational.*** A school under the sponsorship of a public or religious agency having a curriculum generally equivalent to public elementary or secondary schools, but not including trade or commercial schools.
- (46) ***Shelter.*** An organization providing temporary (three (3) days or less) boarding or lodging or both on its premises primarily to indigent, needy, homeless or transient persons.

RECREATIONAL & ENTERTAINMENT USES:

- (47) ***Adult Entertainment Enterprise.*** Any business activity whether in public, semi-public or private premises, which offers the opportunity to feel, handle, touch, paint, be in the presence of, or be entertained by the unclothed body or the unclothed portion of the body of another person, or to observe, view, or photograph any such activity. Except as specifically provided otherwise herein, nothing in this section is intended to regulate:
 - Any business operated by or employing psychologists, physical therapists, athletic trainers, licensed massage therapist, cosmetologists, or barbers, licensed by the State of Texas, performing functions authorized under the licenses held;
 - Any business operated by or employing physicians, osteopaths, chiropractors or nurses, licensed by the State of Texas, engaged in practicing the healing arts; or
 - Any retail establishment whose major business is the offering of wearing apparel for sale to customers.

Adult entertainment enterprises furthermore include, but are not limited to, the following:

- a. ***Adult bookstore/film store.*** An establishment or commercial enterprise having one percent (1%) or more of its stock in trade; videos, tapes, cassettes, photographs, books, magazines and other periodicals which are distinguished by a predominant emphasis on matter(s) depicting, describing, or related to “specific sexual activities” or “specified anatomical areas” as defined in Article XVIII, General Definitions.

- b. **Movie arcade.** Any business wherein is operated a film, videotape, or digital viewing device. A film, videotape, or digital viewing device or booth subject to these provisions is defined as:
1. **Viewing booths/arcades.** An establishment or commercial enterprise which has within its structure any electrical or mechanical device, or which projects or displays any film, videotape or reproduction into a viewing area obscured by a curtain, door, or wall, or other enclosure which is designed for occupancy by no more than five (5) persons per device at any one time, and is used for presenting material distinguished or characterized by a predominant emphasis on matters depicting, describing, or relating to “specified sexual activities” or “specified anatomical areas” as defined in Article XVIII, General Definitions.
 2. **Adult motion picture theatre.** An establishment or commercial enterprise which has a closed building with a capacity of more than five (5) persons and is used for presenting material distinguished or characterized by a predominant emphasis on matter depicting, describing, or relating to “specified sexual activities” or “specified anatomical areas”, as defined in Article XVIII, General Definitions, for observation by patrons.
- c. **Adult cabaret.** An establishment whose portion of business is the offering to customers live entertainment which is intended to provide sexual stimulation or sexual gratification to such customers, including but not limited to, dancing, posing, modeling, acting, and which is distinguished or characterized by a predominant emphasis on matter depicting, describing, or relating to “specified sexual activities” or “specified anatomical areas” as defined in Article XVIII, General Definitions.
- d. **Adult encounter parlor.** An establishment whose business consists of premises where customers who engage in “specified sexual activities” (as defined in Article XVIII, General Definitions) with or in the presence of customers, or who display “specified anatomical areas” (as defined in Article XVIII, General Definitions) in the presence of such customers, with the intent of providing sexual stimulation or sexual gratification to such customers.
- e. **Adult lounge.** An “adult cabaret” as defined above which is permitted or licensed pursuant to the Texas Alcoholic Beverage Code where alcoholic beverages may be served or sold.
- f. **Adult drive-in theatre.** A drive-in theatre used for presenting motion picture films, video cassettes, digital viewing devices (DVDs), cable television, or any other such visual media, distinguished or characterized by a predominant emphasis on matter depicting, describing, or relating to “specified sexual activities” or “specified anatomical areas” as defined in Article XVIII, General Definitions.
- g. **Adult retail store.** A retail establishment in which:
1. One percent (1%) or more of the “stock in trade” consists of items, products or equipment distinguished or characterized by an emphasis on “specified sexual activities” or “specified anatomical areas” as defined in Article XVIII, General Definitions.
 2. Any person is excluded by virtue of age from all or part of the premises generally held open to the public where products or equipment distinguished or characterized by an emphasis on “specified sexual activities” or “specified anatomical areas” as defined in Article XVIII, General Definitions.
- (48) **Topless establishment.** Any business activity that offers the opportunity (whether as a single activity or in conjunction with any other business activity) to view male or female naked breast(s) that are partially clothed in a manner that leaves uncovered or visible through less than opaque clothing any portion of the

breast below the areola and where the genital areas and anus are covered by a g-string or other opaque covering.

- (49) **Commercial amusement (indoors).** An amusement enterprise wholly enclosed in a building which is treated acoustically so that noise generated by the enterprise is not audible at the bounding property line and including, but not limited to, arcades, billiard parlors, bingo parlors, bowling alleys, and ice or roller skating rinks.
- (50) **Commercial amusement (outdoors).** An outdoor area or structure which provides entertainment, amusement, or games of skill to the general public for a fee or admission charge wherein any portion of the activity takes place in the open including, but not limited to, archery ranges, batting cages, go-cart tracks, golf driving ranges, and miniature golf courses.
- (51) **Country club (private).** A land area of twenty (20) acres or more and buildings which may contain a golf course, clubhouse, dining room, swimming pool, tennis courts, and similar recreational or service uses available only to members and their guests.
- (52) **Dance hall or night club.** An establishment offering to the general public facilities for dancing and entertainment for a fee and subject to licensing and regulation by the City.
- (53) **Day camp.** A facility arranged and conducted for the organized recreation and instruction including outdoor activities on a daytime basis.
- (54) **Golf course (commercial).** A privately-owned golf course open to the public for a fee and operated as a commercial venture. This definition does not include a miniature golf course as it is included in definition of commercial outdoor amusement.
- (55) **Park or playground (public).** A recreation facility or park owned or operated by a public agency such as the City Parks Department or school district and available to the general public; or the temporary or seasonal use of open land as a play area or recreation area, which is authorized or approved by the City.
- (56) **Playfield, stadium, or neighborhood recreation center (public).** A place such as an athletic field, stadium or recreation center owned or operated by a public agency for the general public, designed and equipped for the conduct of sports, leisure time activities, and other customary and usual recreational activities including, but not limited to, a baseball field, football field or stadium.
- (57) **Riding club (private).** A paddock, clubhouse, and stable for quartering, training, and riding horses; the facilities of which are restricted to a specific membership and not available to the general public.
- (58) **Swim or tennis club (private).** A recreational area containing a swimming pool or tennis courts or both with related recreational facilities and a clubhouse, all of which facilities serve a limited private membership with specific fee requirements.
- (59) **Swimming pool (commercial).** A swimming pool with accessory facilities, not part of the municipal or public recreational system and not a private swim club, but where the facilities are available to the general public for a fee.
- (60) **Zoo.** A facility, other than a pet shop or kennel, that houses, displays, or exhibits live animals, reptiles, or birds.

AGRICULTURAL USES:

- (61) ***Animal hospital (outside pens).*** An establishment that may include outside holding pens where animals and pets are admitted for examination, medical treatment, or surgery. Overnight stay of medically-treated and recuperating animals is allowed.
- (62) ***Animal lot (private) and associated stable.*** An enclosed area unobstructed by any cross fences, exclusively for quartering any hoofed animal including, but not limited to, horses, cows, sheep, and goats and which meets the area and space requirements for each animal as set forth in Chapter 4, Animals and Fowl, with a limit of eight (8) animals per acre; provided however, the area requirement, as set out herein, shall not apply to a private animal lot located in AO, C, or I zoning districts. If the site contains a building such as a stable in which the animals are sheltered and/or fed, the building shall be set back from all adjacent property lines at least fifty (50) feet. Standings under roofed stables shall be made of a material which provides for proper drainage so as not to create offensive odors, fly breeding or other nuisances. Any area used for the keeping of animals under this Chapter shall be fenced and shall not encumber any front yard as specified in the Zoning Ordinance. Fences for pens, corral fences, or similar enclosures must be of sufficient height and strength to retain animals and shall be maintained in good condition at all times. The minimum area requirements for a private animal lot shall be calculated separately and in addition to lot area requirements for other land uses on the property. All animal lots shall be fenced separately from any residence.
- (63) ***Animal lot (commercial).*** An area used exclusively for quartering any hoofed animal including, but not limited to, horses, cows, sheep, and goats, for the purposes of boarding or rental to the public. For the quartering of horses or other equine animals, a stable is required which provides at least one hundred (100) square feet for each animal quartered.
- (64) ***Animal pound or shelter.*** Any facility used to impound and care for stray, homeless, abandoned, or unwanted animals and that is owned, operated, or maintained by the City or other public body or nonprofit organization such as a humane society and is devoted to the welfare, protection, and humane treatment of animals held under the authority of the City or State law.
- (65) ***Farm, ranch, garden or orchard.*** An area of five (5) acres or more which is used for growing usual farm products, vegetables, fruits, trees, and grains, and for the raising thereon of the usual farm poultry and 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 and garbage to swine and other animals and not including any type of agriculture or husbandry specifically prohibited by ordinance or law, and not including commercial riding stables.
- (66) ***Feedlot (commercial).*** Confined area where cattle or other livestock are held for extended periods of time for the purpose of weight increase prior to slaughter.
- (67) ***Feed store.*** An establishment for the selling of corn, grain, and other food stuffs for animals and livestock, and including other implements and goods related to agricultural processes, but not including farm machinery.
- (68) ***Kennel.*** Any lot, building, structure or premises where five (5) or more dogs, cats, or any combination thereof, over the age of ten (10) weeks are raised, trained, boarded, harbored, or kept; and any premises wherein any person engages in the business of boarding, breeding, buying, training for a fee, or selling dogs, cats or other animals. Veterinary clinics and governmental animal shelters are specifically excluded.
- (69) ***Veterinarian office only (No hospital or outside pens).*** A facility for the prevention, treatment, minor surgery, cure, or alleviation of disease and/or injury in animals, specifically domestic animals, with all

care provided on an outpatient treatment basis only. No overnight boarding of animals and no outside pens shall be allowed.

AUTOMOTIVE SERVICE USES:

- (70) ***Automotive repair (major).*** General repair, reconditioning or overhaul of engines, air-conditioning systems, and transmissions for motor vehicles; wrecker service; collision repair services including body, frame, or fender straightening or repair; customizing; painting; vehicle steam cleaning, undercoating and rust proofing; and other similar uses.
- (71) ***Automotive repair (minor) or service station.*** An establishment used for the retail dispensing or sales of petroleum products, lubricants, and automobile accessories and/or minor automobile tune-up, muffler installation, oil change or other lubrication services, or the minor repair or replacement of parts, including auto glass and seat covers, and performing State vehicle inspections and making minor repairs necessary to pass said inspection in which all services provided and all storage, supplies, parts, equipment and accessories are indoors, with the exception of fuel dispensing operations. This definition shall not include any major automotive repairs or service such as engine and transmission exchange or overhauls, or other uses listed under automotive repair (major).
- (72) ***New or used auto sales or rental (outdoor display).*** Retail sales and/or leasing of new or used automobiles, trucks, vans or other light load vehicles, including as a minor part of the business, the indoor servicing of such vehicles; however, no dismantling of cars or keeping of used parts or junk on the premises shall be allowed.

OFFICE & RELATED USES:

- (73) ***Laboratory, medical or dental.*** A facility with technological equipment designed for scientific experimentation, examination, evaluation, and documentation for medical and other technologies, including a laboratory for the preparation of medical and dental appliances, radiological preparations chemical analysis and similar activities to be used in the treatment of, or research about, humans.
- (74) ***Office, general business or professional.*** A building or portion of a building used for the provision of executive, management, or administrative services. Typical uses are administrative offices and services including real estate, insurance, property management, investment, personnel, travel, secretarial services, telephone answering, and business offices of public utilities, organizations, and associations.
- (75) ***Office, wholesale and showroom.*** An establishment that primarily consists of sales offices and sample display areas for products and/or services delivered or performed off-premises. Catalog and telephone sales facilities are allowable and incidental retail sales of products associated with the primary products and/or services are permitted. Warehousing facilities shall be incidental to the primary use and shall not exceed fifty percent (50%) of the total floor area. This definition does not include service contracting operations.
- (76) ***Print shop (major).*** An establishment whose primary service is long-run printing using a variety of printing presses, including, but not limited to, book, magazine, and newspaper publishing, four-color processing, lithography, and other similar processes.
- (77) ***Print shop (minor).*** An establishment whose primary service is short-run printing operations such as the copying of newsletters, flyers, and resumes, using photocopy machines, as well as blueprinting of maps, construction documents and plans, and similar items.

RETAIL & RELATED USES:

- (78) ***Antique shop.*** A retail establishment offering for sale within a building articles such as glass, china, furniture, artifacts or similar furnishings and decorations of an earlier period and which have value and significance as a result of age, design or sentiment.
- (79) ***Cleaning shop or laundry (limited area).*** A building or portion thereof in which articles of clothing and other fabrics are laundered, pressed or dry cleaned on-site or used as a pick-up station for such cleaning. Such cleaning shop or laundry shall not exceed six thousand (6,000) square feet of floor area.
- (80) ***Cleaning or laundry self-service shop (laundromat).*** A facility where patrons wash, dry, or dry clean clothing and other fabrics in machines operated by the patron.
- (81) ***Convenience store.*** A neighborhood retail establishment of less than ten thousand (10,000) square feet in floor area offering limited amounts of consumer goods such as prepackaged food products, beverages, newspapers, and other similar merchandise and permitting automotive fuel sales.
- (82) ***Custom personal service shop.*** Seamstress, dressmaker, tailor, barbershop, beauty shop, or similar shop offering customized or personalized service.
- (83) ***Garage Sale.*** An occasional market open to the public and conducted on a residential premise in any residential district, for the purpose of disposing of personal property. The term includes, but is not limited to all sales entitled “lawn”, “yard”, “room”, “backyard”, “patio”, or “rummage” sale. The term does not include a sale where not more than three (3) specific items are offered for sale and all advertisements of such sale specifically names those products to be sold. Garage sales are limited to three (3) consecutive days and each household is limited to only two (2) garage sales in a calendar year.
- (84) ***Liquor store.*** Any business, corporation, association, club, organization, incorporated or unincorporated, required to be licensed by the Texas Alcoholic Beverage Commission (T.A.B.C.). Liquor stores are classified as follows:
- a. ***Liquor store, off-premise consumption, beer & wine sales.*** A store selling alcohol having a license prohibiting any consumption of alcohol on or at said premises and is restricted to retail sales of beer and/or wine shall be classified as liquor store, off-premise consumption, limited to beer and/or wine; for example, a grocery store or convenience store.
 - b. ***Liquor store, off-premise consumption, unrestricted sales.*** A store permitted by the T.A.B.C. to sell beer, wine or liquor not for on-premise consumption. The beer, wine or liquor shall be sold in unbroken original containers on or from the licensed premises at retail to consumers for off-premises consumption only; for example, a package store.
 - c. ***Liquor store, on-premise consumption, beer and wine only.*** A facility selling alcoholic beverages and having a license permitting any consumption of beer and/or wine at or on said premises; for example a restaurant that also serves beer and/or wine in addition to food.
- (85) ***Repair shop for household items.*** The maintenance and rehabilitation of household items including appliances customarily used in the home such as washing and drying machines, refrigerators, dishwashers, trash compactors, ovens and ranges, countertop kitchen appliances, vacuum cleaners, hair dryers, or other similar electric and electronic equipment.
- (86) ***Restaurant or cafeteria.*** An eating establishment where the preparation of food is the principal business and where customers are primarily served at tables or are self-served, where food is consumed primarily on the premises.

- (87) ***Restaurant or eating establishment (drive-in service).*** An eating establishment where primarily food or drink is served to customers in motor vehicles or where facilities are provided on the premises which encourage the serving and consumption of food in automobiles on or near the restaurant premises.
- (88) ***Small engine repair shop.*** A shop for servicing and repair of lawnmowers, chainsaws, lawn equipment, and other machines with only one-cylinder engines. No outside storage is allowed.
- (89) ***Tavern, lounge or private club.*** A tavern or lounge is an establishment where the primary activity is the sale and consumption on the premises of alcoholic beverages and where food service, if any, is secondary to the sale of alcoholic beverages. A private club is any organization or association of persons including fraternal and veteran organizations and all organizations required to be licensed by the Texas Alcohol Beverage Commission.

COMMERCIAL TYPE USES:

- (90) ***Auction sales facility.*** An establishment where objects of art, furniture, or other goods are offered for sale to persons who bid on the object in competition with each other.
- (91) ***Cleaning, laundry or dry cleaning plant.*** An establishment with over six thousand (6,000) square feet of floor area that provides full service laundry and dry cleaning services to the general public or for bulk cleaning for other cleaning shops or laundries.
- (92) ***Service contracting operation (no outside storage).*** An establishment whose primary activity is the provision of services for the construction, maintenance, cleaning, or repair of buildings and properties on a fee or contract basis. Service contractors include, but are not limited to, the installation and servicing of electrical, mechanical, plumbing, heating and air conditioning systems and for construction, painting, irrigation, pest control, carpet cleaning and landscape maintenance services. No outside storage of equipment, goods, or materials are allowed.
- (93) ***Service contracting operation (with outside storage).*** A contracting operation (as defined above) with an outside storage area for goods, materials, and construction equipment, including vehicles and trailers, associated with the conduct of the business.
- (94) ***Flea market.*** A collection or group of stalls, booths, tables, or other similar arrangement, rented to individual vendors on a short-term basis for the display and sale of various items of new or used personal property. The principal sales shall include new and used household goods, personal effects, tools, artwork, small household appliances, and similar merchandise, objects, or equipment in small quantities.
- (95) ***Laboratory, manufacturing.*** An indoor facility for the on-site compounding of products such as perfumes, pharmaceutical, and other chemicals and the development and assembly of similar items.
- (96) ***Light fabrication and assembly processes.*** A shop or small plant for, but not limited to, the fabrication of awnings, clothing, jewelry, small instruments or electronics, and any similar item not involving the generation of noise, odor, vibration, dust or other undesirable or obnoxious condition that would negatively affect adjacent property.
- (97) ***Mini-storage warehouse.*** A unified development of leasable, self-storage units built in a controlled-access and fenced compound and consisting of varying sizes of individual, compartmentalized, self-contained units, each unit not to exceed three hundred (300) square feet in floor area. The conduct of sales, business or any other activity within the individual storage units, other than storage, shall be prohibited. No outside storage, no storage of explosives, flammable materials, or materials emitting noxious odors shall be allowed.

- (98) ***New building material sales and/or storage (lumber yard).*** A sales and distribution center for retail and wholesale hardware, plumbing, lumber and other materials used in the building trades, of which a predominance of the building materials for sale are new products which have not previously been used in the construction of, or as a part of, any structure.
- (99) ***Outdoor storage.*** The storage of any equipment or commodity, either as a primary use of land or as an accessory use, in an outdoor area which is not enclosed by a fence, wall or other visual barrier. Where either this designation of an open storage activity or another designation might apply, the more restrictive shall govern. This definition is not intended to regulate the storage of vehicles or equipment for the principal use activity of auto storage, outdoor auto sales lot, or other similar uses that are not required by this Chapter to be screened.
- (100) ***Paint shop.*** An automobile, machinery or equipment painting facility where spray painting and related service is offered.
- (101) ***Secondhand merchandise dealers or storage.*** The keeping, handling, storage, or use of furniture, appliances and/or other merchandise or goods for sale or display. "Secondhand merchandise" is defined as an item that has previously been sold at the wholesale or retail level or previously used by an individual or business. Except in an industrial zoning district, any outdoor storage or display of such merchandise shall require visual screening as described in this Chapter.
- (102) ***Storage Warehouse (not mini-storage).*** An indoor facility for storing goods, merchandise and commodities either temporarily or long-term.
- (103) ***Used building material sales and/or storage.*** A facility that stores and/or sells used, salvaged or recovered building materials including, but not limited to, lumber, plywood, paneling, molding, siding, flooring, tile, bricks, blocks, doors, windows, cabinets, or other material previously used in a deconstructed building.

TRANSPORTATION RELATED USES:

- (104) ***Heliport.*** A landing facility for rotary wing aircraft subject to regularly scheduled use and may include fueling or servicing facilities for such craft and is subject to approval by the City.
- (105) ***Parking lot or structure (commercial auto).*** An area or structure devoted to the temporary, daily or overnight of-street parking or storage of automobiles for a fee.
- (106) ***Railroad team track.*** A spur for spotting, unloading or loading box cars or other railroad cars.
- (107) ***Truck parking lot, truck storage or truck stop.*** Facility for parking or storage of currently licensed trucks.

SPECIAL INDUSTRIAL PROCESSES (Public Hearing Required):

- (108) ***Junk or salvage yard.*** Any land or building where metals, plumbing materials, appliances, vehicles, vehicle parts, rags, paper, machinery, or similar items are kept, salvaged, stored, dismantled, and/or offered for sale as whole units, as salvaged parts or as processed materials.
- (109) ***Landfill (inert material).*** A designated tract of land upon which material and man-made inert solid material is disposed of in accordance with the standards established by the Texas Board of Health. The material that may be disposed of shall be limited to soil, rock, dirt, sand, gravel, concrete, brush, lumber, and construction or demolition wastes. No putrescible solid waste shall be disposed of in the landfill and the landfill site must be approved by the City of Dalhart.

- (110) ***Manufacturing or industrial use.*** An establishment primarily engaged in the fabrication, processing, assembling, treating, and packaging of products, with incidental storage, sales and distribution of such products, including, but not limited to the physical or chemical transformation of materials or substances into new products or anything related to the business of manufacturing products. Such uses shall be monitored to assure that it's operation, location, and construction adequately controls noise, smoke, and particulate matter, odorous matter, fire, or explosive material, toxic, and noxious matter, vibration, glare, and outdoor storage.
- (111) ***Recycling collection facility (publicly-owned).*** A publicly-owned indoor facility designed to collect, sort, and package, by manual or mechanical processes, recyclable items for transport to a reprocessing plant. The term "recyclable item" shall mean a waste product that can be reprocessed and used again as raw material in the manufacturing of same or similar products and is not attached or combined with products containing other materials. The term "mechanical processes" shall mean sorting and packaging by machinery in which the composition of the item remains constant but the shape of the product is altered.

SIGNS & IDENTIFICATION USES:

- (112) ***Advertising sign (billboard).*** A permanent freestanding or pole sign having space that is typically available for lease, rent or hire, separate and apart from any business activity on the premises where the sign is located, that promotes commodities or services available at a location other than where the sign is located and/or that directs persons to any location not on the premises.
- (113) ***Apartment, manufactured home park, or manufactured home subdivision sign.*** A permanent on-site sign identifying an apartment building or other similar multi-family complex, or a manufactured home park, or manufactured home subdivision on which the sign is placed and/or displayed.
- (114) ***Construction sign.*** A temporary on-site sign identifying the property owner, architect, contractor, engineer, landscape architect, or financial institution engaged in the design, construction or improvement of the premises on which the sign is located.
- (115) ***Development sign.*** A temporary on-site sign related to the promotion of new developments and located on the premise of the development.
- (116) ***General business sign.*** A permanent on-site sign designated as an accessory use for the main structure specifically for the location where it is placed which advertises only commodities or services offered on the premises where such sign is located.
- (117) ***Institutional sign.*** A permanent on-site sign for the identification of a school, church, hospital or similar public or quasi-public institution.
- (118) ***Name plate.*** A permanent on-site sign indicating only the name, address and major occupation of the occupant of the premises and which is not illuminated by intermittent or flashing lights.
- (119) ***Political sign (temporary).*** A temporary sign that contains primarily a political message and that is located on private real property with the consent of the owner, but does not include a political message on a sign such as a billboard that is generally available for rent and/or purchase to carry commercial advertising or other messages that are not primarily political.
- (120) ***Real estate sign (temporary for sale or rent sign).*** A temporary on-site sign pertaining to the sale or rental of property on which the sign is placed.
- (121) ***Recreational vehicle park sign.*** A permanent on-site sign for the identification of a recreational vehicle park on which it is placed.

Sec. 17-11. Special Use Permits

(a) The City Council of the City of Dalhart, after public hearing and proper notice to all parties affected, and, after recommendation from the Planning and Zoning Commission containing such requirements and safeguards as are necessary to protect adjoining property, may authorize by ordinance the issuance of a special use permit for the uses in the zoning districts indicated by "S" in Sec. 17-9, Schedule of Uses table.

(b) The Planning and Zoning Commission in considering any application for a special use permit shall require a comprehensive site plan for the development, such required site plan to be approved and filed as part of the ordinance prior to the issuance of any building permit in a special use development. Such required site plan and ordinance shall show the following, unless some or all are waived by the City Council:

- (1) The legal description of the land included in the site plan and of the lot, as well as the name of the owner, developer and designer;
- (2) The boundary lines of the area included in the site plan including angles, dimensions, and reference to a section corner, quarter corner, or point on a recorded plat, a north arrow, scale and the lot area of the land within the site plan;
- (3) Private drives and public streets showing direction of travel, ingress and egress to property, street width, and inside radii for all curves along with adequate right-of-way to conform with the thoroughfare plan of the City;
- (4) Parking spaces and driveways conforming to Article XIV, Off-Street Parking and Loading.
- (5) Utility locations, easements, and drainage;
- (6) Sidewalks, type, height, and location of signs, lighting and fencing or screening walls;
- (7) Architectural drawings detailing the exterior design and materials, shape, height, size and floor area of all existing and proposed structures;
- (8) Proposed use and number of occupants or employees;
- (9) Location of areas of landscaping or planting, yards, open space, and common areas;
- (10) Other development and protective requirements considered necessary by the Planning and Zoning Commission and the City Council to create a reasonable transition to and protection for adjacent property.

(c) The City Council may, in the interest of public welfare and to ensure compliance with the purposes of this Chapter, establish additional conditions of operation, location, arrangement, and construction for any use for which a special permit is authorized. In authorizing the location of any of the uses listed in Sec. 17-9, Schedule of Uses table, as a special use permit, the City Council may impose additional development standards and safeguards as the conditions and locations indicate important to the welfare and protection of adjacent property from excessive noise, vibration, dust, dirt, smoke, fumes, gas, odor, explosion, glare, offensive view, or other undesirable or hazardous conditions. In considering a special use permit for any use in any of the residential zoning districts or in an O, LR, SC, C, or I zoning district, special consideration shall be given to possible undesirable characteristics of the use such as outside activities, storage of vehicles, equipment or materials, location and visual effects of loading areas and building type and appearance inconsistent with the zoning district.

(d) Every special use 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

conditions which shall be complied with by the grantee before a Certificate of Occupancy and Compliance may be issued by the Building Inspector for the use of the buildings on such property pursuant to said special permit; and such conditions shall not be construed as conditions precedent to the granting of special permit for the change in zoning of such property, but shall be construed as condition precedent to the granting of the Certificate of Occupancy and Compliance.

(e) In addition to the uses allowed by a special use permit as shown by “S” in Sec. 17-9, Schedule of Uses table, the City Council may also authorize the location of the following uses and criteria by special use permit:

(1) Private housing projects and shopping centers consisting of not less than three (3) acres in any district when accompanied by a site plan drawn to scale and showing the arrangement of the project in detail together with essential requirements such as parking facilities, location of buildings and the uses to be permitted, and means of egress and ingress.

(2) Dog kennels and animal hospitals on sites of five (5) acres or more, in any zoning district where these uses are not allowed outright.

(3) Riding academy or public stable on sites of five (5) acres or more in any zoning district where these uses are not allowed outright.

(4) Hospitals, children’s homes, group living quarters, where a site of five (5) acres or more is provided in any zoning district where these uses are not allowed outright.

(5) Rehabilitation care facility (halfway house) where a site of twenty (20) acres or more is provided in any zoning district where this use is not allowed outright.

Sec. 17-12. “MH” Manufactured Home District

It is recognized that certain areas of the City may be suitable for the development of manufactured home parks and manufactured home subdivisions. It is for these areas that the MH zoning district is designed. The MH zoning district is not intended to be utilized for the placement or location of a single manufactured home. All manufactured home development shall be within or a part of a manufactured home park or manufactured home subdivision. Any rezoning application for MH zoning district shall include an area of not less than two (2) acres unless it is immediately adjacent to an existing MH zoning district containing not less than two (2) acres. All manufactured home park development shall comply with Chapter 18, Manufactured Home Parks and Recreational Vehicle Parks, and all manufactured home subdivisions shall comply with Chapter 21, Subdivision Regulations, of the Dalhart Code of Ordinances.

Sec. 17-13. Manufactured Home Standards

The purpose of this section is to set forth standards for the placement and architectural appearance of manufactured homes within the City. This section is to ensure that manufactured homes are compatible with other dwellings in residential neighborhoods and meet minimum placement and architectural standards while providing an alternative means of affordable home ownership for the residents of the community.

(a) *Manufactured homes allowed in MH district.* Manufactured homes shall be allowed in the MH Manufactured Home zoning district when located in either a manufactured home park or manufactured home subdivision. A HUD-code manufactured home may be placed, located or permitted only if it is situated in a duly platted and recorded manufactured home subdivision, specifically identified as such, which meets all the requirements of the Dalhart Code of Ordinances. In a manufactured home subdivision, only one (1) manufactured home shall be placed on each lot.

(c) *Manufactured homes allowed by special permit.* In any zoning district where manufactured homes are not allowed outright (AO, R-1, R-2, R-3, MD, A, O, LR, SC, I, C), a manufactured home may be allowed by special permit if approved by the City Council under the following provisions:

- (1) Only one (1) manufactured home shall be placed on each platted lot that meets size/area requirements for a site-built, single-family housing unit in the zoning district where the manufactured home shall be located;
- (2) The manufactured home shall be permanently attached or affixed to a permanent foundation system;
- (3) The manufactured home shall have concrete or masonry stem walls;
- (4) The manufactured home shall have a stairway at each exit;
- (5) The exterior covering and roof of any and all garages or carports on the same building site as the manufactured home must be of the same material as that of the manufactured home;
- (6) The manufactured home shall meet all off-street parking, driveways, setbacks height, bulk, and other requirements set forth in this Zoning Ordinance for the district in which it is located.

{*Note: Subsection (c) was amended by Ordinance 2006-29 on 10-24-2006*}

(c) *Skirting requirements.*

- (1) All manufactured homes shall be skirted within sixty (60) days from the date the manufactured home is placed on the property.

{*Skirting requirements continued on next page*}

- (2) Skirting shall be installed around the exterior perimeter of a manufactured home to enclose the under floor area from the bottom of the unit to the ground. Skirting shall be of materials approved for exterior exposure, such as fiber cement skirting, and shall be installed and fastened to withstand damage from winds and exposure to the elements. The skirting material shall be a material intended for use as a finished exterior surface and shall be painted if required for the protection of the material. Skirting material shall be the same or of similar color to the manufactured home.

Panel type skirting material shall be securely attached to wood or metal stud frame structures that are anchored to the ground and to the bottom of the manufactured home at not more than six (6) feet on center with approved anchors. Wood stud frames, and panel materials made of wood products that are within six (6) inches of the ground shall be preserved or treated for ground contact in accordance with the Building Code. Wood or metal stud frames shall consist of a bottom plate, a top plate, and studs at no more than twenty-four (24) inches on center. Panel materials shall be attached to stud frames with fasteners appropriate for and compatible with the material used, and the fasteners shall be approved for exterior exposure both in accordance with the Building Code. Fasteners in panel materials shall be spaced around the perimeter of each panel at not more than six (6) inches on center and in the field of the panel at not more than twelve (12) inches on center. Panel materials shall also be installed in accordance with the manufacturer's instructions.

If used in place of panel skirting materials, perimeter footings shall be of concrete, and perimeter stem walls above the ground shall be of either concrete or masonry, both in accordance with the foundation details for a pier and beam structure as adopted in the Building Code. Perimeter footings and stem walls shall fully enclose the underside of the manufactured home. Any skirting method shall provide for under floor access and ventilation as required by the Building Code.

(e) *Manufactured home installation permit.* The placement of individual manufactured homes within the City limits, other than a new manufactured home installed by the retail seller, shall require the issuance of a manufactured home installation permit by the Building Inspector of the City of Dalhart. The permit shall authorize water and sewer connection, gas utility connection to existing opening, electrical utility connection to existing meter base with lifeline and air conditioning.

Installation of all manufactured homes (new or used) shall have a HUD label inspection number, shall comply with all applicable local, state, and federal laws and be approved by the Planning and Zoning Commission. Issuance of a permit is dependent on location in an allowable zoning district, conformance with appropriate subdivision regulations, building setbacks and other development standards.

For all manufactured homes to be placed in a manufactured home subdivision in the MH zoning district, the applicant for a manufactured home installation permit shall submit the following to the Building Inspector to receive a manufactured home installation permit:

- (1) deed for the lot where the manufactured home is proposed to be located;
- (2) manufactured home title and other information regarding make, model, length, width, year model, and HUD inspection number of the manufactured home; and
- (3) plot plan showing the property lines with dimensions, any easements, the location of the proposed home, location of any existing and proposed buildings and location of the off-street parking area to the Building Inspector.

It shall not be necessary to obtain a manufactured home installation permit if the resident replaces a used manufactured home with a new manufactured home and removes the used manufactured home from the city limits and the extra territorial jurisdiction of the City of Dalhart.

(f) *Certificate of Compliance and Occupancy.* No manufactured home hereafter installed or structurally altered shall be used, occupied or changed in use until a Certificate of Occupancy and Compliance shall have been

issued by the Building Inspector stating that the manufactured home or proposed use of a manufactured home or premises complies with the provision of this Chapter.

As a requirement of the issuance of such Certificate of Occupancy and Compliance, the manufactured home must be skirted as detailed in (d) above, from the ground to the base of the unit with substantial solid material of similar appearance to the manufactured home unit within sixty (60) days of issuance. Failure to comply with the skirting requirement shall result in the revocation of the permit.

(g) *Mobile homes prohibited.* Mobile homes as defined in Sec. 17-10 (8) are prohibited within the City of Dalhart. Any mobile home legally located in the City prior to the enactment of this Chapter and used and occupied as a residential dwelling shall be allowed to remain in place, but shall not be replaced with another mobile home under any circumstances. Any such existing mobile home shall be removed when unoccupied for a period in excess of six (6) months.

(h) The City of Dalhart retains its rights regarding any mobile home or manufactured home which is or becomes dilapidated, substandard, unfit for human habitation, and a hazard to the public health, safety, and welfare, pursuant to Chapter 214 of the Texas Local Government Code and other applicable laws.

Sec. 17-14. Industrialized Housing Standards

(a) The purpose of this section is to set forth standards for the placement and architectural appearance of industrial housing within the City. The intent of this section is to ensure that industrialized housing is compatible with surrounding residential dwellings and meet minimum placement and architectural standards while still providing for an alternative means of affordable housing.

(b) Industrialized housing must:

- (1) Have a value equal to or greater than the median taxable value for each single-family dwelling located within 500 feet of the lot on which the industrialized housing is proposed to be located.
- (2) Have exterior siding, roofing, roofing pitch, foundation fascia, and fenestration compatible with the single-family dwellings located within 500 feet of the lot on which the industrialized housing is proposed to be located.
- (3) Comply with City building setbacks for front, side and rear yards, subdivision controls, and other site requirements as set forth by the City of Dalhart.
- (4) Be securely affixed to a permanent foundation.

Sec. 17-15. Liquor Store Location Requirements.

(a) All structures housing a liquor store as defined in this Chapter must be located at least three hundred (300) feet from any lot used for church, school or hospital purposes. Said measurements shall be in a straight line in all directions from the structure housing the liquor store to the nearest point on any lot used for church, school or hospital purposes.

(b) All structures housing a liquor store as defined in this Chapter having a permit which allows on-premise consumption of alcohol must be located at least three hundred (300) feet from any lot in a residential zoning district or any lot used for church, school or hospital purposes. Said measurements shall be in a straight line in all directions from the structure housing the liquor store (on-premise consumption) to the nearest point on any lot in a residential zoning district or any lot used for church, school or hospital purposes except as set forth in items (c) and (d) below.

(c) Should said liquor store be located in conjunction with other buildings in a manner where said liquor store is clearly separated from other portions of the structure (for example, a liquor store in a shopping center) the liquor store structure's measurements shall be taken from the boundaries of the space in which the liquor store is housed or confined (not the entire shopping center, motel or structure).

(d) Should said liquor store be located in conjunction with other buildings in a manner where said liquor store is situated above the ground level of a multi-story structure and is clearly separate from other activities within the structure (for example, a liquor store on an upper level of an office tower) the liquor store's measurements shall be taken from the nearest entry to that portion of the structure housing the liquor store, thence to the nearest point of egress (elevator or stairs), thence to the nearest ground floor exit, thence in a straight line to the nearest point on any lot in a residential district (for on-premise consumption only) of any lot or tract used for church, school or hospital purposes.

(e) Each applicant for a liquor store as defined in this Chapter must submit a site plan setting out the dimensions and locations for such liquor store. The applicant shall sign a certified and notarized statement attached to the site plan that the proposed liquor store complies with the requirements set forth herein above. It shall be the duty of the applicant to prepare the site plan and to assure compliance with the distance requirements.

ARTICLE IV. PLANNED DEVELOPMENT DISTRICT

Sec. 17-16. General.

It may be desirable that certain areas of the City develop in accordance with plans prepared and approved in advance of development. To encourage such planned developments, administrative and regulatory provisions are provided as set out in this Article. The Planned Development (PD) District is designed to promote, through unified planning and development, more efficient land use, more sensitive treatment of natural features, harmonious integration of diverse activities, and creative urban design.

Sec. 17-17. General PD Requirements.

Development of Planned Development Districts shall be in accordance with the following general requirements, when applicable:

- (a) Land shall be under unified control, planned and developed as a whole. Development of all land and structures shall occur in a single operation or definitely programmed series of operations.
- (b) Principal and accessory structures and uses shall be substantially related to the character of the district.
- (c) Development shall occur according to comprehensive and detailed plans which indicate such features as street and utility layout, lots or building sites, site design, floor plans, building elevations, and other improvements to the land.
- (d) A program shall be devised for provision, operation, and maintenance of common areas and facilities that will not be financed at general public expense.
- (e) Planned development districts shall be located in regard to public utility systems such that neither extension nor enlargement of such systems will be required in a manner which results in a higher net public cost or earlier incursion of public cost than would result from development permitted by more conventional zoning for the area.
- (f) Planned development districts shall be located in relation to public facilities so as to have similar access as would development permitted under more conventional zoning. Furthermore, development shall occur such that access and net cost of public service provision is not greater than that which would be incurred for development permitted under more conventional zoning.
- (g) Planned development districts shall be located in relation to arterial and collector streets so as to provide direct access without increasing traffic along minor streets in residential areas outside the district.

Sec. 17-18. Uses Permitted.

A planned development district may be approved to include any use or combination of uses shown as being permitted in the PD zoning district in Sec. 17-9, Schedule of Uses table. Uses permitted within any specific PD shall be enumerated in the ordinance establishing the district.

Sec. 17-19. Procedures and Requirements

(a) *Application requirements.* Any person, firm, or corporation may file an application for a planned development district provided they own the property proposed for rezoning to PD. Application for zoning district change to PD shall be submitted to the Building Inspector, or his designee, at least forty-five (45) days prior to public hearing by the Planning and Zoning Commission, as set forth in Article IX concerning amendment procedures for zoning change requests. Application for zone change to a residential PD shall be submitted at least twenty (20) days prior to public hearing. Application for all types of PD districts, except a residential PD, shall contain each of the following items:

- (1) A legal description of the property under consideration, which also shows that such property includes the minimum acreage required for that type of PD.
- (2) A fully dimensioned map of the land including topographic information at a contour interval of two (2) feet.
- (3) Designation of areas proposed to be conveyed, dedicated, or reserved for parks, parkways, playgrounds, school sites, public buildings, and similar public and semi-public uses.
- (4) Indication of residential dwelling intensity.
- (5) A copy of all agreements, provisions, or covenants which govern the use, maintenance, and continued protection of the PD and any of its common areas.
- (6) A site plan, clearly drawn and dimensioned, showing the location and arrangement of the following features:
 - a. Existing and proposed principal and accessory structures (except for single family and duplex residences).
 - b. Existing and proposed streets and alleys.
 - c. Existing and proposed driveways, parking and maneuvering areas, and sidewalks.
 - d. Lots proposed to be platted.
 - e. Landscaping, including screening walls and fences.
 - f. Open areas.
 - g. Existing and proposed drainage facilities.
 - h. Existing and planned public utilities.
 - i. Existing and proposed uses.
- (7) A vicinity map showing the location of the site in relation to the surrounding neighborhood.
- (8) A statement listing and fully explaining the specific modifications of the provisions of this Chapter which are desired, as well as the purposes for which the modifications are intended.
- (9) A tentative development schedule outlining a timetable for completion of the entire project.

(b) *Site plan required.* A comprehensive site plan, as specified within this subsection, shall be required by the Planning and Zoning Commission and the City Council for development of a PD. The site plan shall be approved and filed with the Building Inspector as part of the district ordinance prior to issuance of any building permit in the PD. Such plan and ordinances shall set forth all development and protective requirements considered necessary, as determined by the Building Inspector.

(c) *Conditions for approval.*

- (1) Each PD shall constitute an amendment to the Zoning Ordinance. In approving the PD, the Planning and Zoning Commission may recommend conditional approval, and the City Council may impose certain conditions relative to standards regulated by this article. Such conditions shall be complied with before a Certificate of Occupancy and Compliance is issued for the use of any structure within the PD.
- (2) Any planned development district may have less than the minimum acreage requirements set forth in the types of planned development districts as specified in this article if the proposed use is allowed within the existing zoning district and the planned development is for reasons other than the classification of the use.

(d) *Public facilities and improvements.*

- (1) All facilities or improvements within public rights-of-way shall be provided in accordance with design standards set forth within the City of Dalhart Code of Ordinances.
- (2) All facilities or improvements within private rights-of-way or easements must meet City material standards and construction specifications.
- (3) Rights-of-way or easements for private streets shall comply with classification standards as set forth within the City of Dalhart Code of Ordinances, and paving, curb and gutter shall be provided according to the standards as set forth therein.

(e) *Identification and recording.*

- (1) Each PD shall be indicated on the Zoning Map. The boundaries of a PD may be altered or adjusted only in accordance with the amendment provisions set forth herein.
- (2) The first PD shall be shown on the Zoning Map as PD-1. Each subsequent PD shall be assigned the next number. The Building Inspector shall maintain a register and file of all PDs, including the site plan, a copy of the district ordinance, and all other pertinent information to the district.

(f) *Failure to begin development.* At the time a PD is created, the Planning and Zoning Commission shall establish a date by which development must begin. If development does not proceed within this time limit, the Commission shall examine the circumstances and recommend to the City Council that:

- (1) Time limits for all or part of the PD be extended, indicating suggested length of extensions; or,
- (2) All or part of the development be rezoned to its former status as appears appropriate under the circumstances.

(g) *Minimum size.*

- (1) A planned development zoning district shall be no less than two (2) acres in size.
- (2) An area less than two (2) acres in size may also be requested for consideration as a PD district if one (1) of the following criteria is met:
 - a. The area proposed for rezoning abuts a zoning district that allows for a use permitted in a contiguous district and provides a visual and land use buffer to the more restrictive adjacent zoning district;
 - b. The area proposed for rezoning has frontage on a freeway, arterial or other street of equal importance to an arterial (not collector streets in residential areas) and provides a visual and land use buffer to adjacent more restrictive zoning districts or developments;
 - c. The proposed use is allowed within the existing zoning district and the planned development is for reasons other than the classification of the use.

Sec. 17-20. Waiver of area regulations.

The City Council, after recommendation by the Planning and Zoning Commission, may grant a waiver to the minimum requirements for lot area, lot width, lot depth, and front, side and rear yards when the overall development is in keeping with the requirements of this Article.

ARTICLE V. ADULT ENTERTAINMENT ESTABLISHMENTS

Sec. 17-21. Location requirements

(a) All structures housing adult entertainment enterprises (as defined in this Zoning Ordinance) shall be located as follows:

- (1) at least six hundred (600) feet from the property boundary line of any residentially-zoned lot or any lot used for church, park, or hospital purposes;
- (2) at least one thousand (1,000) feet from another structure housing an adult entertainment enterprise; and,
- (3) at least two thousand (2,000) feet from any lot used for school purposes.

Said measurements are to be in a straight line in all directions from the structure housing the adult entertainment enterprise to the nearest property line on any lot in any residentially-zoned district, or any lot used for church, school, or hospital purposes, or any park, and any structure housing an adult entertainment enterprise.

(b) The measurements for a structure shall be taken from the farthest point that a structure extends in any direction, including overhanging roofs and all other projections or portions of said structure.

(c) Should said adult entertainment enterprise be located in conjunction with other buildings in a manner where said adult entertainment enterprise is clearly separated from other portions of the structure (for example, an adult bookstore in a shopping center), the adult entertainment enterprise structure's measurements shall be taken from the boundaries of the space in which the adult bookstore is housed or confined (not the entire shopping center or structure).

(d) Should said adult entertainment enterprise be located in conjunction with other buildings in a manner where said adult entertainment enterprise is situated above the ground level of a multi-story structure and is clearly separate from other activities within the structure (for example, an adult bookstore on an upper level of an office tower), the adult entertainment enterprise measurements shall be taken from the entry to that portion of the structure housing the adult bookstore, thence to the nearest point of egress (elevator or stairs), thence to the nearest ground floor exit, thence in a straight line to the nearest point on any lot in a residential district, or any lot or tract used for church, school, hospital or park purposes, and any structure housing an adult entertainment enterprise.

(e) Each applicant for an adult entertainment enterprise must submit a site plan setting out the dimensions and location for such adult entertainment enterprise. The applicant shall sign a certified and notarized statement attached to the site plan that the proposed adult entertainment enterprise complies with the requirements set forth herein above. It shall be the duty of the applicant to prepare the site plan and to assure compliance with the distance requirements.

(f) *Expansion of neighbors.* An adult entertainment enterprise lawfully operating as a conforming use is not rendered a nonconforming use by the location of a church, school, hospital, park, or residentially-zoned property within six hundred (600) feet of the adult entertainment enterprise.

Sec. 17-22. Adult Viewing Booth Design & Lighting

(a) Adult viewing booths and arcades shall be constructed according to this section. The interior of an adult arcade and/or viewing booth shall be configured in such a manner that there is an unobstructed view of every interior area of the adult arcade and/or viewing booth to which any patron is permitted access for any purpose. This unobstructed view shall be from the manager's station directly into the viewing booth. In the event there is more than one manager's station, then at any of the manager's stations there shall be at least one unobstructed view to any interior area of the viewing booth or arcade. The view required in this section must be in direct line of sight from the manager's station.

(b) It shall be the duty of the owner and operator of such arcade or viewing booth, and it shall also be the duty of any agents and employees present in an arcade or viewing booth to ensure that the view area specified in subsection (a) above remains unobstructed by any merchandise, display racks, or other materials at all times that any patron is present in the adult arcade and to ensure that no patron is permitted access to any area of the adult arcade which has been designated as an area in which patrons will not be permitted in the plan filed pursuant to this section.

(c) *Lighting.*

(1) Each adult arcade and viewing booth shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place to which patrons are permitted access at an illumination so that any patron may be observed from the manager's station.

(2) It shall be the duty of the owners and operators, and it shall also be the duty of any agents and employees present in an adult arcade and viewing booth to ensure that the illumination described above is maintained at all times that any patron is present in the adult arcade and viewing booths.

ARTICLE VI. GENERAL AREA REGULATIONS

Sec. 17-23. Applicability.

(a) Except as hereinafter provided, no structure or part thereof shall be erected, altered, or converted for any use permitted in the zoning district in which it is located unless it conforms with all regulations in this and other articles of this Zoning Ordinance, including Table 1, Summary of Development Standards. The area regulations shall not apply in the usual manner to individual lots or parcels in a PD.

(b) *Accessibility hardships.*

(1) Where lot area regulations present hardships regarding accessibility or physical barrier issues related to the Americans with Disabilities Act, the City Manager shall determine the manner in which requirements of this Article are to be applied, in order to make reasonable accommodations.

(2) An applicant who disagrees with the determination of the City Manager regarding whether a person has a disability, the extent of disability or the level of accommodation that is reasonable may appeal to the Board of Adjustment by filing a notice of appeal within fifteen (15) days after the City Manager renders the decision. The appeal must state specific grounds, reasons or complaint. The notice must be filed with the City Manager, who shall transmit to the Board of Adjustment the notice and all documentation constituting records upon which the decision was made. The appeal shall be placed on the agenda for consideration by the Board at its next meeting. The applicant may appeal the decision of the Board by filing suit in a district court of Dallam or Hartley County for declaratory relief construing this Zoning Ordinance or its application to the applicant.

- (3) Any variance, waiver, or accommodation that is allowed or granted under this Article is specific to the property described in the application. The accommodation remains in effect only so long as a disabled person occupies the property (be it the person who was the subject of the application or a different disabled person but whose situation would have satisfied the conditions of the determination rendered on the application). Once a disabled person described in the preceding sentence ceases to use the premises as a primary place of abode, then the owner shall, within six (6) calendar months, restore or modify the property to meet the applicable ordinances, sections, and codes as if there had been no reasonable accommodations made.

Sec. 17-24. Lot Area.

The minimum lot area for each residential housing unit for the various zoning districts shall be in accordance with Table 1, Summary of Development Standards, except that a lot having less area than herein required which was an official lot of record prior to March 28, 1995 may be used for a single-family detached housing unit only. No residential lot shall be reduced in area below the minimum.

Sec. 17-25. Lot Width.

(a) The minimum lot width for lots in the various zoning districts used for residential purposes shall be in accordance with Table 1, Summary of Development Standards, except that a lot having less width than herein required which was an official lot of record prior to March 28, 1995 may be used for a single-family, two-family or manufactured home housing unit in zoning districts permitting those respective uses; provided that for two-family housing units, a lot shall not be less than fifty (50) feet in width. No residential lot shall be reduced in width below the minimum.

(b) The width of the lot shall be measured at the specified setback or front building line, but in no case shall the lot width at the front street line be less than forty (40) feet or the required minimum lot width, whichever is less.

(c) If the housing units in a two-family (duplex) structure are sold for individual ownership, each housing unit shall be located on a separate platted lot having a minimum lot width of thirty (30) feet.

Sec. 17-26. Lot Depth.

The minimum lot depth for the various zoning districts shall be in accordance with Table 1, Summary of Development Standards, except that a lot having less depth than herein required which was an official lot of record prior to March 28, 1995 may be used for a single-family detached housing unit only. No lot shall be reduced in depth below the minimum.

Sec. 17-27. Front Yard.

(a) The minimum front yard for the various zoning districts shall be in accordance with Table 1, Summary of Development Standards, and no structure or use shall be located, erected or altered so as to have a smaller front yard than required herein, and no front yard existing at the time of passage of this Chapter shall be reduced below the minimum with the following exception:

Smaller front yard setback. A main building or structure may have a front yard less than required if other main buildings or structures within the same block on the same side of the street have legally observed a front yard setback less than required herein. The front yard with the least restrictive dimension shall establish the minimum front yard setback.

(b) *Front building line established by plat.* Where a front building line has been established by ordinance or by an approved subdivision plat filed of record in Dallam or Hartley County that is greater than the building line established by this Zoning Ordinance for the zoning district where the property is located, the building line shown

on the recorded plat shall take precedence, and no building shall be erected closer to the property line than the building line so established.

(c) *Measurement of front yard.* The front yard shall be measured from the front property line to the front face of the building, covered porch, or covered terrace.

(d) *Allowable projections into front yard.* Open and unenclosed terraces or porches and eaves and roof extensions may project into the required front yard for a distance not to exceed four (4) feet; provided, however, that no supporting structure for such extensions may be located within the required front yard. The ordinary projections of window sills, cornices, and other architectural features may project into the required front yard for a distance not to exceed twenty-four (24) inches, and subsurface structures may project into the front yard provided such structures do not extend to a height greater than forty (40) inches above the average grade of the curb at the front of the structure or when no curb exists, forty (40) inches above the average grade of the bounding property line.

(e) *Carports and canopies.* Carports, either portable or permanent structures, are not allowed to encumber the front yard setback. The supporting structure of an open carport or other structure for the storage of vehicles, such as a garage, shall not be located within the required front yard setback. An unenclosed canopy for a gasoline filling station or similar business may extend beyond the building line but the outer edge of the canopy shall not be nearer than twelve (12) feet to the front property line. The building line of a gasoline filling station shall mean the actual wall of the filling station and shall not be interpreted as being the curb of a walk or driveway, or as the front of a canopy of the column supporting the same.

(f) *Building extensions.* Where no front yard is required, all stairs, eaves, roofs, and similar building extensions shall be located behind the front street right-of-way line or property line.

(g) *Double frontage lots.* Where lots have double frontage, running through from one (1) street to another, a required front yard shall be provided on both streets, unless a building line for accessory buildings has been established along one (1) frontage on the plat, in which event only one (1) required front yard need be observed.

(h) *Corner lot front yards.*

(1) On a corner lot, both street exposures shall be treated as front yards, except where corner lots adjoin the entire street frontage between two (2) parallel streets, the longest street exposure to a lot used for single-family, two family or manufactured home units shall be considered as a side yard which shall require a setback of not less than ten (10) feet.

(2) Where both street frontages of a corner lot used for single-family, two-family, manufactured home or an industrialized housing unit are required to be treated as front yards, a front yard of twenty (20) feet shall be observed on the lot frontage of greatest dimension. If such lot is bounded on the rear by an alley, then a front yard setback of fifteen (15) feet shall be observed on the lot frontage of greatest dimension.

(i) In the "C" Commercial and "I" Industrial zoning districts, where all frontage on one (1) side of the street between two (2) intersecting streets is located in the C or I zoning district, no front yard shall be required. When the frontage on one (1) side of the street between two (2) intersecting streets is located partly in the C or I district and partly in a more restricted use district, the front yard shall conform to the more restricted use district regulations.

Sec. 17-28. Side Yard.

(a) The minimum side yard for the various zoning districts shall be in accordance with Table 1, Summary of Development Standards, and no structure or use shall be located, erected or altered so as to have a smaller side

yard than required herein, and no side yard existing at the time of passage of this Chapter shall be reduced below the minimum, with the following exception:

Smaller side yard setback. A main building or structure may have a side yard less than required if other main buildings or structures within the same block on the same side of the street have legally observed a side yard setback less than required herein. The side yard with the least restrictive dimension shall establish the minimum side yard setback.

(b) *Special side yard regulations:*

- (1) Every part of the required side yard shall be open and unobstructed except for accessory buildings as permitted herein and the ordinary projection of window sills, belt courses and other ornamental features projecting not to exceed twelve (12) inches. Eaves and awnings on main residential structures may project to within three (3) feet of a side or rear lot line. Terraces, uncovered porches, platforms and ornamental features which do not extend more than three (3) feet above the ground (first) floor level of the building may project into a required side yard provided such projections not be erected closer than two (2) feet from the side lot lines.
- (2) On a corner lot, both street exposures shall be treated as front yards, except where otherwise provided by Sec. 17-27 (g) and (h)(1).
- (3) A single-family attached housing unit (townhouse) shall provide a minimum required side yard of ten (10) feet adjacent to a street and a minimum required side yard of five (5) feet adjacent to an alley. A minimum required side yard of five (5) feet shall be provided at the end of each single-family attached housing unit complex so that the end of any two (2) adjacent townhouse complexes shall be at least ten (10) feet apart.
- (4) In an "A" Apartment zoning district, a side yard on a corner lot adjacent to a street shall not be less than fifteen (15) feet and no balcony or porch or any portion of the building may extend into such required side yard, except that a roof may overhang such side yard not to exceed five (5) feet.

(c) *Zero lot line homes (patio homes).* In developments of single-family housing units, detached structures may be constructed on the side lot line (zero side yard setback) on one (1) side of a lot, as long as the building line on the remaining side is a minimum of ten (10) feet. No two (2) patio home units shall be separated by less than ten (10) feet.

- (1) The side yard provided shall be the total of the side yards which are normally required on each side of the lot except, where a front yard requirement is observed on the street side of a corner lot, the total side yard requirement shall be considered satisfied. In no case shall less than a ten (10) foot total side yard be maintained.
- (2) Side yard requirements for detached accessory buildings shall be the same as are normally required except that, where the side yard is provided on one (1) side of the lot, the same side yard required for the main building shall be observed by detached accessory buildings.
- (3) The required side lot lines and building lines shall be shown by a clearly defined method on a recorded plat of the subdivision approved by the Planning and Zoning Commission, or on a comprehensive site plan of the proposed patio home development, as site plans are detailed in Article 17-11 (b), Special Use Permits, to ensure compliance with setback standards and prevent zero lot line homes (patio homes) on adjacent lots from abutting the same property boundary line.
- (4) Easements for maintenance, drainage, or roof overhang (if permitted) shall be provided adjacent to each lot where an adjacent side yard less than normal is to be permitted and shall be established on the recorded plat of the subdivision approved by the Planning and Zoning Commission.

- (5) A yard of not less than the normally required width shall always be observed adjacent to a public street, and a side yard of not less than five (5) feet shall be observed adjacent to an alley.
- (6) Provisions for zero lot line homes shall not be construed to permit two (2) single-family housing units to be built on adjacent lots without the observance of the total required side yard between them, except where two-family and single-family attached housing units are permitted by this Chapter.
- (7) No openings for access, light, or air are permitted on the wall of any structure where the normal side yard requirement is not observed between such wall and the side lot line.

Sec. 17-29. Rear Yard.

(a) The minimum rear yard for the various zoning districts shall be in accordance with Table 1, Summary of Development Standards, and no structure or use shall be located, erected or altered so as to have a smaller rear yard than required herein, and no rear yard existing at the time of passage of this Chapter shall be reduced below the minimum, with the following exception:

Smaller rear yard setback. A main building or structure may have a rear yard less than required if other main buildings or structures within the same block on the same side of the street have legally observed a rear yard setback less than required herein. The rear yard with the least restrictive dimension shall establish the minimum rear yard setback.

(b) *Special rear yard regulations:*

- (1) Every part of a required rear yard shall be open and unobstructed to the sky from a point thirty (30) inches above the general ground level of the graded lot, except for accessory buildings, landscaping, fences and similar appurtenances and the ordinary projections of window sills, belt courses, cornices and roof overhangs and other architectural features projecting not to exceed four (4) feet into the required rear yard.
- (2) Open or lattice enclosed fire escapes, fireproof outside stairways, balconies opening upon fire towers, and ordinary projections of chimneys and flues into rear yards may be permitted by the Building Inspector into the required rear yard for a distance not to exceed four (4) feet.

Sec. 17-30. Height

(a) The maximum height of a building or structure for the various zoning districts shall be in accordance with Table 1, Summary of Development Standards, and no structure or use shall exceed the height limit specified herein for the district in which the building is located.

(b) In all zoning districts except "I" Industrial, communication and broadcast towers, such as radio, television, or telecommunication towers, may be permitted to any height providing a tower's location on a site is set back from all bounding property lines a minimum distance equal to its height.

Sec. 17-31. Summary of Development Standards Table.

Table 1, Summary of Development Standards, as follows, specifies minimum lot area, minimum lot width, minimum lot depth, minimum front yard, minimum rear yard, minimum interior side yard, minimum side yard

facing a street, minimum setback to a garage entrance, maximum height, and minimum required off-street parking requirements as set forth in this Zoning Ordinance.

“EXHIBIT A”

**Table 1
City of Dalhart Zoning Ordinance – Summary of Development Standards**

Zoning District	Type Use	Minimum Lot Size & Dimensions			Minimum Yard Setbacks From Property Line (feet)					Max. Height (stories)	Required Off-Street Parking (spaces per unit)
		Area (sq. ft.)	Width (feet)	Depth (feet)	Front	Rear	Interior Side	Side on Street	Garage Entrance		
AO Agricultural Open Space	All Allowable Uses	87,120 (2 acres)	100	200	100	100	50	100	100	5	2, except 1 per 3 seats for public assembly
	Accessory Buildings	None	None	None	60	None	5	5	60 front; 20 side	5	None
Single Family Residential: R-1	All Allowable Uses	8,000	80	100	30	10	5	15	30 front; 20 side	5	2, except 1 per 3 seats for public assembly
R-2	All Allowable Uses	7,000	70								
R-3	All Allowable Uses	6,000	60								
MD Medium Density Residential	SF Single Family - Detached	6,000	60 50	100	25	10	5	10	25 front; 20 side	5	2, except 1 per 3 seats for public assembly
	SF - Attached (Townhouse) <i>Site plan required</i>	2,000	20	100	20	10	5, if not attached to another TH	10	20	5	2, except 1 per 3 seats for public assembly
	2F Two Family (Duplex)	7,000	60	100	25	10	5	10	25 front; 20 side	5	2, except 1 per 3 seats for public assembly
A Apartment	SF Single Family - Detached	6,000	60	100	25	10	5	15	25 front; 20 side	5, except with basement – 28 ft. above grade	2
	SF - Attached (Townhouse) <i>Site plan required</i>	2,000	20	100	20	10	5, if not attached to another TH	10	20	5	2
	2F Two Family (Duplex)	7,000	60	100	25	10	10	15	25 front; 20 side	5, except with basement – 28 ft. above grade	2
	MF Multiple Family (Apartments)	7,000 and 1,200 per apt.	60	100	25, except with circle drive – 35	15	15	15	None	5, except with basement – 28 ft. above grade	1½ per apt unit. (no parking within 4 ft. of building nor within 25 ft. of front property line)
	Non-Residential Main Building	None	None	None	25	10	10	15	25 ft. front; 20 side	5, except with basement – 28 ft. above grade	See Sec. 17-77

City of Dalhart Zoning Ordinance – Summary of Development Standards (continued)

Zoning District	Type Use	Minimum Lot Size & Dimensions			Minimum Yard Setbacks From Property Line (feet)					Max. Height (stories)	Required Off-Street Parking (spaces per unit)
		Area (sq. ft.)	Width (feet)	Depth (feet)	Front	Rear	Interior Side	Side on Street	Garage Entrance		
MH Manufactured Home	SF Single Family - Detached	6,000	60	100	25	10	5	10	25 front; 20 side	5	2
	MH and MH Subdivision	6,000	60	100	25	10	5	10	25 front; 20 side	5	2 per MH
	MH Park <i>See Chapter 18</i>	2 acres per park; 3,500 per MH	35 per MH	100 per MH	20	10	5	15	None	None	2 per MH space, plus parking for office & public facilities
	Non-Residential Main Building	None	None	None	25	10	10	15	25 ft. front; 20 side	5, except with basement – 28 ft. above grade	<i>See Sec. 17-77</i>
O Office	SF Single Family - Detached	6,000	60	100	25	10	5	10	25 front; 20 side	5, except with basement – 28 ft. above grade	2
	SF – Attached (Townhouse) <i>Site plan required</i>	2,000	20	100	25	10	5, if not attached to another TH	10	20	5	2
	2F Two Family (Duplex)	7,000	60	100	25	10	10	15	25 front; 20 side	5, except with basement – 28 ft. above grade	2
	MF Multiple Family (Apartments)	7,000 and 1,200 per apt.	60	100	25	10	15	15	None	5, except with basement – 28 ft. above grade	1½ per apt unit. (no parking within 4 ft. of building nor within 25 ft. of front property line)
	Non-Residential Main Building	None	None	100	25	10, except 20 next to res. district	None, except 15 next to res. district	15	None	5	<i>See Sec. 17-77</i>

City of Dalhart Zoning Ordinance – Summary of Development Standards (continued)

Zoning District	Type Use	Minimum Lot Size & Dimensions			Minimum Yard Setbacks From Property Line (feet)					Max. Height (stories)	Required Off-Street Parking (spaces per unit)
		Area (sq. ft.)	Width (feet)	Depth (feet)	Front	Rear	Interior Side	Side on Street	Garage Entrance		
LR Local Retail	SF Single Family - Detached	6,000	60	100	25	10	5	10	25 front; 20 side	5	2
	SF – Attached (Townhouse) <i>Site plan required</i>	2,000	20	100	25	10	5, if not attached to another TH	10	20	5	2
	2F Two Family (Duplex)	7,000	60	100	25	10	10	15	25 front; 20 side	5	2
	MF Multiple Family (Apartments)	7,000 and 1,200 per apt.	60	100	25	10	15	15	None	5	1½ per apt unit. (no parking within 4 ft. of building nor within 25 ft. of front property line)
	Non-Residential Main Building	None	None	100	25	10	None, except 15 next to res. district	15	None	5	See Sec. 17-77
SC Shopping Center	SF Single Family - Detached	6,000	60	100	25	10	5	10	25 front; 20 side	5	2
	SF – Attached (Townhouse) <i>Site plan required</i>	2,000	20	100	25	10	5, if not attached to another TH	10	20	5	2
	2F Two Family (Duplex)	7,000	60	100	25	10	10	15	25 front; 20 side	5	2
	MF Multiple Family (Apartments)	7,000 and 1,200 per apt.	60	100	25	10	15	15	20	5	1½ per apt unit. (no parking within 4 ft. of building nor within 25 ft. of front property line)
	Non-Residential Main Building	4 acres	400	300	30	30	30	30	None	5	See Sec. 17-77

City of Dalhart Zoning Ordinance – Summary of Development Standards (continued)

Zoning District	Type Use	Minimum Lot Size & Dimensions			Minimum Yard Setbacks From Property Line (feet)					Max. Height (stories)	Required Off-Street Parking (spaces per unit)
		Area (sq. ft.)	Width (feet)	Depth (feet)	Front	Rear	Interior Side	Side on Street	Garage Entrance		
C Commercial	SF Single Family - Detached	6,000	60	100	25	10	5	10	25 front; 20 side	5	2
	SF – Attached (Townhouse) <i>Site plan required</i>	2,000	20	100	25	10	5, if not attached to another TH	10	20	5	2
	2F Two Family (Duplex)	7,000	60	100	25	10	10	15	25 front; 20 side	5	2
	MH and MH Subdivision	6,000	60	100	25	10	5	10	25 front; 20 side	5	2 per MH
	MH Park <i>See Chapter 18</i>	2 acres per park; 3,500 per MH	35 per MH	100 per MH	20	10	5	15	None	None	2 per MH space, plus parking for office & public facilities
	MF Multiple Family (Apartments)	7,000 <u>and</u> 1,200 per apt.	60	100	25	10	15	15	20	5	1½ per apt unit. (<i>no parking within 4 ft. of building nor within 25 ft. of front property line</i>)
	Non-Residential Main Building	None	60	100	25	10	None, except 15 next to res. district	15	None	5	<i>See Sec. 17-77</i>
I Industrial	MH and MH Subdivision	6,000	60	100	25	10	5	10	25 front; 20 side	5	2 per MH
	MH Park <i>See Chapter 18</i>	2 acres per park; 3,500 per MH	35 per MH	100 per MH	20	10	5	15	None	None	2 per MH space, plus parking for office & public facilities
	MF Multiple Family (Apartments)	7,000 <u>and</u> 1,200 per apt.	60	100	25	10	15,	15	20	5	1½ per apt unit. (<i>no parking within 4 ft. of building nor within 25 ft. of front property line</i>)
	Non-Residential Main Building	None	None	None	None	None	None, except 10 if next to res. dist.	None, except 5 next to res. district	None	None	5

ARTICLE VII. SUPPLEMENTAL REGULATIONS

Sec. 17-32. Vision Clearance. On any corner lot, where front or 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, the obstruction shall be moved.

Sec. 17-33. Location of Housing Units and Buildings. Only one (1) main building for single-family, two-family or multiple-family use with permitted accessory buildings may be located upon a lot. 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 thirty (30) feet. Where a lot is used for retail, commercial, industrial, or a combination of same, or for a combination of retail and dwelling purposes, more than one (1) main building may be located upon the lot, but only when such buildings conform to all the setbacks, height, parking and density requirements applicable to the uses and districts and when all such main buildings face upon a street or officially-approved place, other than an alley. Wherever two or more main 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 Planning and Zoning Commission. No yard, setback, parking area, storage area, or other requirement for one building shall be computed as being the yard, setback, parking area or other requirement for any other dwelling or use.

Sec. 17-34. Accessory Building Regulations.

(a) *Front yard.*

- (1) Residential accessory buildings shall have a front yard not less than that specified for the main building.
- (2) Non-residential accessory buildings shall not be located in front of the main building.

(b) *Side yard.*

- (1) Residential accessory buildings shall have a side yard not less than five (5) feet.
- (2) Non-residential accessory buildings shall have a side yard not less than that specified for the main building.

(c) *Rear yard.*

- (1) Residential accessory buildings shall have a rear yard of not less than ten (10) feet.
- (2) Non-residential accessory buildings shall have no minimum rear yard size requirements; however, all non-residential buildings shall be located in the rear yard.

(d) *Special accessory building regulations.* A residential accessory building may have a side and rear yard less than required if other residential accessory buildings, within the same block and the same side of the street or alley, whichever is applicable, legally observe a side yard or rear yard less than required. The side yard with the least restrictive dimension shall establish the minimum side yard requirement, and the rear yard with the least restrictive dimension shall establish the minimum rear yard requirement.

Sec. 17-35. Townhouse arrangement. At least two and no more than nine townhouse units shall be contiguous. A minimum required side yard of five (5) feet shall be provided at the end of each single-family attached housing unit complex so that the end of any two (2) adjacent building complexes shall be at least ten (10) feet apart.

ARTICLE VIII. NON-CONFORMING USES

Sec. 17-36. Identification. Any use of property legally existing on the effective date of this Zoning Ordinance (_____) that does not conform to the use and district regulations, and regulations for adult entertainment establishments, height, area, bulk and development standards, signs, and off-street parking and loading prescribed in Articles III, V, VI, VII, XIII, XIV or XV of this Zoning Ordinance shall be deemed a non-conforming use, except that any legally existing single-family, duplex or apartment use existing at the time of passage of this Zoning Ordinance shall be thereafter deemed a conforming use.

Sec. 17-37. Termination. The lawful use of land existing at the time of the passage of this Zoning Ordinance, although such does not conform to the provisions thereof, may be continued, but if said non-conforming use is terminated, discontinued, and remains unused as the use that made the premises a non-conforming use for a period of time in excess of six (6) months, any future use of said premises shall be in conformity with the provisions of this Zoning Ordinance. Where a non-conforming use is terminated, all nonconforming rights shall cease and the use of the premises shall thereafter conform to the zoning requirements for the premises.

Sec. 17-38. Alterations and changes in use. The lawful use of the building at the time of the passage of this Zoning Ordinance may be continued although such does not conform to the provisions hereof, and such use may be extended throughout the building provided not a structural alteration except those required by law or ordinance are made therein. Upon approval of the Building Inspector, off-street loading or off-street parking spaces are allowed to be added on the lot where the non-conforming use exists. If no structural alterations are made, a non-conforming use of the same or more restricted classification by securing a special use permit; provided, however, that in the event a non-conforming use of a building is once changed to a non-conforming use of a higher or more restricted classification, it shall not later be reverted to the former lower or less restricted classification. Any non-conforming use may be changed to a conforming use, and once such change is made, the use shall not thereafter be changed back to a non-conforming use.

Sec. 17-39. Maintenance. The right of non-conforming use to continue shall be subject to such regulations as to maintenance of the premises and conditions of operation as may, in the judgment of the Board of Adjustment, be reasonably required for the protection of adjacent property.

Sec. 17-40. Destruction. A non-conforming use shall not be extended or rebuilt in case of obsolescence or total destruction by fire or other cause. In case of partial destruction by fire or other causes, not exceeding fifty percent (50%) of its value, the Building Inspector shall issue a permit for reconstruction. If destruction is greater than fifty percent (50%) and less than the total value, the Board of Adjustment, may grant permit for repair after public hearing and 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 non-conforming.

Sec. 17-41. Estoppel. A violation of this Zoning Ordinance and a request for a non-conforming designation or request for relief under this designation shall not create an estoppel of the trial of any law suit which may be filed in court.

ARTICLE IX. PLANNING AND ZONING COMMISSION

Sec. 17-42. Establishment. A Planning and Zoning Commission shall be organized, and it shall have the powers and duties as provided for in the Charter of the City of Dalhart, Texas.

Sec. 17-43. Organization and Membership

There shall be established a Planning and Zoning Commission which shall consist of seven (7) citizens of the City and the ex-officio members hereinafter specified. The City Manager, the Chairman of the Board of Adjustment, the Director of Public Works, and others as the Council may provide by ordinance or resolution, shall serve as ex-officio members. Ex-officio members shall not have the power to vote. The voting members of said Commission shall be appointed by the City Council for a term of four (4) years, which term shall be deemed extended until a successor is appointed and qualified to serve on such Commission. Such appointees shall elect a chairman, vice chairman and secretary from among its official members. A vacancy in an unexpired term shall be filled by the City Council for the remainder of the term.

Sec. 17-44. Powers and Duties.

The Planning and Zoning Commission shall:

- (a) Make, amend, extend, and add to the Comprehensive Plan for the physical development of the City.

(b) Approve or disapprove the platting or subdividing of land within the corporate limits of the City and within adjacent areas as permitted by law.

(c) Recommend to the Council approval or disapproval of proposed changes in the zoning districts and/or ordinance.

(d) Recommend to the Council approval or disapproval of requests for street name changes and thoroughfare closures within the corporate limits of the City.

(e) Submit annually to the City Manager, not less than ninety (90) days prior to the beginning of the budget year, a list of recommended capital improvements, if any, which in the opinion of the Commission, are necessary or desirable during the forthcoming five (5) year period.

(f) Recommend to the Council approval or disapproval of plans for slum clearance, public housing, and urban redevelopment and renewal projects.

(g) Perform such additional duties and exercise such additional powers as may be prescribed by ordinance not inconsistent with the provisions of the City Charter.

Sec. 17-45. Removal from Office; Vacancies. Any member of the Commission may be removed from office for just cause and on written charges by two-thirds (2/3) vote of the entire Council, but such member shall be entitled to a public hearing before such vote is taken. Failure of any regular member to attend three (3) of any seven (7) called consecutive meetings without just cause, shall be considered sufficient reason for the Chairman to ask for the resignation of the member from the Commission. When vacancies occur, it shall be the duty of the Chairman of the Commission to notify the Mayor promptly of any vacancies occurring in membership, and the Council shall fill such vacancies within thirty (30) days for the unexpired term of the original appointment.

Sec. 17-46. Rules of Procedure and Quorum. The Planning and Zoning Commission shall adopt its own rules of order and procedure to regulate both the actual meetings of the Commission and the activities directly related thereto. The rules shall deal only with procedural matters and shall be available to the public and kept on file with the Building Inspector. A quorum shall consist of no less than four (4) voting members. Affirmative vote of a majority of the voting members in attendance shall be necessary for approval of motions before the Commission. Members must be present to vote at the meeting.

Sec. 17-47. Public Meeting Required. All meetings of the Planning and Zoning Commission shall be open to the public. The Commission shall meet as needed.

Sec. 17-48. Records. The Commission shall keep minutes of its proceedings, showing the vote of each member upon each question or, if absent or failing to vote, indicating such fact, and shall keep a record of its examination and other official actions, all of which shall be filed with the Building Inspector and shall be a public record.

Sec. 17-49. Changes and Amendments. The Zoning Ordinance may be amended by changing district boundaries or other provisions thereof, to promote public health and safety, to protect and preserve places and areas of historical and cultural importance and significance, and to promote the general welfare of the community. No proposed amendment shall be recommended by the Planning and Zoning Commission or passed by the City Council except on substantial proof that it is in accord with sound zoning practices and will serve to promote the above-described purposes.

Sec. 17-50. Amendment Procedure: Zone Change Requests.

Any person, firm or corporation who together, separately or in any combination, own all of a contiguous tract of land within the City may request a change in the zoning classification by filing an application with the Building Inspector or his designee. The City Council and any other board or commission of the City, at their own volition or upon petition from any individual or group, may also request a change in zoning classification. Except as otherwise specified herein, the application for zone change and all required attachments and fees must be delivered to the Building Inspector or his designee at least twenty (20) days prior to the public hearing by the Planning and Zoning Commission. An application for zone change creating a Planned Development District (except for residential PD accessory uses) and all required attachments and fees must be delivered to the Building Inspector or his designee at least forty-five (45) days prior to the public hearing by the Planning and Zoning

Commission. An application for zone change creating a residential planned development district, insofar as the application deadline is concerned, shall be treated in the same fashion as more conventional zoning classification changes. The application shall be on an official form furnished by the Building Inspector. The requestors of the zone change, known as the applicant, shall supply all information prescribed in the form.

(a) *Application Fee.* Upon filing of an application for each request for a zoning classification change by the owner(s) of the land, the applicant shall pay a filing fee as set by the City Council and kept on file in the office of the City Secretary, to the City to be applied to costs of processing applications required by this section and applicable State laws. Filing fees, which shall accompany each application, shall in no way be refundable to the applicant. No zone change request shall be considered unless and until such fees shall have been paid in full. Applicable fees for zone change requests, as well as for other types of requests requiring Planning and Zoning Commission action, shall be set by the City Council and placed on file in the office of the City Secretary.

(b) *Public Hearing.* A public hearing shall be held by the Planning and Zoning Commission on each zone change request submitted by an applicant, or applicants, in accordance with this Article. Said hearing shall not be scheduled until the completed zone change request has been submitted and all fees paid.

(c) *Property Owner Notices.* Notice of hearings related to a change in classifications and hearings at the request of any applicant shall be given. Written notice shall be sent to the applicant and to the owners of real property lying within two hundred (200) feet of the property on which such change in zoning classification is requested in the following manner:

- (1) Such notice shall be given, not less than ten (10) days before the date set for public hearing, to all such owners as the ownership appears on the current City tax records. Such notice shall be made by depositing same, properly addressed with postage paid, in the United States mail.
- (2) The notice shall set forth a date, time and place of the public hearing, legal description of the property on which the zoning change is requested, the present zoning district classification, and the requested zoning district classification of the property.

(d) *Newspaper Notice.* Notice shall also be published in a newspaper of general circulation at least fifteen (15) days before the date of such hearing by the Planning and Zoning Commission on the requested zoning district classification changes. Such notice shall set forth the date, time and place of the public hearing, legal description of the property on which the zoning change is requested, the present zoning district classification, and the requested zoning district classification of the property.

(e) *Action by Planning and Zoning Commission on Zone Change Request.* At the conclusion of said public hearing, the Commission shall deny the request for zone change or recommend that an ordinance be adopted by the City Council, amending the Zoning Map as requested, without condition attached or subject to certain conditions which shall be specified in the minutes of said hearing.

No recommendation for zone change request shall be made, except upon demonstration that conditions and trends of development in the area have so altered since adoption of existing boundaries as to justify the change, or that existing boundaries, either through prior error or change in conditions, are unreasonable, and that the objectives of the Zoning Ordinance will be promoted by the proposed amendment.

In accordance with Sec. 211.004, Texas Local Government Code, such amendments shall be made only in accordance with a Comprehensive Plan. For the guidance of the City Council and of the Planning and Zoning Commission in reviewing this Zoning Ordinance and subsequent amendments hereto, it is specifically noted that where individual zoning exceptions may be desirable within a district, this Zoning Ordinance has specifically provided for the use of special uses within some districts to accomplish necessary deviations from the basic ordinance, under the control of the Planning and Zoning Commission. It is the intent of the Planning and Zoning Commission that when amendments are made to this Zoning Ordinance, where the reviewing bodies consider that the character and nature of a district have so changed that it is desirable to have certain special exceptions within the district, spot changes will not be made, but rather a change will be made to the entire district.

- (1) Approved Application for Zone Change Request. All applications for zoning district classification changes, where the Planning and Zoning Commission has recommended such a zoning district classification change, shall be automatically processed and forwarded to the City Council for a public hearing and determination of the zoning district classification change request. Approval of a request for reclassification shall only be granted by the affirmative vote of four (4) or more members of the Commission.
- (2) Denied Application for Zone Change Request. When a zoning classification change request by the owners of all the subject land has not been approved by the Planning and Zoning Commission, such request shall not be further processed unless the applicant(s) thereof shall appeal the decision of the Commission by filing with the City Secretary a written appeal of the denial by the Commission, which appeal is addressed to the City Council, within ten (10) days after the date the Commission votes to disapprove the zoning district classification change. When such appeal is filed, the case shall require new publication and mailing of notices and scheduling for the City Council at a later date and the applicant(s) shall deposit two hundred (\$200.00) with the notice of appeal to cover the actual cost of such publication and notice expenses. If the deposit is less than the actual cost of publication and notice expenses, the excess will be refunded to the applicant(s). The request, the action of the Commission, and the appeal shall be presented to the City Council as in the case of recommendation for amendment. If such an appeal is not filed within ten (10) days, the denial by the Commission shall be final.

(f) *Public Hearing before City Council.*

- (1) The City Council shall conduct a public hearing to act on all applications that have been processed and forwarded to them for public hearing and determination in subsections (e) above. At least sixteen (16) days' notice of the time and place of such public hearing shall be published in a newspaper of general circulation within the City prior to the day of such public hearing. If the prior property owner notice did not also provide notice of the City Council public hearing on the pending case, property owner notices shall be mailed as described in (c) above not less than ten (10) days before the Council public hearing.
- (2) The City Council shall review the decisions and recommendations of the Planning and Zoning Commission of all applications as provided in this Chapter. The City Council, in making its determination of such applications, may make changes in the Zoning District Map in accordance with or in opposition of the report and recommendation of the Planning and Zoning Commission.
- (3) Approval or denial of an application for zoning district classification change shall be by a majority of all the members of the City Council; however, in the event of a written protest against such change, signed by the owners of twenty percent (20%) or more, either of the area of the lots or land included in such proposed change, or of the lots or land immediately adjoining the same and extending two hundred (200) feet. Such amendment shall not become effective except by the favorable vote of three-fourths (3/4) of all members of the City Council. In computing the percentage of land area, the area of streets and alleys shall be included.

(g) *Reapplication by an Applicant.* When a zone change request by all owners of the subject land: 1) has been denied by the Commission and such denial has become final; or 2) has been denied by action of the City Council upon public hearing, by refusing to enact the proposed amendatory ordinance; then a similar zone change request by all owners of the subject land shall not be accepted for consideration by the Planning and Zoning Commission for a period of twelve (12) months from the date of application for the zone change request which has not been granted, except that a zone change request for Planned Development District may be resubmitted within six (6) months of the date of a previous application.

Sec. 17-51. Amendment Procedure: Other than Zone Change.

The City Council may direct the Planning and Zoning Commission to formulate recommendations regarding amendments to this Zoning Ordinance, and to make such studies and hold such public hearings as the Council deems desirable in order to substantiate the recommendation. The Planning and Zoning Commission may also initiate such studies and forward its recommendation to the City Council for action. In addition, the Building Inspector as well as any other interested party may make such requests at any scheduled meeting of the Planning and Zoning Commission or City Council.

(a) *Public Hearings.* The Planning and Zoning Commission shall hold one (1) or more public hearings on all proposed amendments to this Zoning Ordinance, as it may deem necessary. Each such hearing may be recessed from day to day or as desired by the Commission. This provision shall not be interpreted to require a public hearing by the Commission where no recommendation is to be forwarded to the Council by the Commission.

(b) *Newspaper Notice.* Notice of public hearings on all proposed Ordinance amendments shall be given according to the following provisions:

- (1) Notice of such hearings shall be given by publication in the official newspaper of the City at least fifteen (15) days before the date of the public hearing.
- (2) No new notice shall be required on continuation of the same hearing, which shall be recessed from time to time, but, if one meeting is adjourned, subsequent called public hearings shall require a new (additional) notice.

Sec. 17-52. Action by the City Council on Recommendations and Appeals.

When any recommendation for a zone change or other amendment to this Zoning Ordinance is made by the Commission to the City Council, or when an appeal from a decision of the Commission is made by an applicant, the Building Inspector and the City Secretary shall ensure that the proposed change is placed on the agenda of the City Council for first reading at the earliest practical date.

If the City Council shall call a public hearing upon the proposed amendment hereto, the City Secretary shall cause to be published a public notice thereof in the official newspaper of the City not less than fifteen (15) days prior to the date of the public hearing called. After such public hearing and second reading of the proposed Ordinance amendment, the City Council may enact the Ordinance amendment as in other cases or may decline to enact the amending Ordinance. The action then taken by the City Council shall be final.

ARTICLE X. BOARD OF ADJUSTMENT

Sec. 17-53. Establishment. The Board of Adjustment shall be organized and have all the powers and authority as set forth in Secs. 211.008 – 211.011 of the Texas Local Government Code or as the same hereafter be amended.

Sec. 17-54. Organization and Membership. There is hereby established a Zoning Board of Adjustment, herein called the Board, which shall consist of nine (9) citizens of the City of Dalhart. The Board shall be appointed by the City Council for a term of two (2) years, which term shall be deemed extended until a successor is appointed and qualified to serve on such Board. Such appointees shall serve without compensation. The Board shall elect a Chairman from among its official members. A vacancy in an unexpired term shall be filled by the City Council, for the remainder of the term. Unexcused absences from two (2) consecutive meetings without reasonable cause shall constitute just cause for the removal of an official member, as set forth in this Article.

Sec. 17-55. Powers and Duties of Board of Adjustment. The Board of Adjustment shall have the following powers and duties:

(a) *Variances:* To authorize upon appeal in specific cases a variance from the terms of this Zoning Ordinance that will not be contrary to the public interest, and due to special conditions, a literal enforcement of the provisions of the Ordinance would result in unnecessary hardship, and the granting of the variance would provide substantial justice conforming with the spirit and intent of the Zoning Ordinance.

(b) *Administrative Review:* To hear and decide appeals where it is alleged there is error in any decision or determination made by any administrative official of the City (except the classification of land uses in zoning districts which shall be the responsibility of the Planning and Zoning Commission) in the enforcement of this Zoning Ordinance.

Sec. 17-56. Removal from Office, Vacancies. Any member or alternate member of the Board may be removed from the Board for just cause and on written charges by two-thirds (2/3) vote of the entire Council, but such member shall be entitled to a public hearing before such vote is taken. It shall be the duty of the Chairman of the Board to notify the Mayor promptly of any vacancies occurring in membership, and the Council shall fill such vacancies within thirty (30) days for the unexpired term of the original appointment.

Sec. 17-57. Rules of Procedure and Quorum. The Board of Adjustment shall adopt its own rules of order and procedure to regulate both the actual meetings of the Board and the activities directly related thereto. The rules shall deal only with procedural matters and shall be available to the public and kept on file with the Building Inspector. A concurring vote of seventy-five percent (75%) of the members of the Board is necessary to reverse an order, requirement, decision or determination of an administrative official or to decide in favor of an applicant on a matter passed to the board or to authorize a variation from the terms of the Zoning Ordinance as described herein. Therefore, all cases to be heard by the Board of Adjustment shall be heard by a minimum of seven (7) members.

Sec. 17-58. Public Meeting Required. All meetings of the Board of Adjustment shall be open to the public. The Board shall meet as necessary.

Sec. 17-59. Records. The Commission shall keep minutes of its proceedings, showing the vote of each member upon each question or, if absent or failing to vote, indicating such fact, and shall keep records of its examination and other official actions, all of which shall be filed with the Building Inspector and/or City Secretary and shall be a public record.

Sec. 17-60. Requests for Variance.

(a) *Application:* The owner of the land for which the variance is requested or his duly authorized agent shall complete the appropriate application form, supplying all information prescribed in the form, and deliver it to the Building Inspector or his designee. (Application shall be accompanied by a site plan which indicates existing and proposed features, drawn to scale, on the property for which the variance is requested. The application and all attachments must be delivered to the Building Inspector and all fees paid at least ten (10) days prior to the public hearing).

(b) *Fee:* Upon the filing of an application for a variance with Code Department of the City, the applicant shall pay an application filing fee of \$100.00. The request shall not be placed upon the agenda of the Board until the fee has been paid. The application fee shall be in accordance with fees set by the City Council and kept on file in the office of the City Secretary.

(c) *Action by the Board on a Request for Variance:* The purpose of granting a variance is to modify the application of this Zoning Ordinance as it applies to a specific piece of property which, because of peculiar circumstances applicable only to the property, prevents it being used on the same basis as other property in the same zoning district. In reaching its decision to grant a variance, the Board shall determine that all the following conditions are present:

- (1) That special conditions and circumstances exist which are peculiar to the land or improvements in question and which are not applicable to other lands or buildings in the same zoning district. Such conditions or circumstances shall not be the result of actions taken by nor be self-imposed by the applicant or previous owner(s).
- (2) That, due to special conditions and peculiarities of the land or improvements in question, literal interpretation of the provisions of this Zoning Ordinance would result in unnecessary hardship to the owner of land and prohibit reasonable use of said land.
- (3) That the granting of the variance will not be contrary to the public interest. Evidence shall be made that granting a variance is consistent with the intent of this Zoning Ordinance, is in harmony herewith, and will not be injurious to neighboring properties or otherwise detrimental to the public welfare.
- (4) That the granting of the variance will not allow activities in any district prohibited by the provisions of that district. This Zoning Ordinance is declared to be a definition of the public interest regarding land use and structural arrangement. Under no circumstances shall a variance be granted which permits a use not generally permitted in a zoning district by the terms of this Zoning Ordinance.
- (5) That the granting of the variance will not permit standards lower than those required by State law.
- (6) That by comparison with the general good served by literal enforcement of this Zoning Ordinance, the hardship (other than financial) which would be alleviated by granting the request for variance is of greater significance.
- (7) That nonconforming use of neighboring land or improvements thereto in the same district, as well as a permitted use of land or improvements thereto in other districts, are not considered grounds for issuance of a variance.

Sec. 17-61. Safeguards and Conditions. In granting any variance, the Board of Adjustment may prescribe appropriate conditions and safeguards in conformity with this Zoning Ordinance. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this Zoning Ordinance and punishable under terms as set forth herein.

Sec. 17-62. Administrative Review by Board of Adjustment.

Appeals to the Board of Adjustment can be taken by any person aggrieved, or by any department or board of the City, affected by any decision of any administrative official of the City, in the enforcement of this Zoning Ordinance.

(a) *Application:* Such appeal shall be taken by filing a notice with the officer from whom the appeal is taken, and with the Board of Adjustment, within not more than fifteen (15) days after the decision in question has been rendered by the administrative officer or deciding board, as applicable. Such notice shall be taken on the appropriate application form provided by the Building Inspector, specifying grounds for the appeal.

(b) *Schedule of Hearing:* After receipt of the properly executed appeal from the applicant, the Building Inspector or the City Secretary shall schedule the request for hearing by the Board of Adjustment by placing it on the agenda for the next regularly scheduled meeting of the Board.

(c) *Presentation of Findings:* The officer from whom the appeal is taken shall immediately transmit to the Board all papers constituting the records upon which the action appealed was taken. At the time of the public hearing, the Building Inspector or his duly authorized representative shall present the basis for the appeal by the applicant by stating the sections of the Ordinance which sets forth the requirements.

(d) *Burden of Proof:* The applicant or agent shall be present at the hearing. The burden of proof shall be on the applicant to establish the necessary facts to warrant favorable action by the Board.

(e) *Stay of Proceeding:* An appeal shall stay all proceedings in furtherance of the action appealed, unless the officer from whom the appeal is taken certifies to the Board of Adjustment after the notice of appeal was filed with him, that by reason of facts stated in the certificate, a stay would in his opinion cause imminent peril to life or property. In such case, proceedings shall not be stayed other than by restraining order which may be granted by the Board of Adjustment or a court of record on application to the officer from whom the appeal or application is taken and on due cause shown. If the Board denies the appeal or application, the stay shall remain in effect for ten (10) days following the decision of the Board.

(f) *Action by the Board on Appeals for Administrative Review:* In exercising its powers, the Board may in conformity with the laws of the State of Texas as existing or hereafter amended, reverse or affirm, wholly or partly, or modify the decision or determination appealed from and make such decision or determination as ought to be made and shall have all the powers of the officer or board from whom the appeal or application is taken. The Board shall have the power to impose reasonable conditions to be complied with by the applicant.

If the appeal is from the refusal of the Building Inspector to accept a request for a variance and the Board finds that the request shall have been accepted, the Board shall proceed to hear the request which shall have been forwarded with the appeal after the giving of due notice.

Sec. 17-63. Application Fees. Upon filing an appeal or application for a variance or special exception, the applicant shall pay to the Code Department a filing fee in accordance with fees as set by the City Council and kept on file in the office of the City Secretary to be applied to costs of processing applications required by this section and by applicable State laws. Should the application be withdrawn or tabled at the request of the applicant, an additional fee shall be paid to the City of Dalhart to be applied to reprocessing, before the item will be considered on a subsequent agenda. Filing fees, which shall accompany each application, shall in no way be refundable to the applicant. The request shall not be placed upon the agenda of the Board until the fee has been paid. No building permit which may first require granting of a variance shall be issued unless and until such fees have been paid in full.

Sec. 17-64. Hearing and Notice Thereof.

The Board of Adjustment shall hold a hearing on all appeals or applications received. Written notice of such public hearing shall be sent to the applicant(s) and to the owners of real property lying within two hundred (200) feet of the property on which the appeal or application is made, except for requested variances from separation requirements for liquor stores, in which case written notice shall be provided to the applicant and to the owners of real property lying within three hundred (300) feet of the property on which the application is made. At a hearing for any appeal or application, any interested party may appear in person, by agent, or by attorney. Newspaper notice shall not be required.

- (1) Such notice shall be given not less than ten (10) days before the date set for public hearing to all such owners as the ownership appears on the current City tax records. Such notice shall be made by depositing same, properly addressed with postage paid, in the United States mail.
- (2) The notice shall set forth a date, time and place of the public hearing and provide a general overview of the appeal or application.

Sec. 17-65. Vote Required by Board Decisions. The concurring vote of seventy-five percent (75%) of all the members of the Board shall be necessary to decide in favor of an application on any matter upon which the Board of Adjustment is required to act, under the terms of this Zoning Ordinance. Likewise, the concurring vote of seventy-five percent (75%) of all the members of the Board shall be necessary to reverse any decision or determination of any administrative official.

Sec. 17-66. Time Limit on Authorization. Any variance granted by the Board of Adjustment under provisions of this Zoning Ordinance shall authorize the issuance of the building permit for a period of one hundred and eighty (180) days from the date of favorable action by the Board, unless said Board shall have approved a longer period of time and has so shown such specific longer period in the minutes of its action. If the building permit shall not have been applied for within said one hundred and eighty (180) day period or such extended period, as the Board may have such waived and all rights thereunder terminated, as of the expiration of the one hundred and eighty (180) days. Such termination and waiver shall be without prejudice to a subsequent appeal and such subsequent appeal shall be subject to the same regulation and requirement for as herein specified for the original appeal.

Sec. 17-67. Appeals from Board Decision. Any person or persons, jointly or severally aggrieved by any decision of the Board of Adjustment or any officer, department or board of the City may present to a court of record, a duly verified petition, setting forth that such decision is illegal, in whole or in part, and specifying the grounds of the illegality. Such petition shall be presented to the court within ten (10) days after the date of decision by the Board and not thereafter.

Sec. 17-68. Limitation on Reapplication. When the Board of Adjustment has denied a proposal, no new applications of similar nature shall be scheduled for hearing before the Board for twelve (12) months after the date of Board denial. Applications which have been withdrawn at or before the Board meeting may be resubmitted at any time for hearing before the Board.

ARTICLE XI. ANNEXING, ZONING, & PLATTING PROPERTY REQUIRED

Sec. 17-69. Annexation prior to rezoning. The City Council shall not approve rezoning of any land or property unless and until the land or property is annexed into the corporate limits of the City of Dalhart.

Sec. 17-70. Annexation prior to platting. The City Council 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 is pending before the City Council.

Sec. 17-71. Proper zoning district established before platting. The City Council shall not approve any plat of any subdivision within the City limits until the area covered by the proposed plat shall have been properly zoned for the intended uses by the City Council in accordance with this Chapter.

Sec. 17-72. Creation of a building site. No permit for the construction of any building or structure upon any tract or lot shall be issued until the building site, building tract, or building lot is a part of a plat of record approved by the City Council and filed in the plat records of Dallam or Hartley Counties, whichever has jurisdiction. The Building Inspector of the City of Dalhart shall not issue a building permit for any structure unless and until the land has been platted in accordance with the subdivision regulations of the City of Dalhart.

Sec. 17-73. Proper zoning district prior to building permit. The Building Inspector of the City of Dalhart shall not issue a building permit for any structure unless and until the property has been zoned properly for the intended uses.

ARTICLE XII. PERMITS AND CERTIFICATES

Sec. 17-74. Certificate of Occupancy and Compliance.

(a) No land shall be used and no building hereafter that is erected or structurally altered shall be used, occupied or changed in use until a Certificate of Occupancy and Compliance shall have been issued by the Building Inspector stating that the building or proposed use of land, building, or premises complies with the building laws and the provisions of this Chapter.

(b) Certificates of Occupancy and Compliance shall be applied for concurrently with the application for a building permit and shall be issued within ten (10) days after the completion of the erection, or structural alteration, or conversion of such building or land provided such construction or change has been made in conformity with the provisions of this Chapter. A record of all certificates shall be kept on file in the office of the Building Inspector and copies shall be furnished on request to any person having a proprietary or tenancy interest in the building or land affected.

(c) No permit for excavation for any building shall be issued before application has been made for a Certificate of Occupancy and Compliance.

ARTICLE XIII. COMPLETION OF EXISTING BUILDING

Sec. 17-75. Completion of existing building. Nothing herein contained shall require any change in plans, construction or designated use of a building actually under construction at the time of the passage of this Zoning Ordinance and which entire building shall be complete within one (1) year from the passage of this Zoning Ordinance. Nothing herein contained shall require any change in plans, construction or designated use of a building for which a building permit has been heretofore issued and which entire building shall be complete within six (6) months from the date of the passage of this Zoning Ordinance. If any amendment to this Zoning Ordinance is hereafter adopted changing the boundaries of districts, the provisions of this Zoning Ordinance with regard to buildings, or premises existing or buildings under construction or building permits issued at the time of passage of this Zoning Ordinance shall apply to building permits issued in the area affected by such amendment.

ARTICLE XIV. OFF-STREET PARKING AND LOADING

Off-street parking and loading requirements and specifications are set forth as follows:

Sec. 17-76. Off-street parking required. In all districts, for every industrial, commercial, institutional, recreational, residential, or any other use, there shall be provided, at the time any building or structure is erected or is enlarged or increased in capacity or at the time any other use is established, off-street parking spaces for vehicles in accordance with the requirements as set forth in the various zoning districts, and in this article.

Sec. 17-77. Required Number of Non-Residential Parking Spaces.

(a) The minimum off-street parking spaces for residential uses shall be set forth in Sec. 17-31, Table 1, Summary of Development Standards. In planned development districts, at least one (1) parking space shall be required for each dwelling unit plus such additional requirements as may be specified by the amending ordinance.

(b) No parking requirements for non-residential uses are required in the downtown area of the City of Dalhart bounded on the north by the Burlington Northern/Union Pacific railroad tracks, on the east by Denver Avenue, on the south by 7th Street, and on the west by Rock Island Avenue.

(c) Except as noted in subsection (b) above, the following parking space schedule for non-residential uses is applicable to all zoning districts:

- (1) Banks, professional offices, general business offices, other than medical or dental clinics - One (1) space for each four hundred (400) square feet of floor area.
- (2) Bowling alleys – Three (3) spaces for each bowling lane.
- (3) Church – One space for each three (3) seats in the main sanctuary.

- (4) Commercial amusement (indoor), dance halls, night clubs, liquor stores and skating rinks - One (1) space for each one hundred (100) square feet of floor area.
- (5) Commercial amusement (outdoor), driving range, amusement parks, and miniature golf courses - One (1) space for each five (5) persons. The maximum number of patrons which can be served shall be the basis for determining parking requirements.
- (6) Day care center – One (1) space for every three (3) employees or one (1) space for every two hundred (200) square feet of floor area, whichever is greater.
- (7) Flea markets – One (1) space for each two hundred (200) square feet of leasable area including customer circulation areas and display areas.
- (8) Furniture or floor covering stores - One (1) space for each four hundred (400) square feet of floor area.
- (9) Gasoline service station – Minimum of six (6) spaces
- (10) Golf course (not miniature golf) – Minimum of thirty (30) spaces.
- (11) High school or college – One (1) space for each classroom or instruction area, plus one (1) space for each four (4) students accommodated in the institution.
- (12) Hospitals – One space for every two (2) beds
- (13) Manufacturing, industrial and processing establishments, repair shops, warehouses, storage buildings, lumber and supply yards - One (1) space for each five (5) employees, or one (1) for each one thousand (1,000) square feet of floor area, whichever is greater.
- (14) Medical or dental clinic - One (1) space for each two hundred fifty (250) square feet of floor area.
- (15) Motel or hotel– One (1) space for each room, unit or guest accommodation.
- (16) Nursing home or residence for the aged – One (1) space for each six (6) rooms or beds, but for an apartment complex for only elderly – Three-fourths (3/4) of a space for each dwelling unit.
- (17) Restaurant or cafeteria - One (1) space for each one hundred fifty (150) square feet of floor area.
- (18) Retail or personal service – One space (1) for each two hundred fifty (250) square feet of floor area.
- (19) School, elementary or middle – One (1) space for each classroom, plus one (1) space for each three (3) seats in any auditorium, gymnasium or other place of assembly.
- (20) Shopping Center - One (1) space for each two hundred fifty (250) square feet of floor area, except an eating or drinking establishment in the shopping center shall provide one (1) space for each one hundred fifty (150) feet of floor area.
- (21) Theaters, meeting rooms and places of public assembly – One (1) space for every three (3) seats.

- (22) Commercial and industrial uses not listed in (1) through (21) above – One (1) space per each two (2) employees or one (1) space for each five hundred (500) square feet of gross floor area, whichever is greater.

(c) *Parking requirements for new or unlisted uses.* Where questions arise concerning the minimum off-street parking requirement for any use not specifically listed, the requirements may be interpreted as those of a similar listed use. Where a determination of the minimum parking requirements cannot be readily ascertained for new or unlisted uses or where uncertainty exists, the minimum off-street parking requirements shall be established by the same process as provided in Sec. 17-7 for classifying new and unlisted uses.

Sec. 17-78. Special Off-Street Parking Regulations.

(a) *Outdoor operations.* Where open land is used for manufacturing, storage, or other operations in a manner similar to indoor operations, such open land shall be added to floor space in determining the number of parking spaces required.

(b) *Indoor parking exempt from calculation.* The floor area of any structure devoted to off-street parking of vehicles shall be excluded in computing the off-street parking requirements of any use.

(c) *Dimensions.* All parking spaces provided shall be of usable shape and condition. Parking spaces shall measure at least nine (9) feet in width and eighteen (18) feet in length if positioned at an angle to the access aisle or at least eight (8) feet in width and twenty-three (23) feet in length if positioned parallel to the aisle.

(d) *Maneuvering Area.* All off-street parking spaces shall be accompanied by adequate automobile maneuvering area permitting full and direct ingress and egress to such parking spaces. For each off-street parking space together with three (3) or more parking spaces, the maneuvering area thereto shall be located entirely upon private property, except that the unobstructed width of an abutting alley may be considered for maneuvering area.

(e) *Driveway Access.* For all off-street parking spaces, there shall be adequate provisions for driveway connection with the street system, except where abutting alleys are employed for direct vehicle access to parking spaces. All connections from a parking area to the street system shall be by a paved driveway or access connection. No land use other than single-family residential and duplexes shall have direct access to an alley which is immediately adjacent to any residential zoning district.

(f) *Garage entrances.* All vehicle entrances to a garage where the primary use of the land is for residential purposes shall be a minimum of twenty (20) feet from a lot line that abuts a street or alley, except if garages accessing a side street or alley within the same block and the same side of the street have observed a vehicle entrance which is lesser in dimension than twenty (20) feet, then the vehicle entrance with the least restrictive dimension shall establish the minimum vehicle parking entrance requirement.

(g) *Location.* Parking lots shall be within the same zoning district classification required of the use or uses which the parking lot(s) supports (for example, a parking lot serving a particular commercial land use must be located in a zoning district where that commercial land use is also allowed). For any new use, building or structure, where the required off-street parking cannot be provided on the premises because of the size or location of lot such parking may be provided on other property not more than four hundred (400) feet distance from the building site. Where off-street parking for any use is to be provided on an adjacent lot or tract, it shall be consolidated under a single building permit and Certificate of Occupancy and Compliance with the main use, and the parking area shall not be sold separately from the main use without first achieving compliance with the requirements for parking to be provided under separate ownership or providing replacement parking and securing a new Certificate of Occupancy and Compliance for the main use.

(h) *Collective Parking Facilities.* No requirement set forth in this Zoning Ordinance shall be construed to prevent collective utilization of any off-street parking facility for two (2) or more buildings or uses, providing, however, that the total number of off-street parking spaces shall not be less than the sum of the requirements for

the particular individual uses computed separately in accordance with the applicable regulations for off-street parking spaces.

(i) *Screening and Landscaping.* Off-street parking areas for more than five (5) vehicles shall be effectively screened by a solid opaque wall or fence of acceptable design, on any boundary adjoining a lot in a residential district, if located closer than fifty (50) feet to such residential district. The wall or fence shall be at least six (6) feet in height and shall be maintained in good condition with no advertising thereon. Any space between the walls or fence and the property line adjoining the premises shall be landscaped with grass, hardy shrubs, or evergreen ground cover and maintained in good condition.

(j) *Barriers.* All off-street parking areas shall be separated from the street right-of-way by a barrier, curb, or tire stop.

(k) *Surfacing.* To satisfy the off-street parking requirements established by this Zoning Ordinance, both residential and non-residential parking spaces, as well as accompanying maneuvering areas and driveway access, shall be paved with asphalt or concrete so as to provide a durable and dustless surface. The off-street parking area shall be so graded and drained as to dispose of all surface water accumulated within the area, and shall be so arranged and marked as to provide the orderly and safe loading and unloading, parking and storage of vehicles.

(l) *Lighting.* Any lighting used to illuminate an off-street parking area shall be so arranged as to direct the light away from adjoining property.

(m) *Nature of Use.* Required off-street parking areas in all zoning districts shall not be used for the commercial sale, repair, dismantling or servicing of vehicles, equipment, material or supplies. The following vehicles are prohibited from being parked or stored on any lot in a residential district, including but not limited to: Commercial vehicles of over one and one-half (1 ½) ton manufactured capacity; truck tractor, road tractors and special mobile equipment as defined by the Texas Motor Vehicle Laws Uniform Act. This provision shall not apply to and shall not prohibit the parking or storing of church and school buses and recreational equipment in residential areas. Any such vehicle so parked after having been given notice by the City of the violation of the foregoing requirement on any previous occasion may be towed from its location or detained at the operator's expense.

(n) *Handicapped Parking.* In parking lots, handicapped parking shall be provided in accordance with handicapped parking and accessibility requirements of the most current edition of the Building Code adopted by the City of Dalhart.

Sec. 17-79. Off-Street Loading Spaces.

(a) *Number Required.* In all districts, for every nonresidential building or part thereof hereafter erected with a minimum gross floor area of ten thousand (10,000) square feet, there shall be provided and maintained, on the same lot with such building, at least one (1) off-street loading space plus additional off-street loading spaces as follows:

- (1) For buildings which are to be occupied by manufacturing, storage, warehouse, goods display, retail store, wholesale store, market and other similarly commercial or industrial uses there shall be one (1) additional loading space for each additional twenty thousand (20,000) square feet, or major fraction thereof.
- (2) For hospitals, schools, and other similar institutional uses there shall be one (1) additional loading space for each additional forty thousand (40,000) square feet or major fraction thereof.
- (3) For hotels, offices and other similar uses there shall be one (1) additional loading space for each additional sixty thousand (60,000) square feet or major fraction thereof.

(b) *Dimensions.* Each loading space shall not be less than twelve (12) feet in width, thirty (30) feet in length, and fourteen (14) feet in height.

(c) *Location.* No such space shall be located nearer than fifty (50) feet to any lot in any residential district, unless wholly within a completely enclosed building or unless effectively screened on each side which faces said districts by a wall or opaque fence of not less than seven (7) feet in height.

ARTICLE XV. SIGNS

Sec. 17-80. General sign standards.

(a) Sign area shall mean the entire area within a single continuous perimeter enclosing the actual message or display area of a sign and shall include border and trim, but exclude supports.

- (1) Areas of stacked or side-by-side signs shall be added together for total sign area.
- (2) For signs that are back-to-back, only one (1) display face shall be counted in computing sign area.

(b) Sign height shall be measured from ground level at the base of the sign to the highest part of the sign.

(c) Lot frontage shall be the number of linear feet fronting on a public street to which a sign is oriented. On corner lots, the frontage street shall be the greater street as classified on the thoroughfare plan. Where two streets are the same, the sign owner may choose the frontage street.

(d) Building frontage is the front or side portion of a building closest to and most nearly parallel to an abutting street.

(e) All signs shall conform to the regulations and design standards of the Building Code and other ordinances of the City. Wiring of all electrical signs shall conform to the Electric Code of the City.

(f) Illuminated signs shall be designed, located, shielded, and directed to prevent the casting of glare or direct light from artificial illumination upon adjacent public rights-of-way and surrounding properties.

(g) No sign shall be placed in or across a street, alley, or other public right-of-way, drainage easement, or utility easement. Any sign so erected or placed shall be removed by the owner. Any damage to or relocation of signs illegally located in public easements or right-of-way shall be the responsibility of the owner of the sign. Any resulting damages to the traveling public shall be borne by the sign owner.

(h) Whenever a sign is damaged by any cause, is inadequately maintained, or is of faulty construction, it shall be considered a public nuisance and the owner shall be required to repair such sign substantially to its original condition as determined by the Building Inspector, or at the owner's election such sign shall be removed. Procedures for repairing or removing a damaged nonconforming sign shall be the same as for other nonconforming uses as set forth in Article VIII, Nonconforming Uses, of this Zoning Ordinance.

(i) No sign, permanent or temporary, shall be located to block motorist visibility or cause a traffic hazard.

Sec. 17-81. Maximum sign height.

(a) No freestanding sign shall be constructed to exceed the maximum heights set forth for the various zoning districts as shown in Sec. 17-31, Table 1, Summary of Development Standards. For zoning districts where no maximum building height is specified, freestanding signs shall not exceed thirty (30) feet in height and roof signs shall not exceed ten (10) feet above the roof eaves.

(b) To not interfere with motorists vision, freestanding signs shall have a minimum grade clearance of eight (8) feet and monument signs shall not exceed three (3) feet in height, except these requirements shall not apply to

freestanding or monument signs that are set back at least twenty-five (25) feet from the back of curb or from the edge of street pavement, if no curb exists.

Sec. 17-82. Permitted signs, maximum areas, and special sign height restrictions.

(a) *Planned development district.* In a planned development zoning district, sign standards for each planned development shall be specified on the site plan or in the amending ordinance.

(b) *Allowable signs in AO and all residential zoning districts.*

- (1) Nameplates. A single nameplate (identifying an on-premise home occupation) shall not exceed two (2) square feet in sign area. Such nameplate may be affixed flat against the building wall or may be a freestanding sign located in the front yard setback if the yard sign does not exceed three (3) feet in height. Only one (1) nameplate shall be allowed per lot frontage of the building site.
- (2) Freestanding signs. Permanent freestanding institutional signs (on-premise signs identifying churches, schools and other public service non-profit institutions) and freestanding residential development signs (on-premise signs identifying apartments, manufactured home park or manufactured home subdivisions) shall not exceed forty (40) square feet in sign area. Only one (1) freestanding sign for each institution, apartment complex, or manufactured home park shall be allowed per lot frontage of the building site. A manufactured home subdivision shall be allowed only one (1) sign per major entrance into the subdivision.
- (3) Wall signs. Wall signs to identify institutions and apartment complexes shall not exceed forty (40) square feet in sign face area. Only one (1) wall sign shall be allowed per building frontage.
- (4) Temporary signs.
 - a. Real estate signs pertaining to the sale or rental of property on which the sign is placed shall not exceed eight (8) square feet in sign area and shall not exceed three (3) feet in height. Only one real estate sign shall be allowed per lot frontage.
 - b. Construction and development signs shall not exceed thirty (30) square feet in sign area and shall not exceed ten (10) feet in height.
 - c. Churches, schools or other institutional signs located in AO or residential areas shall be allowed one (1) portable sign not exceeding forty (40) square feet in sign area.

(c) *Allowable signs in O, LR, SC, C, and I zoning districts.*

- (1) Freestanding signs. A permanent freestanding sign identifying an on-premise business or product, or a temporary on-premise sign (real estate, construction, or development sign), shall not exceed one-half (1/2) square foot of sign face area per each linear foot of lot frontage with a maximum sign area of two-hundred (200) square feet. Only one (1) permanent freestanding sign shall be allowed per lot frontage of the building site.
- (2) Wall signs. Permanent wall signs identifying on-premise business or products shall not exceed one (1) square foot of sign area per each linear foot of building frontage with a maximum sign face area of one-hundred (100) square feet. Only one (1) wall sign shall be allowed per building frontage.

(d) *Portable signs.* A portable sign is a temporary sign, not affixed or attached to real property, which can be regularly moved from a location at periodic intervals, and which is located upon the premises where the business, profession, activity, commodity, or service referred to by the sign is located. The term “portable sign” also includes a sign mounted on a trailer or wheels or can be towed from one location to another by the use of attached wheels or by attaching an axle to existing mounts, or any sign affixed by a pole or poles to a portable base.

- (1) Zoning districts; spacing standards. A portable sign shall comply with the requirements of the zoning district in which it is located. In addition, no portable sign over twelve (12) square feet in sign area shall be located within one hundred (100) feet of another portable sign over twelve (12) square feet in sign area.
- (2) Sign identification. Portable signs shall permanently display on the sign frame in easily readable form the name, current address, city, zip code and telephone number of the sign owner.
- (3) Sight restrictions. No portable sign, regardless its size, shall be located in such a manner that it creates or causes a sight restriction on any public street, intersection, or private driveway.
- (4) Sign anchoring. All portable signs shall be securely anchored to the ground to resist movement or overturning from the wind or other forces
- (5) Electrical power. Portable signs may be internally or indirectly lighted. The source of electrical power for any portable sign shall be an approved electrical outlet or receptacle with ground fault protection located not more than ten (10) feet from the sign. Power cords or extension cords used for connecting the sign to the electrical source shall not be laid across or over pedestrian or vehicular pathways.

(e) *City/County sponsored signs.* The City of Dalhart, Dallam County or Hartley County may erect signs on public-owned property in any zoning district where there is a determination and approval of the City Council which finds that the display of the sign promotes a positive image of the City or county for the attraction of business or tourism, depicts an accomplishment of an individual or group, and creates a positive community spirit. Upon such order, the City can authorize, upon approved construction plans, a sign on a city water tower, an entrance sign to be located on public-owned property such that it is visible from the major thoroughfare as designated in the current major thoroughfare plan, or a sign to be located on public rights-of-way.

Sec. 17-83. Prohibited signs. Within the corporate limits of the City of Dalhart, the following signs shall be prohibited:

- (a) Advertising signs (billboards) shall be prohibited in the City of Dalhart, except for advertising signs that are allowed adjacent to U.S. Highway 87, U.S. Highway 54, and U.S. Highway 385 that are regulated by the Texas Department of Transportation (TxDOT). Such signs shall comply with TxDOT regulations that control outdoor advertising signs along primary highways.
- (b) Signs which imitate or resemble any official traffic-control devices or railroad signs or signals;
- (c) Signs on any telephone or electric light pole located in any street, alley, sidewalk, park or parkway within the City.
- (d) Signs which are erected or maintained upon trees or painted or drawn upon rocks or other natural features;
- (e) Signs that contain vulgar, lewd or pornographic figures, pictures, paintings, drawings, words, characters or symbols.

Sec. 17-84. Signs in required yards; certain districts. Signs in the zoning districts designated in this Article may be located within the front yard if the sign area does not exceed fifty (50) square feet in the O or LR zoning districts or eighty (80) square feet in the SC, C or I zoning districts, or the maximum sign areas required in Sec. 17-82, whichever is less.

Sec. 17-85. Timely removal of political signs. Political signs may be placed no more than forty-five (45) days prior to the election to which they pertain and shall be removed within fourteen (14) days following the election or runoff for which such sign was intended.

Sec. 17-86. Lighting standards. Lighted signs shall be constructed so as to conceal the light source in the R-1, R-2, R-3, MD, A, MH, O, LR or residential PD zoning districts. Signs shall not contain, include, or be illuminated by any flashing, intermittent, or moving light. No sign in any residential zoning district shall be illuminated between the hours of 10:00 p.m. and 6:00 a.m.

Sec. 17-87. Permits.

(a) A permit shall be required for placement of all portable signs and all permanent signs, except nameplates. A permit is not required where the only alteration to the sign is painting or replacement of the sign message where the original frame size or sign location is not altered. Prior to placement of the sign, the owner/applicant shall submit to the Building Inspector an application, sign plans and specifications and information regarding the premises upon where the sign shall be located. If the proposed sign is in compliance with this Chapter and all other laws and ordinances of the City of Dalhart, the Building Inspector shall issue a permit to erect the sign. If the work authorized under a sign permit has not been completed within six (6) months after the date of issuance, the permit shall become null and void and the applicant shall be required to remove any portion of the sign that has been erected.

(b) There shall be a sign permit fee to be paid at the time the sign permit application is filed with the Building Inspector. The sign permit fee shall be in accordance with fees set by the City Council and kept on file in the office of the City Secretary.

Sec. 17-88. Sign owner responsibility. It shall be the responsibility of the owner of the property upon where a sign is placed or erected to assure that signs on the property comply with all requirements of the Dalhart Code of Ordinances.

Sec. 17-89. Conflicting ordinances. No provision of this Article shall supersede or replace any other City ordinance except those provisions pertaining to the use of the various types of signs, sizes and heights in the various zoning districts shall take precedence over all other City ordinances, regulations and standards.

ARTICLE XVI. FENCES AND WALLS

Sec. 17-90. Applicability. In any residential district or within ten (10) feet of the boundary of a residential district where a wall, fence, or screening separation is erected, the standards in this Article for height, location, and design shall be required.

Sec. 17-91. Height and location.

(a) A fence or wall erected on the property line, or within ten (10) feet of the property line and generally parallel thereto, and located to the rear of the minimum front yard line as determined by the provisions of Sec. 17-27, Front Yards, shall not exceed eight (8) feet in height above grade.

(b) A fence or wall erected on the property line and located within the minimum front yard as determined by the provisions of Sec. 17-27, Front Yards, shall not exceed four (4) feet in height above grade, except on a corner lot, the four (4) foot maximum fence height shall apply to the front yard along the property line of least dimension and to that portion of the front yard within ten (10) feet of the property line of greatest dimension.

(c) No fence, wall, screen or other visual barrier shall be so located or placed that it obstructs the vision of a motor vehicle driver approaching any street, alley or drive intersection.

Sec. 17-92. Screening walls or visual barriers.

(a) Screening walls or visual barriers required under the provisions of this Chapter shall be constructed of masonry or of a permanent and substantial type wall or fence material, supported by a frame or base constructed of concrete, metal, or other substantial material and not readily subject to damage by operations within the enclosure or by the effects of winds or other weather elements. Such wall or barrier shall be maintained in good repair and shall not contain openings constituting more than forty (40) square inches in each one (1) square foot of

wall or fence surface, and the surface of such wall or fence shall constitute a visual barrier. All walls or fences shall not be less than six (6) feet in height and all openings in such walls or fences, shall be equipped with gates equal in height and screening characteristics to the wall or fence and shall be closed and securely latched at all times except during business hours. In lieu of a screening wall or fence, a landscaped strip containing a solid planting or hedge not less than six (6) feet in height, which planting shall be maintained in a healthy growing condition and constituting a visual barrier, may be used with approval of the Building Inspector.

(b) Screening and landscaping strips with adjacent vehicle parking shall be protected from vehicle wheels by a bumper rail or wheel barrier.

(c) Stored materials or commodities shall not be stacked so as to exceed the height of the screening fence, wall or visual barrier, and such materials or commodities shall not be placed outside the fence, wall, or visual barrier.

(d) Screening walls or visual barriers shall be placed along all portions of any affected premises which abut any paved public street (with or without curb and gutter) and extend along the first one hundred fifty (150) feet beyond the frontage of such premises along any side thereof, provided; however, this requirement shall not apply where any building, structure or any natural vision barrier exists which effectively screens the portions of such premises.

Sec. 17-93. Screening land uses other than single-family and two-family land uses.

(a) The side and rear lot lines of a land use other than a single-family or two-family land use shall be visually screened from immediately adjacent AO, R-1, R-2, R-3, MD, MH or residential PD zoning districts when the district boundary line is on an alley, easement, or common lot line. Screening shall not be required when the adjacent residentially-zoned property is developed with a non-single-family or non-two-family use.

(b) All screening of a non-single-family or non-two-family site shall be a solid visual barrier not less than six (6) feet in height and constructed of wood or masonry, or both.

(c) Where a common lot line is the zoning district boundary, the height requirement of the visual screening barrier shall comply with the development standards of the most restrictive adjacent zoning district.

(d) Where a building is erected on the site in the area of the required screening, the wall may constitute a portion of the visual screening barrier provided the wall contains no openings.

(e) No portion of a required screening wall or visual barrier shall be utilized for the placement of any sign or other advertising device.

Sec. 17-94. Barbed wire, razor wire, and electrical fencing.

(a) Barbed wire or razor wire may not be used on fencing except under the following circumstances:

- (1) Security fencing for non-residential uses in Commercial or Industrial zoning districts where the barbed wire shall be five (5) feet or more above ground level.
- (2) Security fencing for a site operated by a local, State or federal government agency or a franchised utility company where the barbed wire is five (5) feet or more above ground level.

(b) Electrical fences shall be installed in accordance with the Electrical Code as adopted by the City of Dalhart.

ARTICLE XVII. ENFORCEMENT

Sec. 17-95. Enforcement. The provisions of this Zoning Ordinance shall be administered and enforced by the Building Inspector of the City of Dalhart. All applications for building permits shall be accomplished by a drawing 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 Building Inspector.

ARTICLE XVIII. GENERAL DEFINITIONS

Sec. 17-96. Clarification. For the purposes of this Chapter, words used in the present tense include the future; words in the singular number include the plural number and words in the plural number include the singular number; the word "shall" is mandatory and not discretionary. Certain words in this Chapter not heretofore defined are defined herein.

Sec. 17- 97. General definitions. The following general definitions do not include the definitions of land uses. Uses are defined in Sec. 17-10, Land Use Definitions and Explanations. The following words, when used in this Zoning Ordinance, shall have the meaning respectively ascribed to them in this section, unless the context of this Zoning Ordinance clearly indicates otherwise.

Accessory Use: A use subordinate to and incidental to the primary use of the main building or to the primary use of the premises. An accessory use shall be operated and maintained under the same ownership and on the same zoned lot as the primary use.

Alley: A public space or minor dedicated way which is primarily used for utility lines and a secondary means of access for vehicular service access to the back or the side of properties, otherwise abutting on a street.

Appeal: A request for review of a City administrative official's interpretation of any provisions of this Zoning Ordinance, or review of a decision regarding enforcement of this Zoning Ordinance by any board or commission appointed by the City Council.

Area Regulations: Regulations controlling minimum lot area, lot depth, and lot width, as well as required front, side and rear yards.

Basement: That portion of a building having one-half (1/2) or more of its floor-to-ceiling height below grade level and having a floor-to-ceiling height of not less than six and one-half (6 ½) feet. A basement shall not be counted in computing number of stories.

Block: An area enclosed by streets and may contain one (1) or more lots. If such word is used as a term of measurement, it shall mean the distance along a side of a street lying between the nearest two (2) intersecting streets that intersect the street on such side; or if the street is a dead-end street, a block shall be measured between the nearest street and the end of such dead-end street.

Board of Adjustment: The Board of Adjustment of the City of Dalhart, Texas, as created by this Chapter and appointed by the Dalhart City Council.

Building: Any structure designed, built, or intended for the shelter or enclosure of persons, animals, chattels, or moveable property of any kind, or for an accessory use. When separated in a manner sufficient to prevent the spread of fire, each portion of such structure so separated shall be deemed a separate building. This definition shall include structures wholly or partly enclosed with an exterior wall and roof.

Building Code: The most current edition of the Building Code as adopted by the City of Dalhart.

Building Line: A line which is parallel or approximately parallel to the street right-of-way line (same as property line) designating the minimum distance from the street right-of-way line that a building may be built.

Building Inspector: The head of the Code Department of the City of Dalhart, Texas.

Building Permit: An official permit issued by the City of Dalhart through the Building Inspector to allow a person to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish any structure in accordance with Dalhart's Code of Ordinances.

Centerline, Street or Alley: An imaginary line located midway between the bounding right-of-way lines of a street or alley.

Certificate of Occupancy and Compliance. An official certificate issued by the Building Inspector that indicates conformance with zoning regulations and other applicable building development regulations and authorizes legal use of the premises for which it is issued.

City Council: The governing body of the City of Dalhart, Texas.

City Manager: Chief administrative officer of the City of Dalhart.

Commission: Same as "Planning and Zoning Commission".

Comprehensive Plan: (*also known as Master Plan*) A periodically updated series of documents that unify all elements and aspects of City planning. This plan serves as a policy guide to zoning and subdivision decisions reflecting the best judgment of the staff, Planning and Zoning Commission, and the City Council.

Council: Same as "City Council"..

Cul-de-sac: A dead-end street providing a turnaround for vehicles.

Day: Calendar day, unless otherwise specified.

Density: The relationship of dwelling units or other buildings to the area upon which such dwellings or other buildings are located or erected, typically measured in number of lots per acre.

District: Same as "Zoning District".

Driveway: Any area constructed within the public right-of-way, connecting the public roadway with the adjoining property for the purpose of providing access for motor vehicles.

Dwelling Unit: Same as "Housing Unit".

Easement: A right granted for the purpose of limited public or semi-public use across, over or under private land held by the City or its franchised utility companies to be used for access, drainage or the placement of utilities such as water, sewer, telephone lines, electrical lines or gas lines or other specific public purpose.

Family: Any number of individuals living together as a single housekeeping unit, in which not more than three (3) individuals are unrelated by blood, marriage or adoption, or any number of individuals with disabilities residing in community homes for the disabled and meet the Texas licensing requirements as mandated in the Texas Human Resources Code Ann., Chapter 123.

Floor Area: The total square footage of floor space including each floor level (all stories) within a building or buildings on a lot, measured from the face of exterior walls.

Freeway: See “Street, Freeway”.

Frontage, Lot: The width of a lot adjacent to a street between two (2) adjacent property lines of lots.

Frontage, Street: The length of all property on one (1) side of a street lying between two (2) intersecting streets measured along the right-of-way line, or if the street is a dead-end, then the length of all property abutting on one (1) side between an intersecting street and the end of the dead-end street.

Grade: Average finished ground elevation of the lot at the base of the existing or proposed structure as measured at the exterior corners.

Height: The vertical distance of a building or structure measured from the average base grade of the building or structure, to (1) the highest point of a sign, (2) the highest point of the roof’s surface if a flat surface, (3) to the deck line of mansard roofs or (4) to the mean height level between eaves and ridge for hip and gable roofs and, in any event, excluding chimneys, cooling towers, elevator bulkheads, penthouses, tanks, water towers, radio towers, ornamental cupolas, domes or spires, and parapet walls not exceeding ten (10) feet in height.

Housing Unit: A building or portion of a building that is arranged, occupied, or intended to be used as living quarters and includes facilities for food preparation and sleeping.

HUD Label Inspection Number: Official manufactured home identification information issued by the Department of Housing and Urban Development (HUD) certifying that the home has been inspected and meets federal home construction and safety standards.

Legal Height: The maximum allowable height of a building or structure.

Living Unit: Same as “Housing Unit”.

Lot: A parcel of land described and recorded as a lot in the records of Dallam or Hartley County, Texas. A lot is undivided tract or parcel of land which is under one (1) ownership, either occupied or to be occupied by a building and its accessory buildings, and having its principal frontage upon a public street or officially-approved place. In the event any lot or lots of land acreage as recorded are subdivided or cut up into smaller or different parcels of land, or in the event any parcel of such lot or lots of land acreage is used for the purpose of placing on any such parcel a principal building and its accessory buildings, each such parcel of land shall become a separate lot for the purposes of this Zoning Ordinance. The boundaries of each such lot shall be determined and defined so as to contain sufficient area to include the principal building and its accessory buildings to be erected thereon and the setbacks and vehicular parking required under this Zoning Ordinance.

Lot Area: The square foot area or the acreage of a lot within the bounding property lines, calculated length times width of the lot, excluding dedicated streets and alleys.

Lot, Corner: A lot located at the junction of two (2) or more streets.

Lot Depth: The mean horizontal distance between the front and rear lot lines.

Lot, Double Frontage: A lot having frontage on two (2) essentially parallel streets.

Lot, Interior. A lot other than a corner lot.

Lot Frontage: See “Frontage, Lot”.

Lot Lines: The property lines bounding a lot.

Lot Line, Front: The narrower side of the lot abutting a street.

Lot Line, Rear: The lot line farthest from and most parallel to the front lot line.

Lot Line, Side: Any lot line not the front or rear lot line.

Lot of Record: A lot, which is part of a subdivision, the plat of which has been duly recorded in the office of the County Clerk of Dallam County or Hartley County, Texas.

Lot Width: The width of a lot at the front building line.

Main Building: The building or buildings on a lot that are occupied by the primary use.

Manufactured home space: An area within a manufactured home park that is designed for and designated as the location for a manufactured home and the exclusive use of its occupants.

Nonconforming Use: A building, structure, or use of land lawfully occupied at the time of the effective date of this Chapter or amendments thereto, and which does not conform to the use regulations of the zoning district in which it is situated. (See Article VIII)

Occupancy: The use or intended use of the land or buildings by proprietors or tenants.

Official Filing Date: The date upon which a request for a zoning change, variance, or other item requiring Board, Commission or City Council action as described in this Zoning Ordinance is submitted to the City of Dalhart for review and the associated filing fee is paid.

Off-Street Parking: An enclosed or unenclosed area, not on a public street or alley, established for or used for the parking of a motor vehicle.

Openings for Light and Air: Any window, window wall, or glass panel located in the building, but not including doors which are used only for ingress and egress.

Open Space: Area included in any front, side or rear yard or any unoccupied space on the lot that is open and unobstructed to the sky except for the ordinary projections of cornices, eaves, porches and plant material.

Parcel: Same as “Lot”.

Parking Area: An off-street parking area containing multiple parking spaces together with accompanying maneuvering area and driveway access, located off-street and composed of all-weather surface material, for the storage of motor vehicles.

Parking Space: A storage area or stall for parking of an individual motor vehicle and is composed of an all-weather surface together with an all-weather driveway connecting the parking space with a street or alley.

Parkway: The portion of the public street right-of-way that is situated between the front lot line and the edge of pavement or back of curb of the street immediately adjacent to the lot.

Person: The term includes firms, partnerships, associations, or corporations, but does not include any governmental unit.

Planning and Zoning Commission: The agency appointed by the City Council as an advisory body to it regarding various aspects of land development and future physical planning and which is authorized to recommend changes in the zoning and other functions as delegated to it by the City Council.

Plat: A complete and exact subdivision plan submitted to the City Council for final consideration and which, if it meets the requirements of Chapter 21, Subdivisions, of the Dalhart Code of Ordinances and is approved, it will be submitted to the County Clerk of Dallam or Hartley County, Texas, for recording.

Plat, Approved: A final plat of a subdivision of land creating building lots or tracts and showing all dimensions and other information essential to comply with the subdivision standards of the City of Dalhart and subject to approval by the Planning and Zoning Commission and City Council and filed in the plat records of Dallam County or Hartley County, Texas.

Platted Lot: Same as “Lot”.

Porch: A roofed space open on three (3) sides, one (1) or more stories in height, the roof of which is an extension of the roof of a building to which the porch is attached

Principal Building: Same as “Main Building”.

Property Owner: The person(s) with legal title to the property, whether or not he is in possession of the property.

Recreational Vehicle: A vehicular-type, portable structure built on a single chassis, that is self-propelled or permanently towable by a light duty truck and is designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel, or seasonal use. Such structure shall be four hundred (400) feet or less in area when measured at the largest horizontal projections. This definition includes campers, motor homes, fifth wheels and travel trailers, but does not include a mobile home or manufactured home.

Residence: Same as “Housing Unit” (A building or portion of a building that is arranged, occupied, or intended to be executed as living quarters and includes facilities for food preparation and sleeping).

Residential Use: A single-family, duplex, multiple family, manufactured home, or group living quarters, together with bona fide accessory uses.

Residential Zoning District: R-1, R-2, R-3, MD, A, MH, or residential PD zoning districts.

Reverse Frontage Lot. A corner lot, the rear of which abuts the side of another lot.

Schedule of Uses: Section 17-9 of this Chapter that refers to the use of land and buildings permitted in specified zoning districts.

Service: Activity which involves the provision of useful labor to supply some public demand, but does not produce a tangible commodity.

Sign: An outdoor advertising device that is a structure or that is attached to or painted on a building or that is leaned against a structure or display on premises.

Sign, Attached (Wall Sign): A sign that is affixed to or supported by or painted on an exterior wall of any Building. Such sign shall project not more than six (6) inches from the building wall or parts thereof.

Sign, Detached (Freestanding): A sign that is supported by structures, supports, or foundations in or upon the ground and independent of support from any building.

Sign, Existing: A legally existing sign, including non-conforming sign, which has been completely erected.

Sign, Illegal: A sign that was erected in violation of any regulation applicable at the time the sign was installed, or any sign which does not conform to sign regulations set forth by the City of Dalhart, or which is not deemed non-conforming by the Building Inspector shall be considered an illegal sign.

Sign, Illuminated: Any sign illuminated in any manner by an artificial light source.

Sign, Non-conforming: A lawfully existing sign that met all zoning and other code requirements at the time it was constructed.

Sign Structure: The supports, uprights, braces, and framework, including structural trim of a sign.

Sign, Temporary: Any sign, including banners, pennants, valances, or any other advertising display of paper, cloth, canvas, vinyl, light fabrics, cardboard, wallboard, or other lightweight materials of a nondurable character, with or without frames, intended to be displayed for a limited period of time, which announces any event or performance, or promotes or advertises any person, place, or thing for any purpose.

Skirting: A weather-resistant material used to enclose the space from the bottom of a manufactured home to the ground. (*See Sec. 17-13, Manufactured Home Standards*)

Specified Anatomical Areas: Less than completely and opaquely covered human genitals, public region, buttock, female breast below a point immediately above the top of the areola; and human genitals in a discernibly erect state, even if completely and opaquely covered.

Specified Sexual Activities: Human genitals in a state of sexual stimulation or arousal; acts of human masturbation, sexual intercourse, sodomy, acts of bestiality; or fondling or other erotic touching of human genitals, pubic region, buttock or female breast.

Stock in Trade: The total volume or number of items, products or equipment available for purchase, rental, viewing or use by patrons of the establishment, excluding material located in any storeroom or other portion of the premises not regularly open to patrons.

Story: The height between successive floors of a building or from the top floor to the roof. If there is no floor above it, a story is the space between the floor and the ceiling. The standard height for a story is eleven (11) feet, six (6) inches.

Street: Any thoroughfare, other than an alley, and more than thirty (30) feet in width, which has been accepted for public use and is publicly maintained when any part of it is opened to the use of the public for vehicular travel, whether designated a street, highway, thoroughfare, road, avenue, boulevard, land, place or however otherwise designated.

Street Frontage: See “Frontage, Street”.

Street Line: A dividing line between a lot, tract or parcel of land and a contiguous street, also known as the right-of-way line.

Street, Arterial: A street designed to accommodate cross-city traffic movement, distributing traffic to and from collector streets, as indicated by the Thoroughfare Plan of the City of Dalhart.

Street, Collector: A street designed to carry traffic from local streets to major system of arterial streets and highways, including the principal entrance streets of a residential development and streets for circulation within such a development, as indicated by the Thoroughfare Plan of the City of Dalhart.

Street, Freeway: A street designed to accommodate cross-country and/or limited cross-city traffic movement, with partial control of access and possible grade separation at major intersections, as indicated by the Thoroughfare Plan of the City of Dalhart.

Street, Minor (Local Street): A street designed exclusively to provide direct access to abutting property and discourage through traffic. Local streets primarily serve traffic within a neighborhood.

Structure: Anything constructed or erected on the ground or attached to the ground, artificially built up or composed of parts joined together in some definite manner, including but not limited to buildings, sheds, signs, manufactured homes, and other similar items.

Structural Alteration: Any change in the supporting member of a building, such as a bearing wall, column, beams or girders.

Structural Trim: The mountings, battens, cappings, palings, nailing strips, latticing, cutout, or letter, platforms, and walkways which are attached to the sign structure.

Subdivision: The formal division of an area of land into two (2) or more lots or tracts for the purpose of transfer of ownership, dedication of streets, alleys or easements, or for building development.

Surface Display Area/Display Face: That area made available on either side of the sign structure, the purpose of which is for the displaying of the advertising message.

Thoroughfare: Same as “Street”.

Tract: Same as “Lot”.

Utility: City and/or franchised utility company and having above and/or below ground equipment and lines including, but not limited to, water, wastewater (sewer) gas, electricity, telephone, and cable television.

Variance: An adjustment in the application of the specific regulations of the Zoning Ordinance to a particular parcel of property which, because of special conditions or circumstances peculiar to that particular parcel, is necessary to prevent the property from being deprived of its rights and privileges enjoyed by other parcels in the same vicinity and zoning district.

Yard: An open space on the lot in which a building is situated and which is not obstructed from a point forty (40) inches above the general ground level of the graded lot to the sky, except as provided for roof overhangs and similar special architectural features and plant material.

Yard, Front: An open, unoccupied space on a lot facing a street extending across the front of a lot between the side lot lines and from the main building to the front or street line with the minimum horizontal distance between the street line and the main building line as specified for the zoning district in which it is located.

Yard, Rear: An open, unobstructed space, except for accessory buildings as herein permitted, extending for the full width of the lot between the rear wall of the main building and the rear lot line.

Yard, Side: An open, unobstructed space or spaces on one (1) side or two (2) sides of a main building and on the same lot as the main building, situated between the main building and side lot line and

extending through from the front yard to the rear yard. Any lot line, not the rear line or a front line, shall be deemed a side lot line. Where a lot has only three (3) lot lines, those lot lines which do not front upon a street shall be deemed side lot lines, unless otherwise denoted on an approved subdivision plat.

Zoning District: An area of the City of Dalhart for which the regulations governing the height, area, bulk, or use of the land and buildings are uniform within a specified zoning classification.

Zoning District Map: The official certified map upon which the boundaries of the various zoning districts are shown, and which are an integral part of this Zoning Ordinance.

ARTICLE XIX. PENDING LITIGATION AND EXISTING ORDINANCES

Sec. 17-98. Pending litigation. By the passage of this Zoning Ordinance, no presently illegal use shall be deemed to have been legalized unless specifically such use falls within a zoning district where the actual use is a conforming use. Otherwise, such uses shall remain non-conforming uses where recognized, or an illegal use, as the case may be. It is further the intent and declared purpose of this Zoning Ordinance that no offense committed, and no liability, penalty, or forfeiture, either civil or criminal, incurred prior to the time the Zoning Ordinance was adopted, shall be discharged or affected by such adoption; but prosecutions and suits for such offenses, liabilities, penalties or forfeitures may be instituted or causes presently pending proceeded with in all respects.

ARTICLE XX. VALIDITY, SEVERABILITY, INJUNCTION AND PENALTY

Sec. 17-99. Validity and Severability. It is hereby declared to be the intention of the City Council that the sections, subsections, paragraphs, sentences, clauses, phrases or provisions of this Zoning Ordinance are severable, and if any section, subsection, paragraph, sentence, clause, phrase or provision of this Zoning Ordinance shall be adjudged invalid or declared unconstitutional, the unconstitutionality or invalidity shall not affect the validity of this Zoning Ordinance as a whole or any remaining part or provisions thereof, other than the part so declared to be invalid or unconstitutional.

Sec. 17-100. Injunction and Penalty.

(a) *Injunction.* A person who violates any provisions of this Zoning Ordinance is subject to a suit for injunction and/or for administrative penalties in addition to prosecution for violations.

(b) *Penalty.* Any person violating any provisions of this Chapter shall be guilty of a misdemeanor, and upon conviction, shall be punished by a fine of not more than two thousand dollars (\$2,000.00). Each day that such a violation continues or is permitted to continue, shall be deemed a separate offense.